DOUGLAS SHIRE COUNCIL

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ABN 71 241 237 800

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

20 February 2026

Enquiries: Jenny Elphinstone
Our Ref: OP 2026_5897/1 (Doc ID 1350343)
Your Ref: 0603/26

Ian & Elaine Bozier
C/ RAPID Building Approvals
Suite 7
2-4 Stanton Road
SMITHFIELD QLD 4878

Email: approvals@rapidapprovals.com.au

Attention Mr Scott Wheeler

Dear Sir

Development Application for Operational Works (Second Vehicle Crossover)
At 36 Johnston Road Mossman
On Land Described as Lot 4 on SP186231

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

Please quote Council's application number: OP 2026_5897/1 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
Leonard Vogel
Manager Environment & Planning

encl.

- Decision Notice
  - Approved Drawing(s) and/or Document(s)
  - Reasons for Decision
- Advice For Making Representations and Appeals (Decision Notice)

Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name:	Ian & Elaine Bozier
Postal Address:	C/ RAPID Building Approvals Suite 7 2-4 Stanton Road SMITHFIELD QLD 4878
Email:	approvals@rapidapprovals.com.au

Property Details

Street Address:	36 Johnston Road Mossman
Real Property Description:	Lot 4 on SP186231
Local Government Area:	Douglas Shire Council

Details of Proposed Development

Development Permit for Operational Work for a second vehicle crossover

Decision

Date of Decision:	20 February 2026
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
Access Plan	Applicant's Drawing (Council Doc ID 1350085)	19 February 2026

Drawing or Document	Reference	Date
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	27 August 2020
Concrete driveway for allotment access	Standard Drawing S1110 Issue F	27 August 2020

Assessment Manager Conditions & Advices

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:

   a. The specifications, facts and circumstances as set out in the application submitted to Council; and

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

   Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to endorsement of the Survey Plan except otherwise nominated in these conditions of approval.

Vehicle Crossover

3. The vehicle crossover must be constructed in accordance with the requirements of the FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access, Standard Drawing S1015 Issue E and Standard Drawing S1110 Issue F.

   The vehicle crossover must be constructed within six (6) months of the development of the associated patio extensions to the dwelling house.

Advice

1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
2. This approval does not negate the requirement for compliance with all other relevant Council Local Laws and other statutory requirements.
3. For information relating to the *Planning Act 2016* log on to. To access the *FNQROC Regional Development Manual*, Local Laws, the Douglas Shire Planning Scheme and other applicable Policies log on to www.douglas.qld.gov.au.

Further Development Permits

Not applicable

Currency Period for the Approval

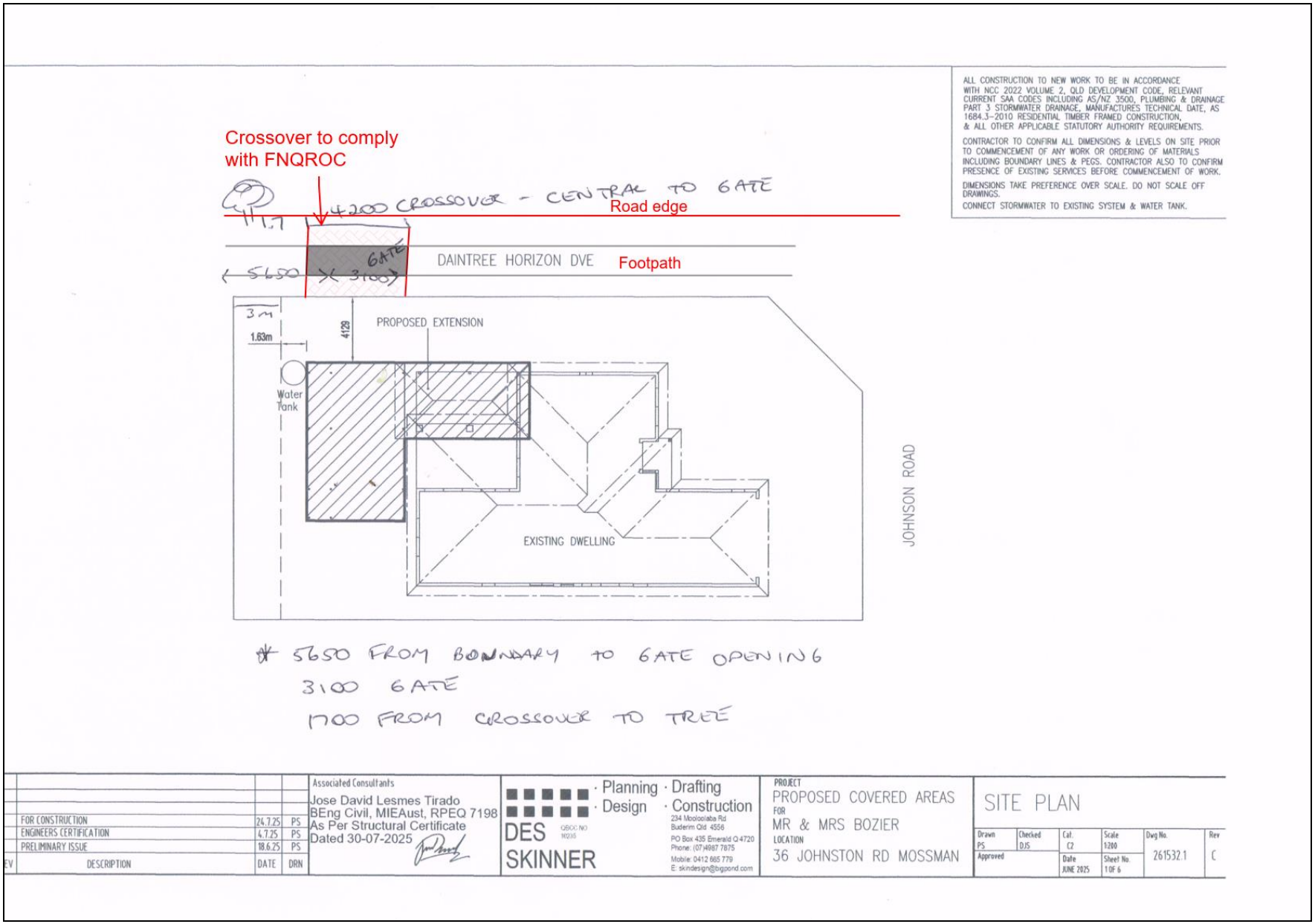
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse two (2) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

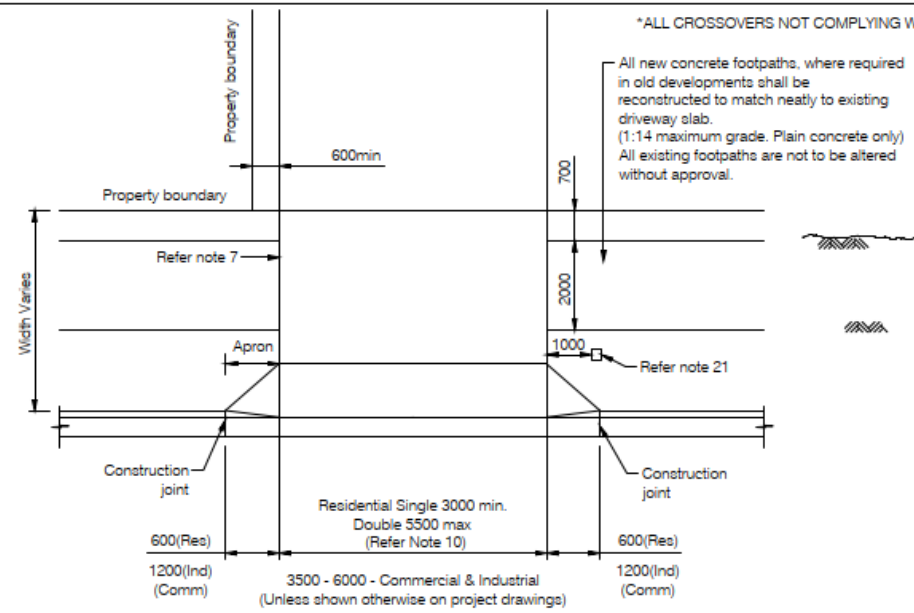
The rights of applicants to make representations and rights to appeal to a Tribunal or the Planning and Environment Court against decisions about a development application are set out in Chapter 6, Part 1 of the *Planning Act 2016.*

A copy of the relevant appeal provisions is attached.

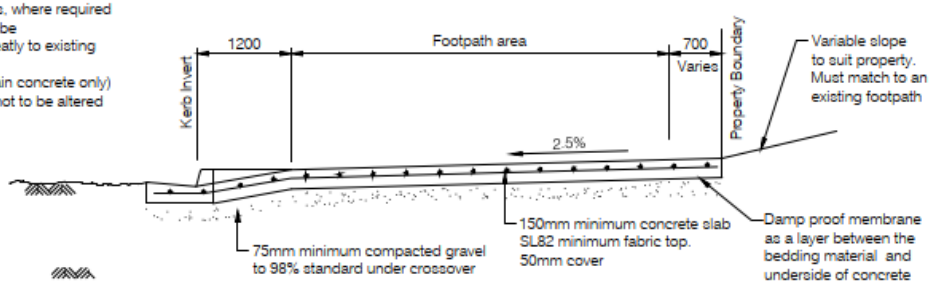
Approved Drawing(s) and/or Document(s)



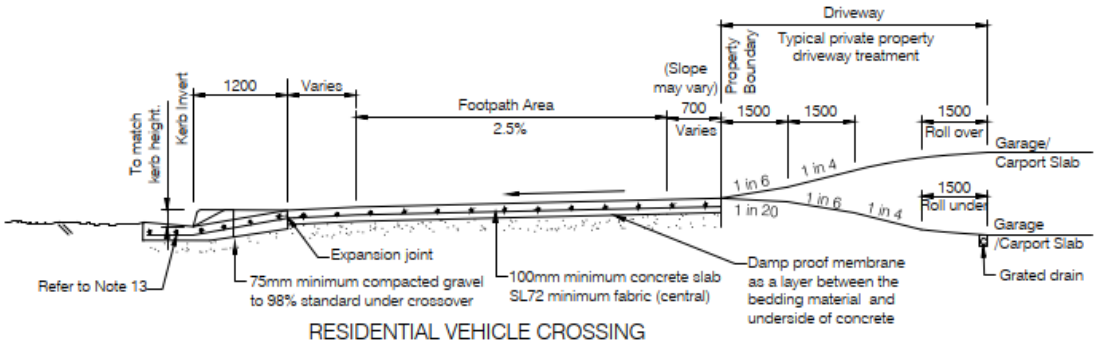
*ALL CROSSOVERS NOT COMPLYING WITH THIS DRAWING REQUIRE APPROVAL



PLAN



COMMERCIAL & INDUSTRIAL VEHICLE CROSSING



RESIDENTIAL VEHICLE CROSSING

(OPTIONAL KERB TYPE)

NOTES

1. All joints to existing kerbs shall be sawcut prior to breaking out concrete for removal. Entire section of kerb to be removed.
2. Concrete is to be N32 min residential, N32 min. commercial/industrial in accordance with AS1379 and AS3600.
3. All concrete to be broom finished.
4. Where a concrete footpath abuts a crossing an expansion joint shall be installed and the footpath levels must not be changed.
5. Expansion joints to be 10mm thick, closed cell cross linked polyethylene foam (85-150kg/m), 12mm round galvanised dowels @ 600 Ctrs
6. Depths of concrete and reinforcing steel shown are minimum requirements for good foundations and average traffic loadings. Where this does not apply, depths of concrete and reinforcing steel shall be increased to suit specific conditions.
7. Where an existing footpath is saw cut and a new footpath is installed abutting the existing concrete, an expansion joint shall be formed in accordance with note 5. Dowels may be fixed into existing concrete by drilling and fixing using a chemical anchoring solution.
8. Subgrade to be compacted to 95% standard.
9. All dimensions are in millimetres.
10. 'Residential' refers to single dwelling or duplex. All other crossings as per commercial/industrial details.
11. Where new sections of footpath are required, these shall be 2000mm wide and constructed in accordance with standard drawing s1035.
12. For Cook Shire Council, fibre can be used in lieu of reinforcement fabric.
13. For layback kerb residential crossing, the undamaged tray may be left in situ and 12mm galvanised dowels @ 600mm Ctrs installed.
14. Relocating or removal of a street tree requires an approval.
15. Stormwater downpipe outlets to be located clear of crossover and aprons.
16. Refer to FNQROC Development Manual Section D9 for street tree clearances.
17. Driveway to be 500mm clear of electrical pillars.
18. Driveway edge to be 1m clear of light and power poles.
19. All new downpipe connectors to kerb + channel are to use kerb adapter to match kerb profile.
20. Refer to S2005 where hydrants are located in driveways.
21. Minimum 1m clearance from edge of driveways to utilities, including adjacent power poles, light poles and junction boxes, etc.
22. Driveway edge to be 600mm clear of any stormwater kerb inlet pits
23. Additional options for modified treatments for constrained applications for access crossovers are given on S1015-Sheet 2. Design will require Council approval.

F	NOTES AND FOOTPATH AREA AMENDED	05/12/23
E	NEW DETAIL AND NOTES ADDED	27/08/20
REVISIONS		DATE

DISCLAIMER

The authors and sponsoring organizations shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.

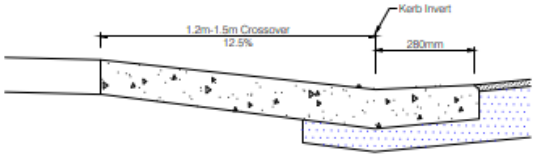
FNQROC

ACCESS CROSSOVERS
Sheet 1 of 2

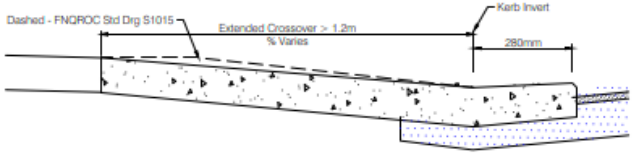
Standard Drawing
S1015

E F

*OPTIONS 1 TO 6 REQUIRE SPECIFIC COUNCIL APPROVAL



Option 1: 12.5% Ramp
NTS

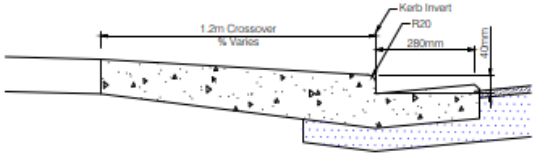


Design Considerations

Positives:
- To improve vehicle clearances (helpful with steep shoulder crossfalls)

Negatives:
- Proximity of pedestrian footpaths may restrict crossover lengths.

Option 2: Extended access crossover similar To FNQROC standard drawing S1015
NTS

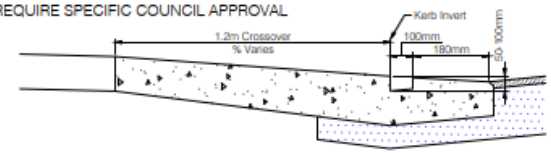


Design Considerations

Positives:
- To improve vehicle clearances (helpful with steeper verges)

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase.

Option 3: 40mm lip at kerb invert
NTS

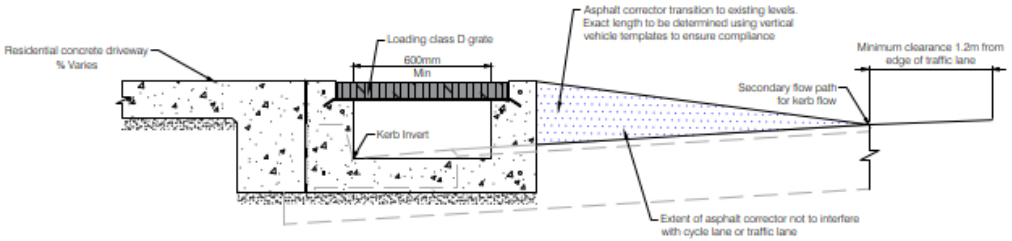


Design Considerations

Positives:
- To improve vehicle clearances (helpful with steeper verges)

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase
- Minor blockage risk - not suitable where there is excessive vegetation matter present
- Slight reduction in road shoulder, stormwater, flow capacity
- Potential obstruction/hazard to non-vehicle users

Option 4: 100mm channel at kerb invert
NTS

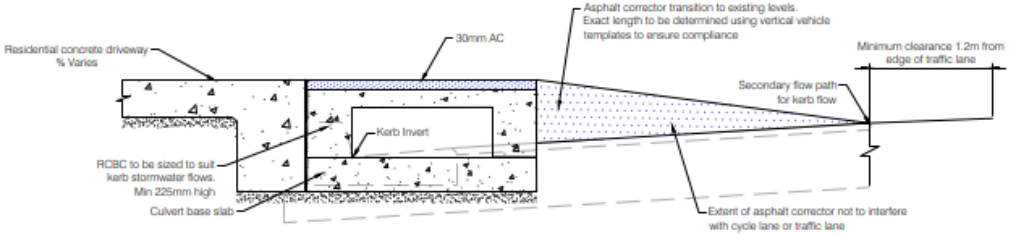


Design Considerations

Positives:
- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.
- Grates make for easier clearance of debris

Negatives:
- Less smooth transition for vehicles.
- Minor noise increase
- Minor blockage risk
- Significant reduction in road shoulder, stormwater, flow capacity (potentially only suitable for extremely wide shoulders)
- Medium blockage risk

Option 5: Grated vehicle crossing
NTS



Design Considerations

Positives:
- Improve vertical vehicle clearance where there is a significant difference in height between road shoulder and property levels.

Negatives:
- Less smooth transition for vehicles.
- Minor blockage risk
- Significant reduction in road shoulder, stormwater, flow capacity (potentially only suitable for extremely wide shoulders)
- Medium blockage risk

Option 6: RCBC with 30mm asphalt overlay over culvert
NTS

NOTES

1. All reinforcing for options 1-4 to be as per sheet 1 for relevant crossing type.
2. Option 5 & 6 - refer project specific drawings for for structural details.
3. All modified treatment options to have vertical vehicle template checks to comply with AS2890.1 (Vehicle B85 or B99 as applicable)
4. Consideration of impacts on stormwater flooded widths by selected option to be assessed by project engineer for compliance with minor & major stormwater events
5. Modified treatments for constrained applications on this drawing require an application to council and a specific site approval by council.
6. Options 1 to 6 generally provide increasing complexity and interference/loss of amenity to road users, therefore higher level options are considered less desirable by council and will not be accepted without reasonable consideration and assessment of the lower level options.
7. The development application to council proposing the selected access crossover treatment design shall include:
   A. Documented design drawings
   B. Justification in writing for the selected higher level treatment options
   C. Reasons why simpler lower level treatments and the standard treatment not be adopted
8. Justification of the selected higher level treatment option shall include design considerations of the following where relevant:
   A. Location, function, road geometry, road hierarchy and posted speed limit
   B. Obstruction and hazard presented to all road users including vehicles, cyclists and pedestrians
   C. Obstruction to stormwater drainage including risk of flooding of traffic lanes
   D. Potential for debris to block stormwater flow
   E. Roadway and stormwater channel maintenance and cleaning
   F. Safety of roadway access and egress for crossover users
   G. Adequate and safe vertical vehicle clearance

A	ORIGINAL ISSUE	05/12/23
REVISIONS		DATE

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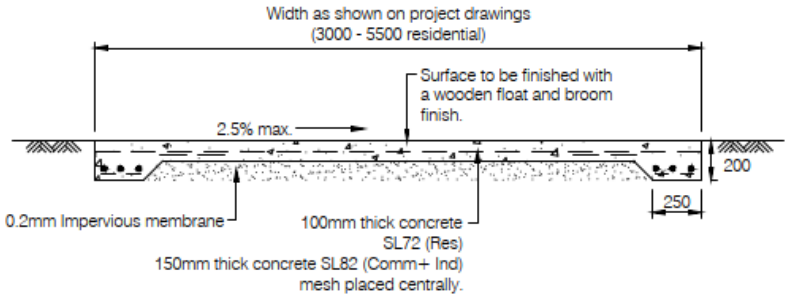
FNQROC

ACCESS CROSSOVERS
Sheet 2 of 2
Modified Treatments For Constrained Applications

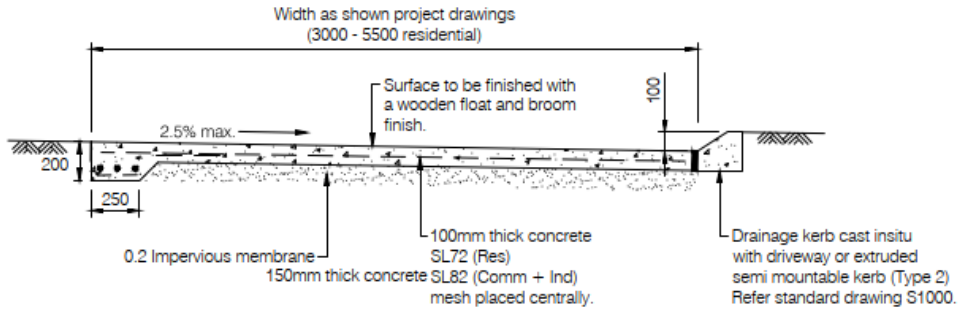
Standard Drawing
S1015
A



CONCRETE DRIVEWAY - TYPE 1

(Without drainage)

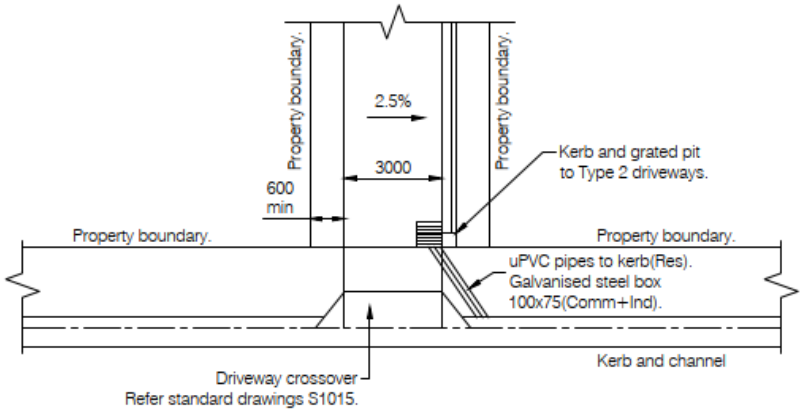
F8 TM 3BAA (Res)
F11 TM 3BAA (Comm + Ind)



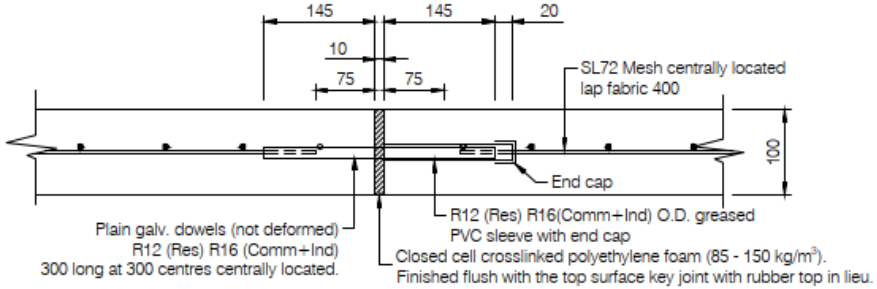
Closed cell cross linked polyethylene foam
with 12mm galvanised dowels @ 600mm Ctrs

CONCRETE DRIVEWAY - TYPE 2

(With drainage)

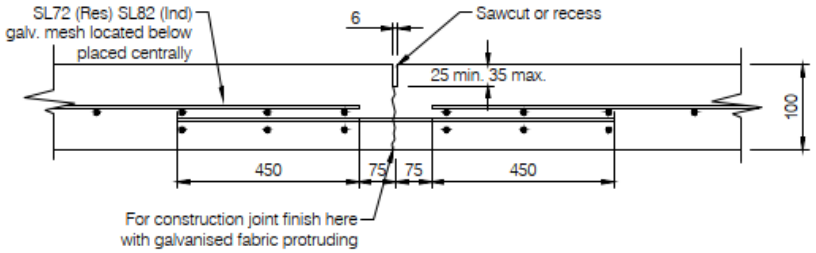


TYPICAL DRIVEWAY LAYOUT



EXPANSION JOINT

Spacing 16000 max.



CONTRACTION JOINT

Spacing 4000 max.

NOTES

1. For driveway alignment, longitudinal grade and associated drainage details refer project drawings.
2. Concrete is N32 minimum in accordance with AS 1379 and AS 3600.
3. Construction joints shall be provided at 4.0m max. Ctrs with expansion joints or approved equivalent @ 16.0m max. Ctrs.
4. All dimensions to be in millimetres.
5. 'Residential' refers to single dwelling/duplex.
6. For commercial or industrial driveways 150mm thick N32 concrete and SL82 mesh.
7. Access to Gross Pollutant Traps (GPT) to be min 3.5m wide to commercial/ industrial driveway standard.

G	MINOR AMENDMENTS TO NOTES	05/12/23
F	NOTE ADDED	27/08/20
REVISIONS		DATE

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FNOROC

CONCRETE DRIVEWAY
FOR ALLOTMENT ACCESS

Standard Drawing

S1110

F G

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 19 February 2026 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
   b. the development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
   a. the development triggered assessable development under the Assessment Table associated with the Low Density Residential Zone Code;
   b. Council undertook an assessment in accordance with the provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and
   c. the applicant's reasons have been considered and the following findings are made:
      i. Subject to conditions, the development satisfactorily meets the Planning Scheme benchmarks.

Non-Compliance with Assessment Benchmarks

None. Through the conditions of the approval development complies with the Planning Scheme benckmarks.

Extracts from the Planning Act 2016 - Making Representations During Applicant's Appeal Period

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—

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(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 given by the Minister under part 6, division 2; or

(iii) a development condition imposed under a direction given by the chief executive under section 106ZF(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)(d).

(2) If the applicant needs more time to make the change representations, the applicant may, during the applicant's appeal period for the approval, suspend the appeal period by a notice given to the assessment manager.

(3) Only 1 notice may be given.

(4) If a notice is given, the appeal period is suspended—

(a) if the change representations are not made within a period of 20 business days after the notice is given to the assessment manager—until the end of that period; or

(b) if the change representations are made within 20 business days after the notice is given to the assessment manager, until—

(i) the applicant withdraws the notice, by giving another notice to the assessment manager; or

(ii) the assessment manager gives the applicant the decision notice for the change representations; or

(iii) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.

(5) If the applicant makes the change representations during the appeal period without giving a notice under subsection (2),

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the appeal period is suspended from the day the representations are made until—

(a) the applicant withdraws the change representations by notice given to the assessment manager; or

(b) the assessment manager gives the applicant the decision notice for the change representations; or

(c) the end of 20 business days after the change representations are made, or a longer period agreed in writing between the applicant and the assessment manager.

(6) Despite subsections (4) and (5), if the decision notice mentioned in subsection (4)(b)(ii) or (5)(b) is a negotiated decision notice, the appeal period starts again on the day after the negotiated decision notice is given.

76 Deciding change representations

(1) The assessment manager must assess the change representations against and having regard to the matters that must be considered when assessing a development application, to the extent those matters are relevant.

Note—

For change representations for a development approval for development requiring social impact assessment, see also section 106ZI.

(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

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government area—the relevant local government; and

(iv) if the assessment manager is a chosen assessment manager—the prescribed assessment manager; and

(v) another person prescribed by regulation.

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

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

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

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

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

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

Subdivision 2 Changes after appeal period

77 What this subdivision is about

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

78 Making change application

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

Note—

For the making of a change application for a development approval that was a PDA development approval, see also the *Economic Development Act 2012*, sections 51AM, 51AN and 51AO.

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Extracts from the Planning Act 2016 – Appeal Rights

(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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

(2) An appellant may start an appeal within the appeal period.

(3) The ***appeal period*** is—

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or

(e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(g) for an appeal relating to the *Plumbing and Drainage Act 2018*—

(i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

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Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

(ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

(iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or

(iv) otherwise—20 business days after the day the notice is given; or

(h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

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

(5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

(6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—

(a) the adopted charge itself; or

(b) for a decision about an offset or refund—

(i) the establishment cost of trunk infrastructure identified in a LGIP; or

(ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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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.

Authorised by the Parliamentary Counsel

(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

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(c) the making of a decision or the failure to make a decision; and

(d) a purported decision; and

(e) a deemed refusal.

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

(a) is final and conclusive; and

(b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

(1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.

(2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Part 2 Development tribunal

Division 1 General

233 Appointment of referees

(1) The Minister, or chief executive, (the ***appointer***) may appoint a person to be a referee, by an appointment notice, if the appointer considers the person—

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DOUGLAS
SHIRE COUNCIL

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

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

20 February 2026

Enquiries: Jenny Elphinstone
Our Ref: OP 2026_5897/1 (Doc ID)
Your Ref: 0603/26

I R Bozier
36 Johnston Road
MOSSMAN QLD 4873

Dear Sir/Madam

Adopted Infrastructure Charge Notice
For Development Application Operational Works (Secondary Crossover)
At 36 Johnston Road MOSSMAN
On Land Described as LOT: 4 SP: 186231

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: OP 2026_5897/1 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
Leonard Vogel
Manager Environment & Planning

encl.

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

Adopted Infrastructure Charges Notice

Extracts from the Planning Act 2016 – Making Representations during Applicant's Appeal Period

(2) This section is subject to section 123.

123 Agreements about payment or provision instead of payment

(1) The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following—

(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 appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

(1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.

(2) The local government must consider any representations made by the recipient.

(3) If the local government—

(a) agrees with a representation; and

(b) decides to change the infrastructure charges notice;

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the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a ***negotiated notice***) to the recipient.

(4) The local government may give only 1 negotiated notice.

(5) A negotiated notice—

(a) must be in the same form as the infrastructure charges notice; and

(b) must state the nature of the changes; and

(c) replaces the infrastructure charges notice.

(6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.

(7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

(8) However, if the recipient gives the local government a notice withdrawing the representations before the local government has given a negotiated notice or decision notice—

(a) the appeal period is taken to have been suspended from the day the representations were made; and

(b) the balance of the appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 126 in relation to suspending the appeal period by notice.

126 Suspending appeal period by notice

(1) If the recipient needs more time to make representations, the recipient may give a notice suspending the appeal period to the local government.

(2) The recipient may give only 1 notice.

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Extracts from the Planning Act 2016 –Appeal Rights

(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.

Note—

For limitations on appeal rights in relation to a development approval for development requiring social impact assessment, see section 106ZJ.

(2) An appellant may start an appeal within the appeal period.

(3) The ***appeal period*** is—

(a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

(b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or

(c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

(d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or

(e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or

(f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or

(g) for an appeal relating to the *Plumbing and Drainage Act 2018*—

(i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

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Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

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

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