DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

17 April 2019

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

Enquiries: Jenny Elphinstone Tel 07 4099 9482
Our Ref: MCUC 3073/2019 (Doc ID 898966)
Your Ref:

Mossman & District Gymnastics Club Inc.
PO Box 750
MOSSMAN QLD 4873

Attention Ms Hayley Bender

Dear Sir

DEVELOPMENT APPLICATION (CODE ASSESSMENT)
AT 3-7 MILL STREET MOSSMAN
ON LAND DESCRIBED AS LOT 1 ON RP743968 AND EASEMENT A ON RP747650

Council refers to the above development application lodged with Council on the 5 April 2019 and properly made on the 8 April 2019.

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

Please also find enclosed advice regarding the adopted charges credit that will apply to the land once the development approval is acted on.

Please quote Council's application number: MCUC 3073/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482 or at enquiries@douglas.qld.gov.au .

Yours faithfully

PAUL HOYE
Manager Environment and Planning

encl.

- Decision Notice
- Approved plans and documents
- Applicant's Rights to make representations and applicant's appeal rights.
- Adopted Charges Credit

DOUGLAS SHIRE COUNCIL

DECISION NOTICE — APPROVAL (WITH CONDITIONS)
(GIVEN UNDER SECTION 63 OF *THE PLANNING ACT 2016*)

Council refers to your development application detailed below which was properly made on the 8 April 2019. Please be aware that Douglas Shire Council has assessed your application and decided it as follows.

1. Location details

Street address:	3-7 Mill Street, Mossman
Real property description:	Lot 1 on RP743968 and Easement A on RP747650
Assessment Manager:	Douglas Shire Council

2. Details of the proposed development

Material Change of Use for Community Facilities Activity (Educational Establishment – Gymnastics Club – not for profit).

3. Decision

Decision details:	Development Permit approved in full with conditions. These conditions are set out in Schedule 1.
Date of decision:	17 April 2019

Reasons for supporting the decision, despite the conflict with benchmarks – as tabled above.

4. Approved plans and specifications

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

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Site Plan	Greg Skyring Design and Drafting Pty Ltd	28 March 2019	Plan No. 109-18, Sheet 1 of 3	B
Floor Plan	Greg Skyring Design and Drafting Pty Ltd	28 March 2019	Plan No. 109-18, Sheet 2 of 3	B
Elevations	Greg Skyring Design and Drafting Pty Ltd	28 March 2019	Plan no 109-18, Sheet 3 of 3	B

5. Reasons for decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:

    a. the approved plan(s) and document(s)as per A above;

b. the Conditions and advices as per B above;

c. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme;

d. to apply the referral agency decision, including the attaching of conditions to the approval as per B above; and

e. to ensure compliance with the *Planning Act 2016*.

2. Findings on material questions of fact:

a. the development application was properly lodged to the Douglas Shire Council on 8 April 2019 under section 51 of the *Planning Act 2016* and Part 1 of the Development Assessment Rules; and

b. the development application contained information from the applicant which Council reviewed together with Council's own investigation of assessment against the State Planning Policy and the 2018 Douglas Shire Planning Scheme 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 Centre 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 requirements.

6. 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 necessary for the new building classification.

All Plumbing and Drainage Work must only be carried in compliance with the Queensland *Plumbing and Drainage Act 2002*.

7. Properly made submissions

Not applicable — No part of the application required public notification.

8. Referral agencies for the application

Not applicable

9. 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 *Planning Act 2016*.

10. 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.*

Schedule 2 includes extracts from the Development Assessment Rules and the *Planning Act 2016* that sets down these rights.

SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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 Commencement of Use, except where specified otherwise in these conditions of approval.

Hours of Use

3. The approved use may operate during the hours of:

   Monday to Friday - 7:00 am to 8:00 pm; and

   Saturday 7:00am to 2:00pm,

   unless otherwise authorised by the Chief Executive Officer.

Availability of Parking Areas

4. The parking provision of seventeen (17) car spaces must be available for use for all times that the Educational Establishment (Gymnastics Club – Not for profit) operates and cannot be sublet for another use.

   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. The car parking area must be maintained in a good condition to the satisfaction of the Chief Executive Officer.

External Lighting

5. Where any external lighting is provided to the car park area and/or building it must not cause spill to the neighbouring residence nor impact.

Landscaped Areas

6. The landscape strip must have regard to visual sight lines for drivers exiting the premises, be of tropical character and include CEPTED considerations. The vegetation species used for the front setback must accord with schedule 6.6. Planning Scheme Landscape Policy (2108 Douglas Shire Planning Scheme) with also the ability to reuse existing plants where appropriate. The landscaping areas must be completed within 18 months of the effective date of the approval after which must be maintained to the satisfaction of the Chief Executive Officer.

Lawful Point of Discharge

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

Damage to Council Infrastructure

8. In the event that any part of Council's existing sewer, water 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 Use.

Advertising Signage

9. All additional signage associated with the use must be approved by the Chief Executive Officer and must comply with the Douglas Shire Planning Scheme.

ADVICE

1. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

2. A change of classification is required from a Building Certifier. Please contact your chosen certifier in respect to this matter.

3. For information relating to the *Planning Act 2016* log on to www.dsdip.qld.gov.au. To access the *FNQROC Development Manual*, Local Laws and other applicable Policies, log on to www.douglas.qld.gov.au.

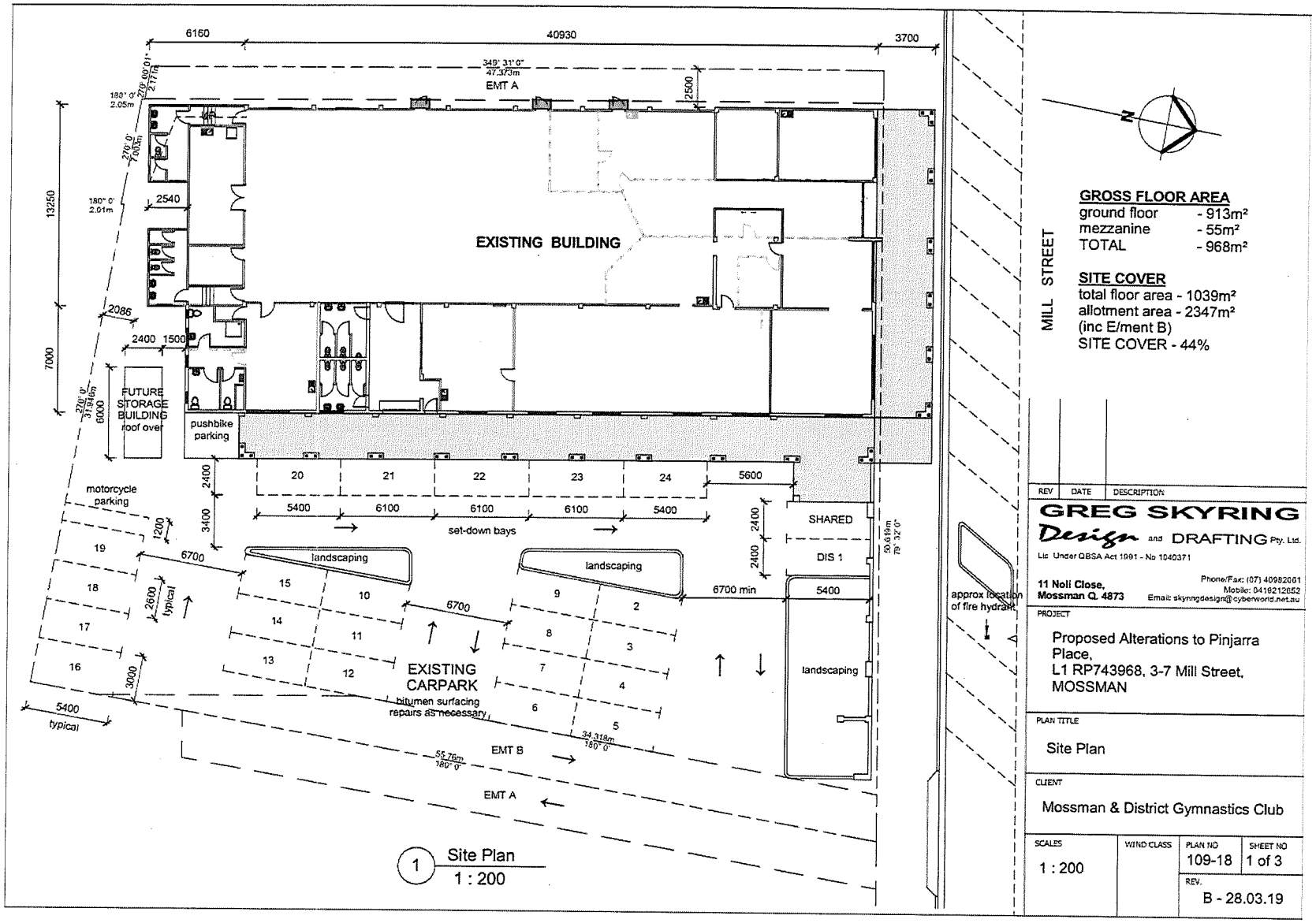
LAND USE DEFINITIONS*

In accordance with the *2018 Douglas Shire Planning Scheme* the approved land use is defined as follows.

Column 1 Use	Column 2 Definition	Column 3 Examples	Column 4 Does not include the include following examples
Educational establishment	Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation.	Pre-preparatory, preparatory and primary school, secondary school, special education, college, university, technical institute, outdoor education centres.	Child care centre, home based child care, family day care.

*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.

Approved plans and specifications



GROSS FLOOR AREA
ground floor - 913m²
mezzanine - 55m²
TOTAL - 968m²

SITE COVER
total floor area - 1039m²
allotment area - 2347m²
(inc E/ment B)
SITE COVER - 44%

REV	DATE	DESCRIPTION

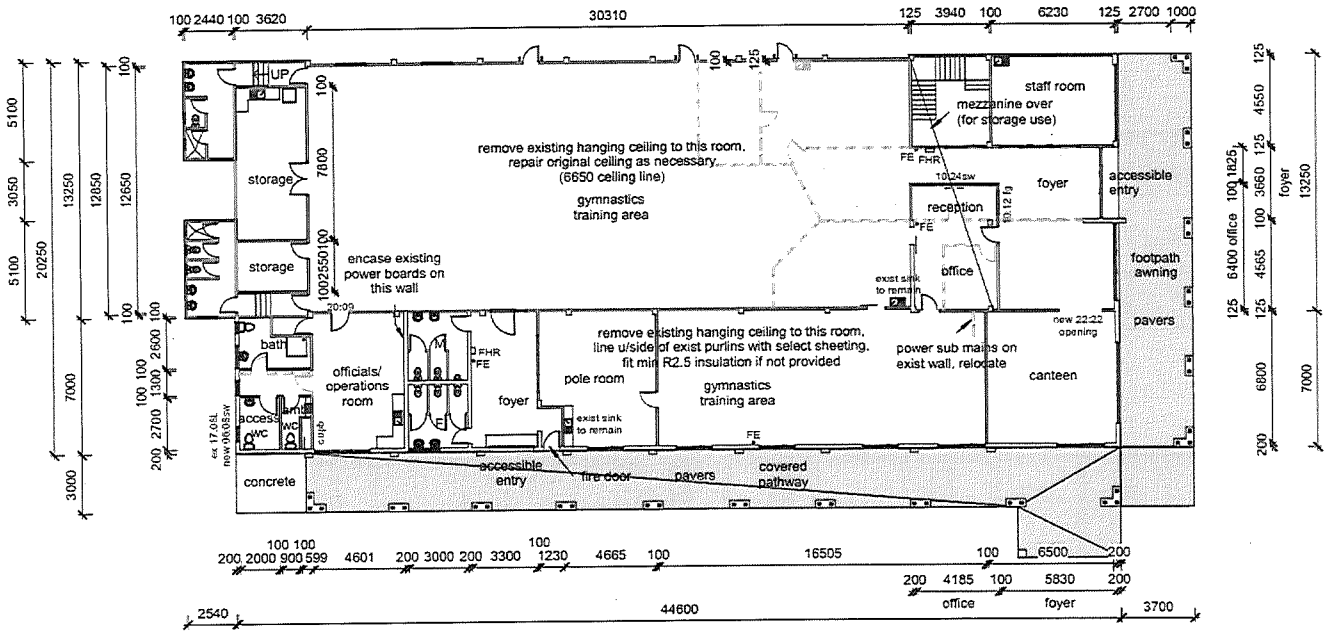
GREG SKYRING Design and DRAFTING Pty. Ltd.
Lic Under QBSA Act 1991 - No 1040371
11 Noli Close, Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0419212652
Email: skyringdesign@cyberworld.net.au

PROJECT
Proposed Alterations to Pinjarra Place,
L1 RP743968, 3-7 Mill Street, MOSSMAN

PLAN TITLE
Site Plan

CLIENT
Mossman & District Gymnastics Club

SCALES	WIND CLASS	PLAN NO	SHEET NO
1 : 200		109-18	1 of 3
		REV. B - 28.03.19	



1 Floor Plan
1 : 200

LEGEND

- existing 125 and 230 reinf concrete external walls
- existing stud framed external and internal walls
- existing stud framed internal walls to be removed
- new external and internal stud framed walls, lined to match existing
- existing 125 SHS posts on 400 wide concrete masonry piers

NOTES:
- all doors and doorways to be suitable for access and mobility requirements to AS 1428.1 and AS 1428.4 - tactile indicators
- asbestos has been noted as present in this building and should be dealt with appropriately

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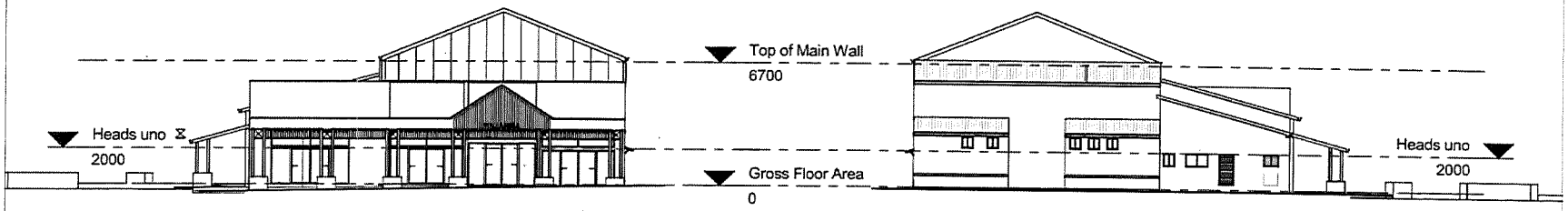
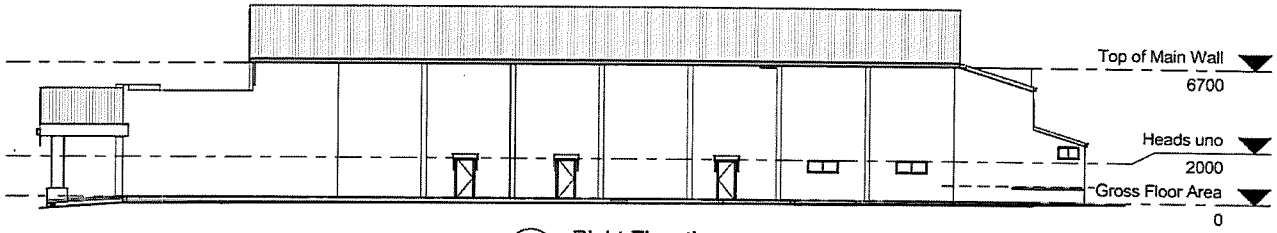
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0419212652
Email: skyringdesign@cyberworld.net.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations to Pinjarra Place, L1 RP743968, 3-7 Mill Street, MOSSMAN	Mossman & District Gymnastics Club	C2	109-18	2 of 3
	SCALES: 1 : 200	PLAN TITLE: Floor Plan	DATE OF ISSUE: 28.03.19	REV: B

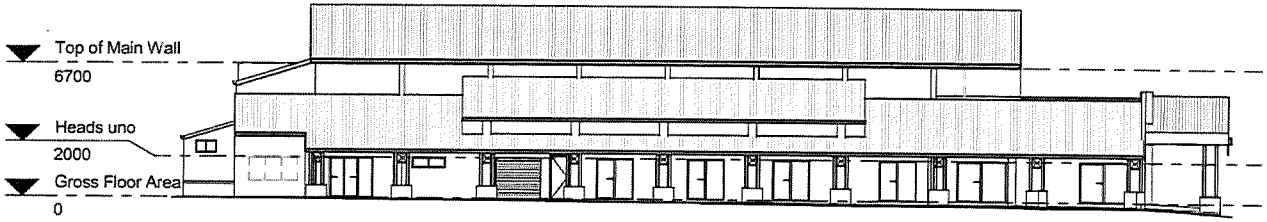


1 Front Elevation
1 : 200

2 Rear Elevation
1 : 200



3 Right Elevation
1 : 200



4 Left Elevation
1 : 200

GREG SKYRING
Design and DRAFTING Pty. Ltd.
Lic Under QBSA Act 1991 - No 1040371
11 Noli Close,
Mossman Q. 4873
Phone/Fax: (07) 40982061
Mobile: 0410212052
Email: skyringdesign@cyberworld.net.au

PROJECT	CLIENT	WIND CLASS	PLAN NUMBER	SHEET
Proposed Alterations to Pinjarra Place, L1 RP743968, 3-7 Mill Street, MOSSMAN	Mossman & District Gymnastics Club	C2	109-18	3 of 3
	SCALES: 1 : 200	PLAN TITLE: Elevations	DATE OF ISSUE: 28.03.19	REV: B

Related Adopted Charges

DOUGLAS SHIRE COUNCIL

INFRASTRUCTURE CHARGES SUMMARY

2018 Douglas Shire Planning Scheme

Preliminaries			
Developer	Mossman & District Gymnastics Club Inc	MCU Community Facilities Activity (Educational Establishment - Gymnastics Club)	
Estate Name	0		
Stage	0		
Street No. and Name	3-7 Mill Street	MagicQ Doc ID;	899035
Suburb	Mossman	Version No.	1
Parcel No.	3537		
Lot and RP No.	L1 RP743968		
Development Permit No.	MCUC 3073/2019	Validity Period	6 years

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality Mossman

Proposed Demand			
Community Services	Educational Establishme	$	3,959.12
Total demand		$	3,959.12
Existing land use			
Retail	Shop	$	26,552.24
Nominal use credit			26,552.24
Historical amount			$0.00
Date of payment			
Credit for previous payment			0.00
Credit for Works External			
Opening balance of works external			$0.00
Opening balance of credits			$0.00
Credit claimed		$0.00	0.00
			0.00
Contributions			($22,593.12)
Time of payment:			Prior to the commencement of use

Amendments			
0		**Prepared**	J Elphinstone	16-Apr-19
0		**Checked**	
		TOTAL	($22,593.12)

DOUGLAS SHIRE COUNCIL

2008 Douglas Shire Planning Schemes Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Mossman & District Gymnastics Club Inc		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
3-7 Mill Street	Mossman	L1 RP743968	3537
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU Community Facilities Activity (Educational Establishment - Gymnastics Club)		MCUC 3073/2019	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
D#899035	1	Note- no payment required, development results in a credit that runs with the land	
DSC Reference Doc . No.	VERSION No.		

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

		Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Locality							
Mossman							
Proposed Demand							
Community Services	Educational Establishment	per m² GFA	4.09	968	3,959.12		
	Total Demand				**3,959.12**		
Existing Credit							
Retail	Shop	per m² GFA	27.43	968	26,552.24		
	Total Credit				**26,552.24**		**Code 895 GL 07500.0135.0825**
	Required Payment or Credit		**TOTAL**		**($22,593.12)**		

Prepared by	J Elphinstone	16-Apr-19	**Amount Paid**	N/A
Checked by	D Lamond	18-Apr-19	**Date Paid**	N/A
Date Payable			**Receipt No.**	N/A
Amendments		**Date**	**Cashier**	N/A

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 5 June 2018.*

Charge rates under the current Policy are not currently 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) any part of the building work must be assessed against, or having regard to, a matter that is not a building assessment provision; and

(b) none of the referral agencies are required to assess the application against, or having regard to, the matter.

(5) A development permit given by the private certifier for the building work does not authorise the carrying out of the part requiring assessment against, or having regard to, the matter, unless a relevant preliminary approval is in effect for the part.

(6) In this section—

relevant preliminary approval means a preliminary approval given under the old Act by an entity other than a private certifier.

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—

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(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.

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(3) A decision notice (a ***negotiated decision notice***) that states the assessment manager agrees with a change representation must—

(a) state the nature of the change agreed to; and

(b) comply with section 63(2) and (3).

(4) A negotiated decision notice replaces the decision notice for the development application.

(5) Only 1 negotiated decision notice may be given.

(6) If a negotiated decision notice is given to an applicant, a local government may give a replacement infrastructure charges notice to the applicant.

Subdivision 2 Changes after appeal period

77 What this subdivision is about

This subdivision is about changing a development approval, other than the currency period, after all appeal periods in relation to the approval end.

78 Making change application

(1) A person may make an application (a ***change application***) to change a development approval.

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

(3) The ***responsible entity*** is—

(a) for a change application for a minor change to a development condition that a referral agency imposes—the referral agency; or

(b) the P&E Court, if—

(i) the change application is for a minor change; and

(ii) the development approval was given because of an order of the court; and

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(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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(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.

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(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

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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—

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(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.

Authorised by the Parliamentary Counsel

DOUGLAS
SHIRE COUNCIL

PO Box 723 Mossman Qld 4873
www.douglas.qld.gov.au
enquiries@douglas.qld.gov.au
ABN 71 241 237 800

17 April 2019

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

Enquiries: Jenny Elphinstone Tel 07 4099 9482
Our Ref: MCUC 3073/2019 (Doc ID 898966)
Your Ref:

Mossman & District Gymnastics Club Inc.
PO Box 750
MOSSMAN QLD 4873

Attention Ms Hayley Bender

Dear Sir

DEVELOPMENT APPLICATION (CODE ASSESSMENT)
AT 3-7 MILL STREET MOSSMAN
ON LAND DESCRIBED AS LOT 1 ON RP743968 AND EASEMENT A ON RP747650

Council refers to the above development application lodged with Council on the 5 April 2019 and properly made on the 8 April 2019.

Please find attached the adopted charges credit that will apply to the land once the development approval is acted on.

Please quote Council's application number: MCUC 3073/2019 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482 or at enquiries@douglas.qld.gov.au .

Yours faithfully

PAUL HOYE
Manager Environment and Planning

encl.

- Adopted Charges Credit
- Applicant's Rights to make representations and applicant's appeal rights for Adopted Charges.

DOUGLAS SHIRE COUNCIL

INFRASTRUCTURE CHARGES SUMMARY

2018 Douglas Shire Planning Scheme

Preliminaries

Developer	Mossman & District Gymnastics Club Inc	MCU Community Facilities Activity (Educational Establishment - Gymnastics Club)	
Estate Name	0		
Stage	0		
Street No. and Name	3-7 Mill Street	MagicQ Doc ID;	899035
Suburb	Mossman	Version No.	1
Parcel No.	3537		
Lot and RP No.	L1 RP743968		
Development Permit No.	MCUC 3073/2019	Validity Period	6 years

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

Locality Mossman

Proposed Demand			
Community Services	Educational Establishme	$	3,959.12
Total demand		$	3,959.12
Existing land use			
Retail	Shop	$	26,552.24
Nominal use credit			26,552.24
Historical amount			$0.00
Date of payment			
Credit for previous payment			0.00
Credit for Works External			
Opening balance of works external			$0.00
Opening balance of credits			$0.00
Credit claimed		$0.00	0.00
			0.00
Contributions			($22,593.12)
Time of payment:			Prior to the commencement of use

Amendments			
0		**Prepared**	J Elphinstone	16-Apr-19
0		**Checked**		
		TOTAL		($22,593.12)

DOUGLAS SHIRE COUNCIL

2008 Douglas Shire Planning Schemes Applications

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Mossman & District Gymnastics Club Inc		0	0
DEVELOPERS NAME		ESTATE NAME	STAGE
3-7 Mill Street	Mossman	L1 RP743968	3537
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU Community Facilities Activity (Educational Establishment - Gymnastics Club)		MCUC 3073/2019	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
D#899035	1	Note- no payment required, development results in a credit that runs with the land	
DSC Reference Doc . No.	VERSION No.		

Adopted Charges as resolved by Council at the Ordinary Meeting held on 5 June 2018, Local Government Infrastructure Plan, Planning Scheme Amendment (effect on and from 2 July 2018)

		Charge per Use	rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Locality							
Mossman							
Proposed Demand							
Community Services	Educational Establishment	per m² GFA	4.09	968	3,959.12		
	Total Demand				**3,959.12**		
Existing Credit							
Retail	Shop	per m² GFA	27.43	968	26,552.24		
	Total Credit				**26,552.24**		**Code 895 GL 07500.0135.0825**
	Required Payment or Credit		**TOTAL**		**($22,593.12)**		

Prepared by	J Elphinstone	16-Apr-19	**Amount Paid**	N/A
Checked by	D Lamond	18-Apr-19	**Date Paid**	N/A
Date Payable			**Receipt No.**	N/A
Amendments		**Date**	**Cashier**	N/A

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 5 June 2018.*

Charge rates under the current Policy are not currently 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

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(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—

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(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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(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.

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(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

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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—

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(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.

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