

17 January 2024

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2023_5550/1 (Doc ID 1199554)
Your Ref: J001558

Administration Office
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Cairns & Hinterland Hospital & Health Service
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Email: kristy@gilvearplanning.com.au

Attention Ms Kristy Gilvear

Dear Madam

**Development Application for Material Change of Use for Health Care Services
With ancillary Staff Accommodation and a Helipad
At 69 Tea Tree Road Diwan
On Land Described as Lots 1 and 45 on SP343948
(Previously known as Lot 45 on RP739764)**

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

Please quote Council's application number: MCUC 2023_5550/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - 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: Cairns & Hinterland Hospital & Health Service

Postal Address: C/- Gilvear Planning Pty Ltd
PO Box 228
Babinda Qld 4861

Email: kristy@gilvearplanning.com.au

Property Details

Street Address: 69 Tea Tree Road, Diwan.

Real Property Description: Lots 1 and 45 on SP343948.
(Previously known as Lot 45 on RP739764.)

Local Government Area: Douglas Shire Council.

Details of Proposed Development

Development Permit for Material Change of Use for Health Care Services with ancillary Staff Accommodation and a Helipad.

Decision

Date of Decision: 17 January 2024

Decision Details: Approved (subject to conditions)

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

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

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

Drawing or Document	Reference	Date
Locality Plan	Queensland Government and Clark and Prince Architects, Drawing 1595—SD-A-01, Preliminary, Issue P4.	14 November 2023

Drawing or Document	Reference	Date
Site Plan	Queensland Government and Clark and Prince Architects, Drawing 1595—SD-A-02, Preliminary, Issue P6.	14 November 2023
Floor Plan	Queensland Government and Clark and Prince Architects, Drawing 1595—SD-A-03, Preliminary, Issue P6.	14 November 2023
Elevations	Queensland Government and Clark and Prince Architects, Drawing 1595—SD-A-04, Preliminary, Issue P4.	14 November 2023
Preliminary Survey Plan	RPS AAP Consulting Pty Ltd, Plan Number SP343948.	7 October 2023
Civil Works General Arrangement	Rogers Consulting Engineers, Project 200311, Drawing C01, Revision P3.	27 October 2023
Onsite Sewerage Assessment	Clark and Prince Pty Ltd (ETC Geotechnical), Report number GT22-430-002T REV 2 June 2023 Revision 2. Including: <ul style="list-style-type: none"> i. Indicative land disposal areas Lot 45 (no. 69) Tea Tree Road, Diwan, Drawing No. GT22-430 OSA, Rev 1, Site Plan dated 23 June 2023; ii. Drawing Advanced enviro-septic pipe layout details for two rows five pipes, Project GT22-430, Revision A Sheet 005 dated 16 June 2023; and iii. Drawing advanced enviro-septic cross sectional details for two rows pumped system, Project GT22-430, Revision A Sheet 006 dated 23 June 2023. 	30 June 2023
Primary health clinic and staff accommodation facility, Lot 1 Tea Tree Road – Cowbay, Preliminary water and waste concepts report.	GJ & TL Gilboy Pty Ltd (Gilboy Hydraulic Solutions, Correspondence 194013 – Primary Health Clinic and Staff Accommodation, 1 Tea Tree Road, Cow Bay, Water and Waste Concepts.	6 October 2023

Drawing or Document	Reference	Date
Cover Sheet	Landplan Landscape Architecture, Project 2310-071-CD, Drawing L0.01, Revision T1.	28 November 2023
Landscape plan	Landplan Landscape Architecture, Project 2310-071-CD, Drawing L1.01, Revision T1.	28 November 2023
Landscape details and specifications	Landplan Landscape Architecture, Project 2310-071-CD, Drawing L2.01, Revision T1.	28 November 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue F	27 August 2020

Assessment Manager Conditions & Advices

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;
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Minimum Floor to Ceiling Clearance

3. The staff accommodation units must have a minimum floor to ceiling clearance of 2.7 metres.

Civil Work

4. An RPEQ certified plan of work detailing driveways, site drainage, helipad and any other required services must be provided to the satisfaction of the Chief Executive Officer prior to the issue of a Building Approval.

All earthworks must be carried out in accordance with section CP1.13 and D5 of the FNQROC Development Manual. A copy of the contractors Erosion and Sediment Control Plan (ESCP) is to be included in the plan of work. Measures nominated in the ESCP must be implemented prior to commencement of any earthworks. The ESC Plan must address the Institution of Engineers' Australia Guidelines for Soil Erosion and Sediment Control and the Environment Protection (Water) Policy and Clauses CP1.06, CP1.13 and D5.10 of Council's FNQROC Development Manual.

All civil works must be completed in accordance with the endorsed plan prior to the Commencement of Use.

External Works

5. Undertake the following works external to the land at no cost to Council:
 - a. Provision of a concrete crossover(s) and apron(s) in accordance with FNQROC Development Manual Standard Drawing Standard Drawing S1105.Such work must be constructed to the satisfaction of the Chief Executive Officer prior to Commencement of Use.

Lawful Point of Discharge

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

Water Supply

7. Water storage tank(s) with a minimum capacity not less than 30,000 litres, and must be installed prior to occupation of the staff accommodation premises. Details of the water tank(s) must be shown on plans submitted with the building application. All water tanks on the site must be provided with:
 - a. Mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than one (1) mm aperture mesh of substantial construction and installed in such manner as not to cause or accelerate corrosion; or
 - b. Flap valve at every opening of the tank or other receptacle; or
 - c. Other approved means for preventing the ingress or egress of mosquitoes; and
 - d. Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm; and
 - e. The water tank(s) shall be fitted with a 50 mm ball valve with a camlock fitting.

On-Site Effluent Disposal

8. The method of on-site effluent disposal must be in accordance with the Queensland Plumbing & Wastewater Code. Details of the wastewater treatment system to be installed must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Fuel Storage

9. All fuels must be stored in an undercover and secure location at all times.

Refuse Storage

10. Refuse storage is required to service the site to the satisfaction of the Chief Executive Officer. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

Lighting

11. All lighting installed upon the premises including car parking areas must be certified by Ergon Energy (or such other suitably qualified person). The vertical illumination at a distance of 1.5 metres outside the boundary of the subject land must not exceed eight (8) lux measured at any level upwards from ground level.

Crime Prevention Through Environmental Design

12. All lighting and landscaping requirements are to comply with Council's General Policy Crime Prevention Through Environmental Design (CPTED).

Noise

13. Noise from generators, air-conditioning units, service equipment or other mechanical equipment must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Vehicle Parking

14. A minimum of twelve car parking spaces must be provided onsite:
 - a. Healthcare clinic: 1 car parks, 1 Person With Disability carpark and 1 patient set down area;
 - b. Staff Accommodation: 2 car parks: and
 - c. Ancillary services building: 1 service vehicle

The car parking layout must comply with the Australian Standard AS2890.1 2004 Parking Facilities – off-street car parking and be constructed in accordance with Austroads and good engineering design. In addition, all parking, driveway and vehicular manoeuvring areas must be imperviously sealed, drained and line marked.

Landscaping Plan

15. The site must be landscaped generally in accordance with details included on a Landscaping Plan and specification as prepared by Landplan Landscape Architecture, Project 2310-071-CD, Drawings L0.01, L1.01 and L2.1. The Landscaping Plan must show:
 - a. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping. Notably all landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.
 - b. Inclusion of any other relevant conditions included in this Development Permit. A copy of this Development Approval must be given to the applicant's Landscape Architect/Designer.

The landscape plan must be approved by the Chief Executive Officer prior to these works being undertaken. The completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Details of Development Signage

16. The development must provide clear and legible signage incorporating the street number for the benefit of the public.

Stockpiling and Transportation of Fill Material

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

Construction Signage

19. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:
 - a. Developer;
 - b. Project Coordinator;
 - c. Architect / Building Designer;
 - d. Builder;
 - e. Civil Engineer;
 - f. Civil Contractor;
 - g. Landscape Architect

Damage to Council Infrastructure

20. In the event that any part of Council's existing 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 Use.

Decommission of Existing Helipad

21. The existing helipad is to be decommissioned and associated works removed the satisfaction of the Chief Executive Officer within six (6) months of the commencement of use.

ADVICE

1. 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*.
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 potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. In respect to Condition 8 (On site Effluent Disposal) the use of the Advanced Enviro-Septic (AES) manufactured by Chankar Environmental Pty Ltd with Treatment plant Approval 15/2019 is currently considered satisfactory. It is noted the endorsement for this system is currently limited to approvals issued plumbing onsite waste approvals issued prior to 1 January 2024.
4. This approval does not negate the requirement for compliance with relevant Local Laws and statutory requirements.
5. For information relating to the *Planning Act 2016* log on to www.dsdmip.qld.gov.au. To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.

Infrastructure Charges Notice

6. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Infrastructure Charges Notice. The original Infrastructure Charges Notice will be provided under cover of a separate letter.

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

Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

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

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

Further Development Permits

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

- All Building Work

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

Currency Period for the Approval

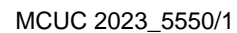
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

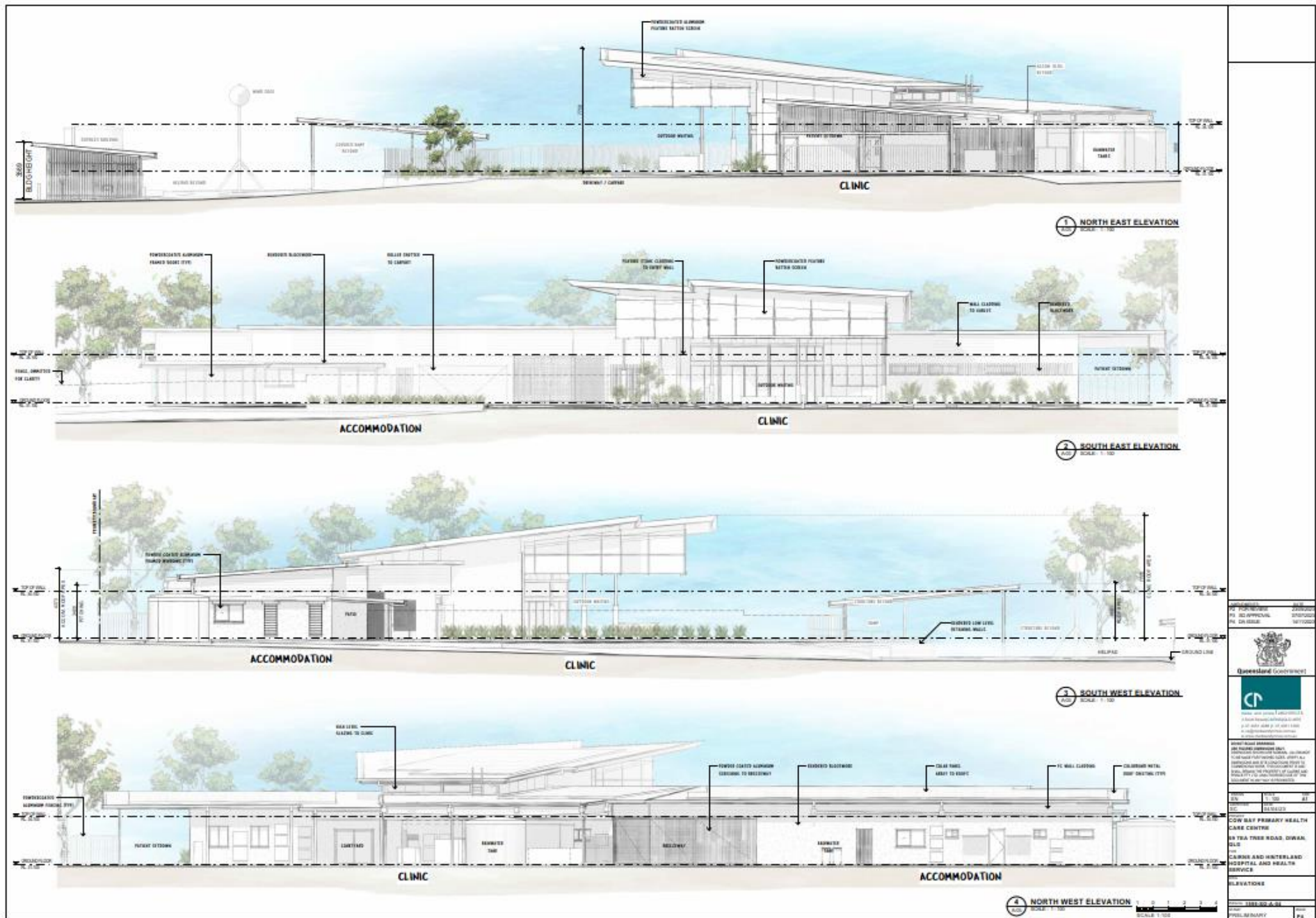
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016*.

A copy of the relevant appeal provisions is attached.

Doc ID: 1199554







COW BAY PRIMARY HEALTH CARE CENTRE - 69 TEA TREE ROAD, DIWAN, QLD

LANDSCAPE DOCUMENTATION

Issue: FOR TENDER

Date: 28-11-2023

COVER SHEET PLAN 1:500@A1

SHEET L1.01



DRAWING SCHEDULE

DRAWING NUMBER	TITLE	REVISION
2310-071-CDL0.01	COVER SHEET	T1
2310-071-CDL1.01	LANDSCAPE PLAN	T1
2310-071-CDL2.01	LANDSCAPE DETAILS AND SPECIFICATIONS	T1

PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	SPACING	POT SIZE	QTY
PALMS & TREES					
LIC RAM	Licuala ramsayi	NQ Fan Palm	As Shown	EX GROUND	3
LIC RAM	Licuala ramsayi	NQ Fan Palm	As Shown	100L	5
LIC RAM	Licuala ramsayi	NQ Fan Palm	As Shown	400mm	11
MAN LEN	Manitoba laetevirens	Silk Handkerchief Tree	As Shown	100L	3
SHRUBS					
ALP CAE	Alpinia caerulea	Native Shell Ginger	2m ²	140mm	125
BLE GIB	Blechnum gibbum	Silver Lady Fern	As Shown	200mm	5
ETL ELA	Etilingera elatior	Red Torch Ginger	As Shown	200mm	23
ORT ARI	Orthosiphon aristatus	Ca's Whiskers	2m ²	140mm	15
TUR SUB	Turnera subulata	Yellow Alder	2m ²	140mm	80
SYZ CAS	Syzygium 'Cascade'	Cascading Lilly Pilly	As Shown	300mm	3
XAN FAI	Xanthostemon 'Fairhill Gold'	Dwarf Golden Penda	As Shown	300mm	18
GROUND COVERS					
CAL ZEB	Calathea zebrina	Zebra Plant	3m ²	140mm	15
GAR PSI	Gardenia pascuoides 'Glennie River'	Prostrate Gardenia	3m ²	140mm	107
DIE GRA	Dietsia grandiflora	Wild Iris	3m ²	140mm	120
LIR MUS	Liriodendron muscari	Lily Turf	3m ²	140mm	142
LOM VER	Lomandra verdayi	Creek Mat-Rush	3m ²	140mm	80
LOM HYS	Lomandra hystrix	Creek Mat-Rush	3m ²	140mm	100
MIC CRO	Microsorium crocodylium	Crocodile Fern	3m ²	140mm	9
PHI XAN	Philodendron xanadu	Xanadu Philodendron	3m ²	140mm	145

IMPORTANT NOTE

This plan was prepared for the sole purposes of the CAIRNS AND HINTERLAND HOSPITAL AND HEALTH SERVICE (CHHS) (Client) for the specific purpose of FOR TENDER (Type). This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) (Third Party) and may not be relied on by Third Party. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:

- Third Party publishing, using or relying on the plan;
- Landplan LA relying on base and services information provided to it by the Client or a Third Party where the base and services information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
- any inaccuracies or other faults with information or data sourced from a Third Party;
- Landplan LA relying on surface indicators that are incorrect or inaccurate;
- the Client or any Third Party not verifying information in this plan where recommended by Landplan LA;
- lodgement of this plan with any local authority against the recommendation of Landplan LA;
- the accuracy, reliability, suitability or completeness of any estimates or approximations made or referred to by Landplan LA in this plan.

Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan. The dimensions, area, size and location of improvements and number of lots shown on this plan are approximate only and may vary. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale. Cadastral boundaries are obtained by file dimensions and digitising from existing cadastral maps. These boundaries have not been verified and are approximate only. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to Landplan LA relying on base information provided to it by where the base information is incorrect, incomplete, inaccurate, out-of-date or unreasonable. Landplan LA will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to Landplan LA relying on building information provided to it by where the building information is incorrect, incomplete, inaccurate, out-of-date or unreasonable. Refer to: Civil Engineer's drawings for finished surface levels unless shown on Landscape drawings. Retain existing levels to buildings and adjacent surfaces except where instructed by the Landscape Architect. All new finished surfaces are to align flush with existing surface levels. Refer to Civil Engineer's drawings for path and kerb crossover setting out.

Refer to Civil Engineer's drawings for service locations. All services are to be verified on site prior to any excavation / construction. Trees to be located minimum 1m from services. All services are indicative only.

Final set-out for all landscape treatments to be confirmed on site by the Landscape Architect. Unless shown on the landscape drawings, refer to Structural Engineer's drawings for jointing, reinforcement, structural fixings etc for all walls and pavements. All trees marked within / adjacent to vehicle sightlines are to be set out on site prior to installation and approved by the Landscape Architect and Traffic Engineer. For Lighting requirements refer Electrical Engineers drawings. The contractor shall review the plant schedule to ensure that drawings and schedules concur. Where insufficient detail or discrepancies may exist on either the plans or the schedule, it is the contractor's responsibility to resolve immediately with the Landscape Architect and prior to providing tender pricing, GENERAL NOTES:

1. Refer to Engineer's drawings for finished surface levels unless shown on Landscape drawings. Retain existing levels to buildings and adjacent surfaces except where instructed by the superintendent. All new finished surfaces are to align flush with existing surface levels.
2. Refer to Engineer's drawings for path and kerb crossover setting out, service locations, jointing and curbing in pavement, all structural fixings and reinforcements to pavements and walls etc., lighting and hydraulic elements.
3. Final setout for all landscape treatments to be confirmed on site by the superintendent.

UNDERGROUND SERVICES:
The locations of underground services are approximate only and their exact location should be determined on site. No guarantee is given that all existing services are shown.

TREE SETTING OUT PRINCIPLES:
There are to be planted in accordance with PNGROC Design Guidelines D9 - Landscaping, at the following spacings:
• 4.0m min. from electricity or telecommunications poles or pillars
• 1.0m min. from eaveheights
• 4.0m radius from high voltage transmission lines
• 2.0m from stormwater pits
• 0.8 - 1.0m from back of kerb
• 3.0m min. from driveway
• 10m min. from the face of the kerb of the adjoining street.

NOTE:
PLANS HAVE BEEN PREPARED WITHOUT ELECTRICAL DESIGN. TREES MAY NEED TO BE SITE LOCATED TO MEET PNGROC REQUIREMENTS REGARDING LIGHT POLES.

rev. no.	description	date	drawn	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF LANDPLAN UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.		 LANDPLAN LANDSCAPE ARCHITECTURE <small>p. 0430 005 204 e. simon@landplan.com.au PO Box 781 Bungalow 4870</small>		drawn	approved	date	client	project number	northpoint
1	FOR TENDER	28/11/2023	C.M.					C.M.	S.M.	28/11/2023	CAIRNS AND HINTERLAND HOSPITAL AND HEALTH SERVICE	2310-071-CD	
								scale	0 5m 10m 15m 20m 25m		project	drawing number	rev
								1:500			COW BAY PRIMARY HEALTH CARE CENTRE - 69 TEA TREE ROAD, DIWAN, QLD	L0.01	T1
								(AT A1 SIZE SHEET)			site		
											COVER SHEET		

SPECIFICATIONS

SCOPE OF WORK

The work includes the organisation for and supply of all relevant labour, materials, plant and equipment as required to execute the works.

The scope of work includes but is not limited to the following:

- Trimming of areas to be landscaped;
- Removal of deleterious material;
- Cultivation;
- Supply and spreading of additives;
- Supply and installation of imported topsoil;
- Supply and installation of mulch;
- Planting and
- Maintenance.

WORKS BY OTHERS

- All hard pavement
- Retaining walls
- All fencing types
- Subsoil drainage

EARTHWORKS

Earthworks shall involve the removal of existing compacted material, the cultivation of subsoil, the supply and mixing in of additives, the supply and spreading of topsoil and the fine grading of such soil and existing soil profiles to all landscaped areas to form the finished levels and profiles.

Finished surfaces shall finish flush with adjacent surfaces.

Preparation

eradicate all weeds using environmentally acceptable methods, such as non-residual glyphosate herbicide in any of its registered formulae, at the recommended maximum rate.

Maintain all areas in a weed free state for the duration of the contract and Plant Establishment periods.

Cultivation

Excavate and remove from site compacted fill resulting from the building works. Cultivate all planting and turf areas to a depth of 150mm and place 100g/m² of Blood and Bone and 100g/m² of Gypsum.

IMPORTED TOPSOIL (FOR PLANTING)

Import and spread premium topsoil mix. Soil shall be free of weeds, sticks, rocks and other deleterious matter. Imported topsoil is to comply with AS4419.

MULCH

Mulch to be spread evenly across all planting areas. Mulch to planting areas shall be approved forest mulch free of soil, stones, weeds, rubbish or any other deleterious materials. Spread mulch to garden bed areas to a depth of 75mm, to finish 20mm below adjacent surfaces. Keep mulch clear of plant stems. Spread mulch following planting and watering in. Avoid mixing of soil and mulch materials. Do not use recycled garden mulch. Mulch to comply with AS4454.

PLANTING AREAS

Finished soil depth to all garden areas shall be 300mm crowned towards center of beds ensuring positive falls to drainage structures. Use 'Agriform' 10g fertilizer tablets (or approved equivalent) to base of all plant root balls at manufacturer's recommended rate.

PLANTS

Provide plants with the following characteristics:

- Large healthy root systems, with no evidence of root curl, restriction or damage;
- Vigorous well-established stock free from pests and diseases, of good form consistent with the pot size, species or variety;
- Hardened off, not soft or forced, and suitable for planting in the natural climatic conditions prevailing at the site.

Label at least one plant from each species in a batch with a durable, readable tag. Plant stock immediately after it is delivered to site. For all plant stock excavate a hole twice the diameter of the rootball and at least 200mm deeper than the rootball. Loosen compacted sides and base of holes to prevent confinement of root growth. Fill all holes to half deep with water in advance of planting, allowing time for water to soak away.

After planting, fill hole with amended/imported soils.

GRASS SEEDING

The grass seeding species mix shall consist of the following:

- A. 30% Cynodon Dactylon (green couch) - hulled
- B. 30% Cynodon Dactylon (green couch) - unhulled
- C. 30% Acropus Affinis (carpet grass)
- D. 10% Tetra Rye (in dry season) (Japanese Millet (in wet season))

The accepted final mix shall be dependent upon local conditions, soil properties, and method of works. Grass seeding to be achieved in accordance with FNQROC development manual operational works specification S8 Landscaping - S8.11.

TURF AREAS

Spread 50mm layer of imported topsoil to all nominated turf areas.

Install an 80/20 Tropical Buffalo/ couch mix that is weed free.

STAKES AND TIES

All 45L stock and larger are to be staked and tied.

RECYCLED PLASTIC EDGING

90mm x 20mm recycled plastic edging to be located in ALL areas between planting beds and adjoining surface treatment where barrier kerb is not required or bed is not edged by concrete, as shown on the drawings. Supply and install in accordance with the details and drawings.

BARRIER KERB

To be located in ALL areas between car traffic and planting beds / turfed areas where there is no other barrier edge treatment. Supply and install in accordance with FNQROC Standard Drawing S1000

CONDUITS

The contractor is responsible for co-ordination with the building contractor to ensure that conduits under proposed paved or concreted areas have been installed. Conduits for irrigation purposes shall be 90mm PVC pipe - top min. 250mm below finished surface levels.

PLANTING ESTABLISHMENT

Establish and maintain the works for a period of thirteen (13) weeks from the Date of Practical Completion. Establishment shall include the care of the contract areas by accepted horticultural practices, as well as rectifying any defects that become apparent in the works under normal 'use'. This shall include, but not be limited to, the following works:

- Repair and/or replace any defects due to failure and/or inferior quality materials and/or workmanship;
- Replace plants that have failed and/or have been damaged or dead;
- Weed and pest control;
- Maintain all landscape areas in a neat and tidy condition at all times;
- Maintain fertilising and pruning as required;
- Check and adjust levels to attain those specified by addition or removal of mulch and/or topsoil.

All planted beds are to be weeded to maintain same in a grass and weed free environment. Carry out any other work that is specified or is necessary to establish the landscape works in a first class condition.

IRRIGATION

The design, supply, and installation of a fully automatic irrigation system to provide coverage to all turf and planting areas specified. The system shall be capable of delivering an application rate of 32mm per week.

To avoid water wastage, ensure that the correct sprinkler nozzle is used for the particular application required, and also adjust sprinklers and solenoid valves as required to avoid overspray onto paths and roadways.

SYSTEM DESIGN SPECIFICATIONS

This is a general design specification and does not relate specifically to any particular site. The purpose of these specifications is to provide general guidelines and operating parameters by which an irrigation system can be installed which complies to relevant government, authorities, and industry standards.

Any irrigation layout drawings containing pipe work, valves, sprinkler outlets, wiring and controllers are diagrammatic and contractor is required to obtain all necessary information, including but not limited to; correct measurements, on site flow/ pressure test of water supply, and other necessary information to carry out complete installation of system.

Exact alignment of irrigation lines to be determined onsite and approved by landscape architect prior to commencement of works.

Any impact on existing trees to be minimized and avoided where possible.

All materials to be supplied and installed are to be of professional standard and compliant to any relevant Government standards.

Any fees, licenses or associated installation costs are the responsibility of the irrigation contractor.

Fully automatic irrigation system appropriate for specific site requirements;

Appropriately sized commercial controller in weatherproof enclosure if mounted externally;

- Turf areas to be watered utilizing pop-up sprinklers;
- Hunter Model 120 or similar for commercial installations;
- Garden areas to be watered utilizing pop-up sprinklers, garden shrub sprays on 15mm poly risers or drip irrigation dependent on customer's specifications;
- Solenoid valves to be appropriately sized for individual station flow rate requirements;
- Hunter ICV solenoid valve or similar;
- Mainline and lateral pipework to be PVC Class 12 or poly pipe PN12.5;
- Drip line pipework to be low density poly pipe and associated fittings with stainless steel hose clamps;
- Solenoid valve wiring to be appropriately sized, according to distance between valve and controller, power losses through cable, and inrush amperage of valve;
- Solenoid valve control wire joints are to be waterproof connections
- DBY or similar;
- Backflow prevention device with associated valves and filter assembly to comply with relevant government authorities and sized according to maximum flow rate of system

COMMISSIONING AND MAINTENANCE

Prior to commissioning of system the following works will have been carried out:

Operation of each individual solenoid valve from controller;

- Minimum 7 days of continuous automatic operation of entire system from controller;
- Programming of controller to allow for 32mm of precipitation during a 7 day period;
- Testing of rain sensor to ensure proper operation of same to over-ride controller during rain periods;
- Attach all contact details of contractor to door of controller for future reference;
- Provide a detailed irrigation schedule for controller programme, showing all relevant details;
- Provide personal and written operating instructions to nominated personnel on site;
- Provide a detailed as constructed drawing showing:
 1. Solenoid and gatevalve locations (including station number and irrigated area)
 2. Mainline location
 3. Backflow and other isolation valve locations
 4. Controller and rain sensor locations.

Maintenance Period

This period shall be 13 weeks in duration, during which period the contractor shall undertake the following: Additional flushing of system as necessary to ensure correct sprinkler operation;

Repair of any pipework or fitting leaks and/or blockages;

Ensure correct overall operation of system, including valves, sprinklers and nozzles;

Ensure correct programming and operation of controller;

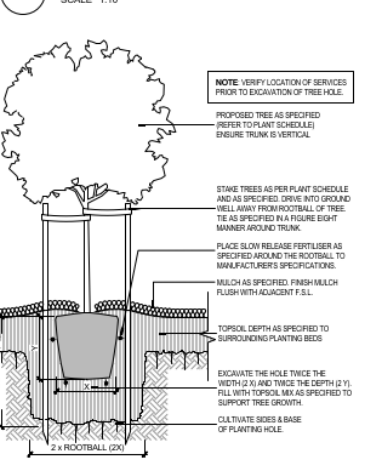
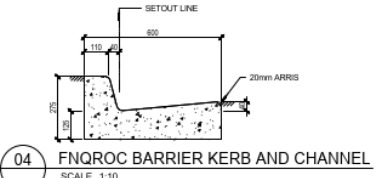
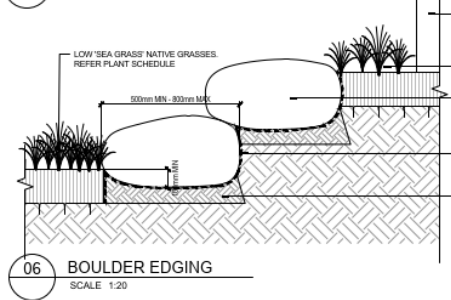
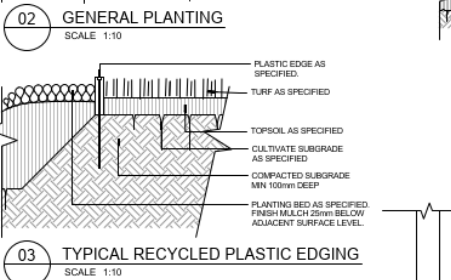
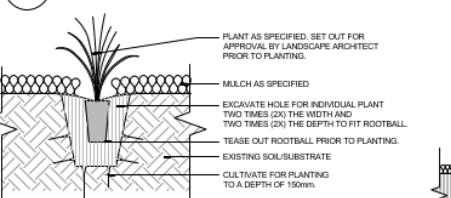
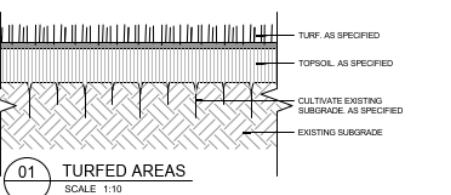
Adjust controller program as required for individual station watering to ensure over-watering and run-off does not occur.

On completion of the maintenance period, the final programming of the controller shall be recorded in the control box and in the instruction manual, and the appropriate personnel advised of the irrigation scheduling. These personnel shall at this time relate any queries or questions they have regarding the installation or operation of the system to the irrigation contractor.

Defects Liability Period

The defects liability period for the irrigation system shall be 52 weeks from the date of practical completion.

DETAILS



rev no	description	date	drawn	check
1	FOR TENDER	28/11/2023	C.M.	

DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF LANDPLAN. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.	
p 0439 955 204 (e. info@landplan.com.au) PO Box 781 Brisbane 4870	

drawn	approved	date	client
C.M.	S.M.	28/11/2023	CAIRNS AND HINTERLAND HOSPITAL AND HEALTH SERVICE
project			
COW BAY PRIMARY HEALTH CARE CENTRE - 69 TEA TREE ROAD, DIWAN, QLD			
site			
LANDSCAPE DETAILS AND SPECIFICATIONS			

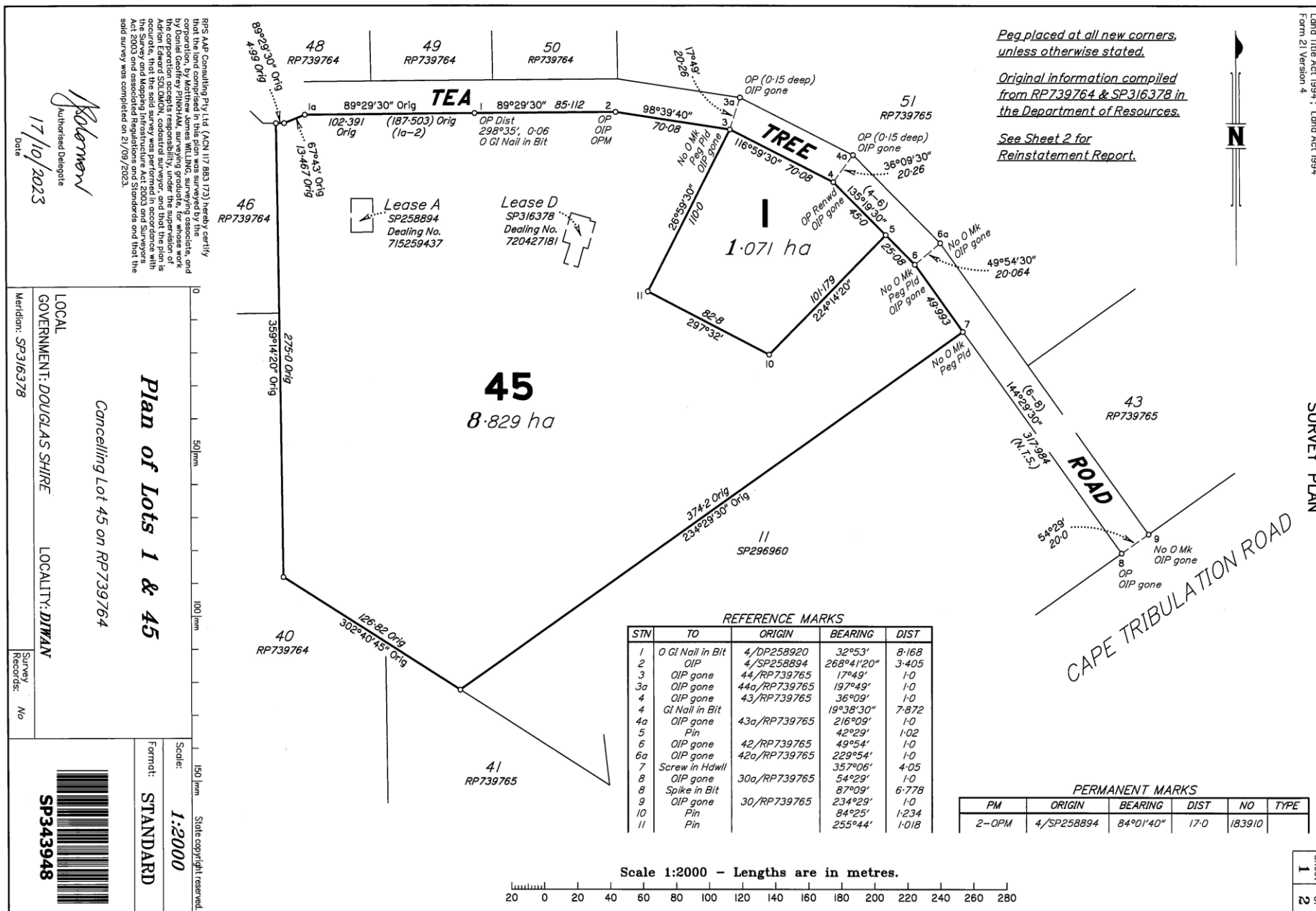
project number	sheet
2310-071-CD	
drawing number	rev
L2.01	T1

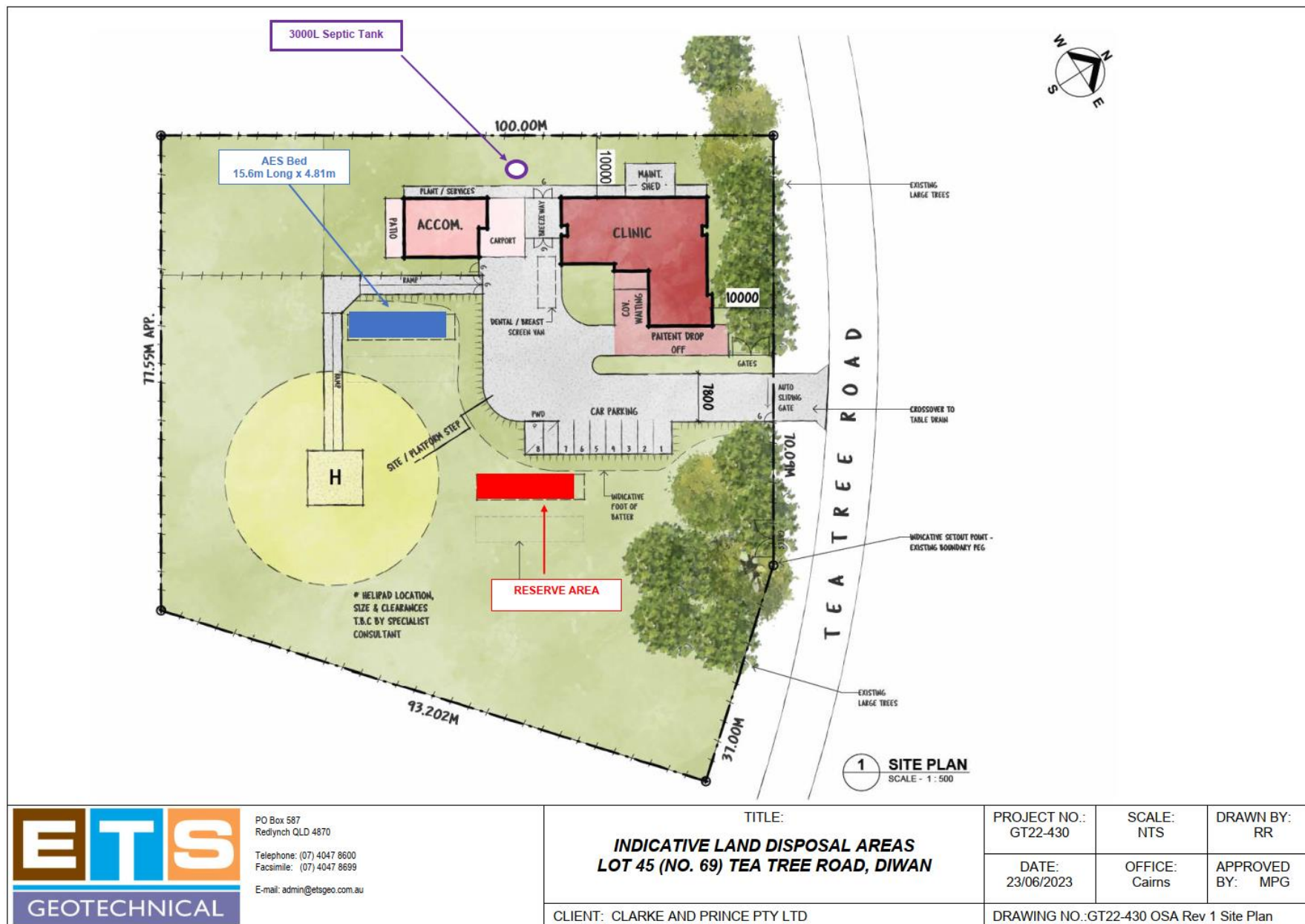


Peg placed at all new corners,
unless otherwise stated.

Original information compiled
from RP739764 & SP316378 in
the Department of Resources.

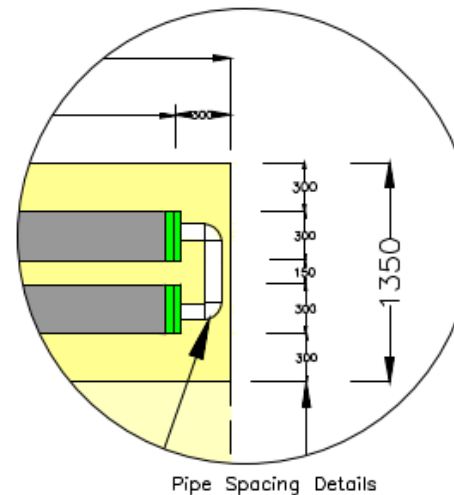
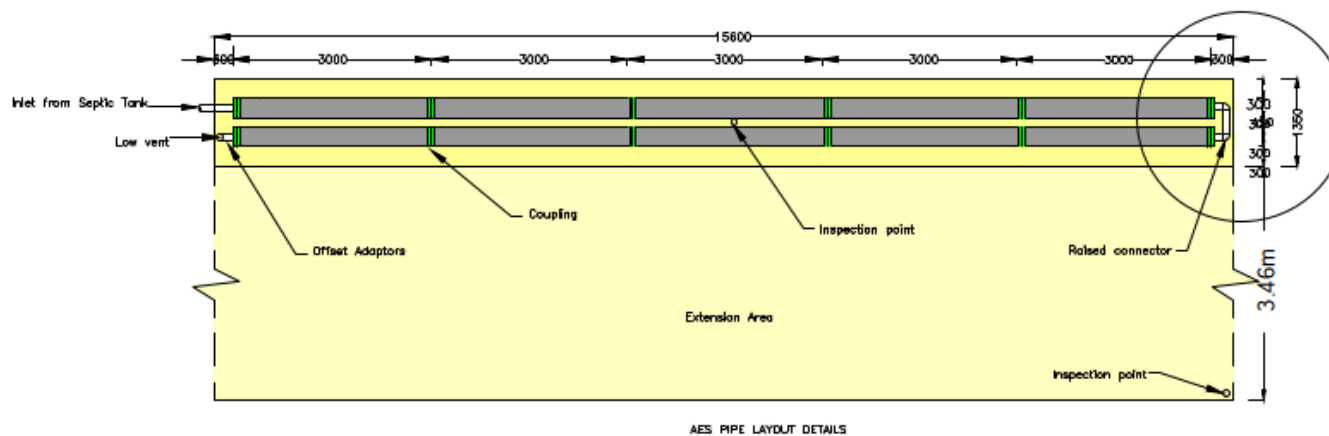
See Sheet 2 for
Reinstatement Report.



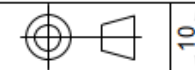


PO Box 587
Redlynch QLD 4870
Telephone: (07) 4047 8600
Facsimile: (07) 4047 8699
E-mail: admin@etsgeo.com.au

<p>TITLE:</p> <p>INDICATIVE LAND DISPOSAL AREAS LOT 45 (NO. 69) TEA TREE ROAD, DIWAN</p>	<p>PROJECT NO.: GT22-430</p>	<p>SCALE: NTS</p>	<p>DRAWN BY: RR</p>
<p>CLIENT: CLARKE AND PRINCE PTY LTD</p>	<p>DATE: 23/06/2023</p>	<p>OFFICE: Cairns</p>	<p>APPROVED BY: MPG</p>
<p>DRAWING NO.:GT22-430 OSA Rev 1 Site Plan</p>			



SCALE



30



10

ADVANCED ENVIRO - SEPTIC

OWNER / ENGAGED BY CLARKE & PRINCE

Lot 45 on Plan RP739764



AMENDMENTS

ISSUE	DATE	SUBJECT	AUTHORISED
A	16/06/2023	REVISION A	K.Dickson

CHANKAR ENVIRONMENTAL PTY LTD
T/A



QBCC LICENCE NUMBER
150 238 31

Phone: +61 7 5474 4055
Fax: +61 7 5335 1691
Email: designreview@enviro-septic.com.au
www.enviro-septic.com.au

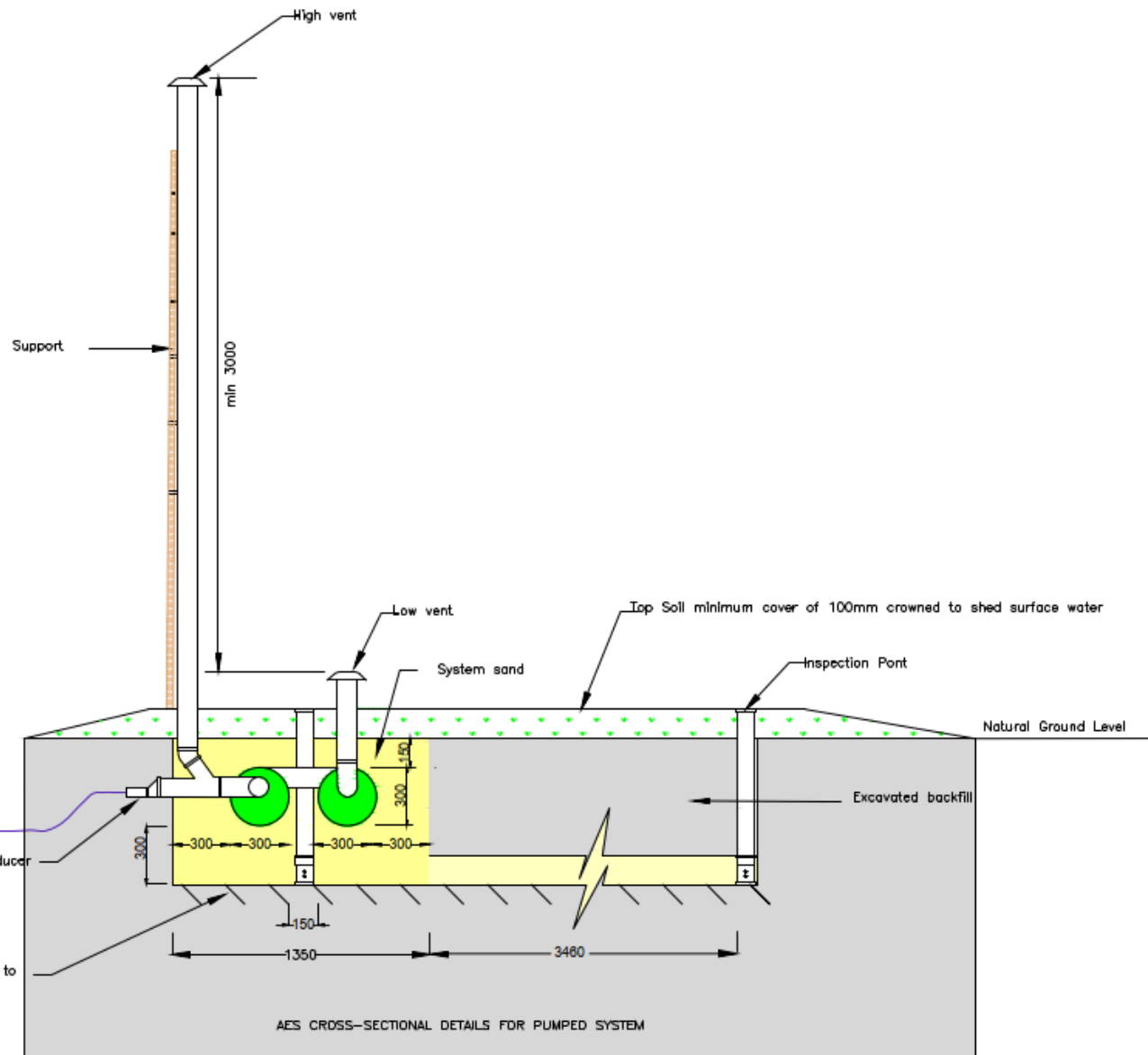
R.Rackley
DESIGNER

16/06/2023
DATE

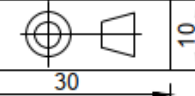
ADVANCED ENVIRO-SEPTIC PIPE
LAYOUT DETAILS FOR TWO ROWS
FIVE PIPES

SCALE:
1:100 (A4)

PROJECT JOB NUMBER	REVISION	SHEET NO
GT22-430	A	005



SCALE



ADVANCED ENVIRO - SEPTIC

OWNER / ENGAGED BY CLARKE & PRINCE

LOT 45 on Plan RP739764



AMENDMENTS

ISSUE	DATE	SUBJECT	AUTHORISED
A	23/06/2023	REVISION A	K.Dickson

CHANKAR ENVIRONMENTAL PTY LTD
T/A



QBCC LICENCE NUMBER
150 238 31

Phone: +61 7 5474 4055
Fax: +61 7 5335 1691
Email: designreview@enviro-septic.com.au
www.enviro-septic.com.au

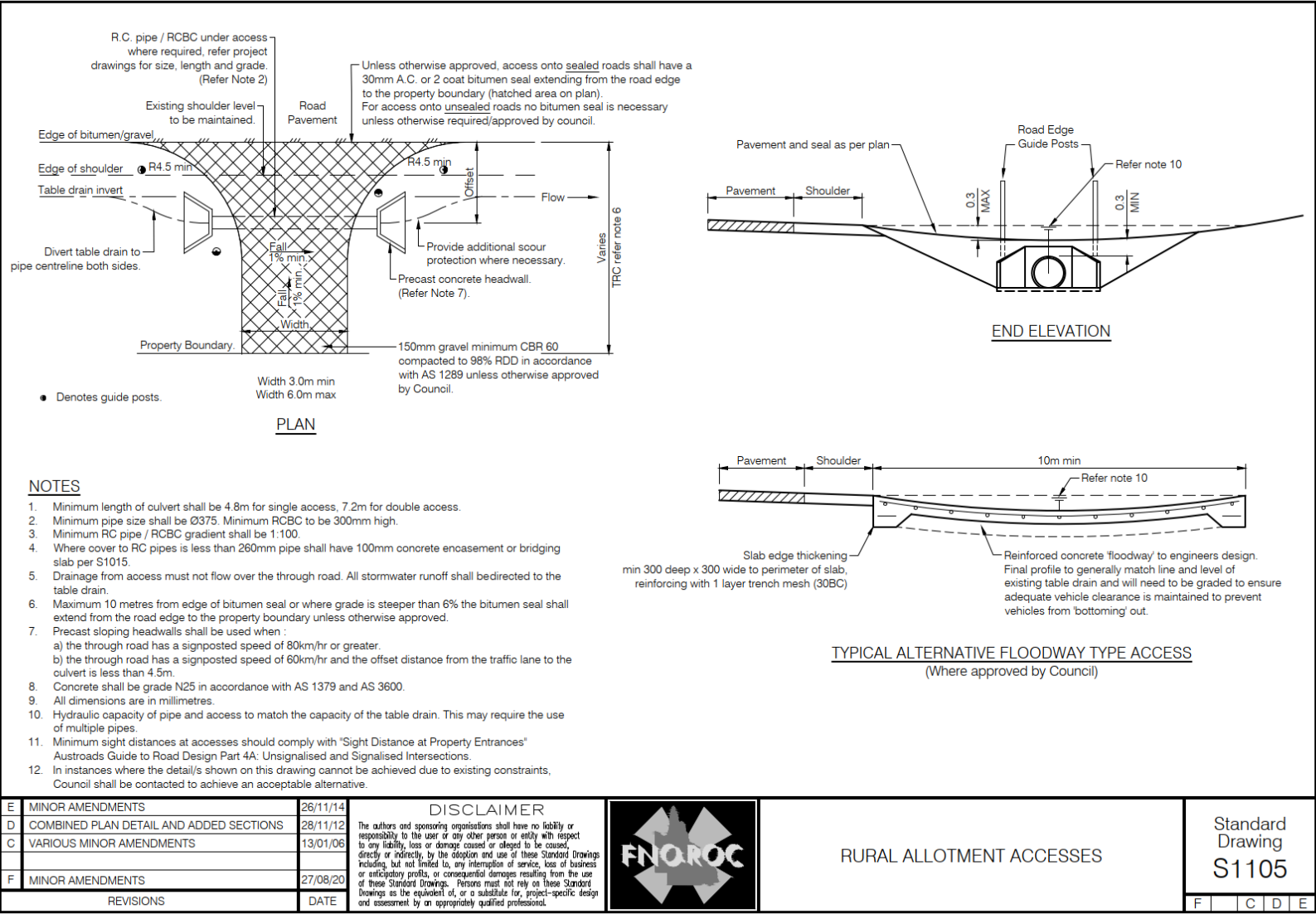
R.Rackley 23/6/2023
DESIGNER DATE

ADVANCED ENVIRO-SEPTIC CROSS SECTIONAL DETAILS FOR TWO ROWS PUMPED SYSTEM

SCALE:
1:30 (A4)

PROJECT JOB NUMBER	REVISION	SHEET NO
GT22-430	A	006

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



Reasons for Decision

1. The reasons for this decision are:
 - a. Sections 60, 62 and 63 of the *Planning Act 2016*;
 - b. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - c. to ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. the development application was properly lodged to the Douglas Shire Council 28 November 2023 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. the development triggered assessable development under the Assessment Table associated with the Conservation Zone Code;
 - b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
 - c. the applicant's reasons have been considered and the following findings are made:
 - i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

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

Planning Act 2016
Chapter 3 Development assessment

[s 74]

Division 2 Changing development approvals

Subdivision 1 Changes during appeal period

74 What this subdivision is about

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

75 Making change representations

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

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

76 Deciding change representations

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

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

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

Note—

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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

17 January 2024

Enquiries: Jenny Elphinstone
Our Ref: MCUC 2023_5550 (Doc ID 1199554)
Your Ref: J001558

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

Cairns & Hinterland Hospital & Health Service
C/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861

Email: kristy@gilvearplanning.com.au

Attention Ms Kristy Gilvear

Dear Madam

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use for Health Care Services
With ancillary Staff Accommodation and a Helipad
At 69 Tea Tree Road Diwan
On Land Described as Lots 1 and 45 on SP343948
(Previously known as Lot 45 on RP739764)**

Please find attached the Adopted Infrastructure Charges Notice issued in accordance with section 119 of the *Planning Act 2016*.

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

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

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

Please quote Council's application number: MCUC 2023_5550 in all subsequent correspondence relating to this matter.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

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

Adopted Infrastructure Charges Notice



2018 Douglas Shire Planning Scheme version 1.0 Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Cairns & Hinterland Hospital & Health Service		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
69 Tea Tree Road	Diwan	Lots 1 and 45 on SP343948 (previously known as Lot 45 on RP739764)	158414 & 158413 (previously 7303)
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCUC Health Services		MCUC 2023_5550	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1199418	1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc. No.	VERSION No.		

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

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Essential_services Healthcare_service	\$_per_m²_GFA	135.00	503	\$67,905.00		
Total Demand				\$67,905.00		
Reduction						
Non-sewer service area -35%				-\$23,766.75		
Non- watre supply area -25%				-\$16,976.25		
Total reduction				-\$40,743.00		
						Prior arrangement for online payment via invoicing - see below.
						Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL** **\$27,162.00**

Prepared by	J Elphinstone	30-Nov-23	Amount Paid	
Checked by	Neil Beck	30-Nov-23	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

The Infrastructure Charges in this Notice are payable in accordance with Sections 119 and 120 of the *Planning Act 2016* as from Council's resolution from the Ordinary Meeting held on 23 February 2021.

Charge rates under the Policy are subject to indexing.

Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

If you seek to pay online, please request an invoice to be issued via enquiries@douglas.qld.gov.au

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

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

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

126 Suspending relevant appeal period

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

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

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

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

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

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

Note—

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

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

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

230 Notice of appeal

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

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

231 Non-appealable decisions and matters

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

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

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