

19 October 2023

Enquiries: Rebecca Taranto
Our Ref: MCUC 2023_5489/1 (Doc ID: 1188602)
Your Ref: MOSSMAN BOWLS CLUB

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

Northpoint Advisory
91 Cylinders Drive
KINGSCLIFFE NSW 2487

Dear Sir/Madam

**Development Application for Material Change of Use (Club alterations and additions)
At 4-8 Johnston Road MOSSMAN
On Land Described as Lot 40 on SP235262**

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

Please quote Council's application number: MCUC 2023_5489/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

- Decision Notice
 - Approved Drawing(s) and/or Document(s)
 - Concurrence Agency Response
 - Reasons for Decision - response to properly made submissions.
- 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: Northpoint Advisory

Postal Address: 91 Cylinders Drive
KINGSCLIFFE NSW 2487

Email: adam@thenorthpointadvisory.com.au

Property Details

Street Address: 4-8 Johnston Road MOSSMAN

Real Property Description: Lot 40 on SP235262

Local Government Area: Douglas Shire Council

Details of Proposed Development

Development Permit for Material Change of Use (Club alterations and additions)

Decision

Date of Decision: 19 October 2023

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
Mossman Memorial Bowls Club Proposed Redevelopment	Rubicon Design and Construction	Submitted with Application on 31 August 2023
Site Plan- Existing	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/0.01	Submitted with Application on 31 August 2023

	Amend 4	
Site Plan- Stage 1	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/0.02 Amend 3	Submitted with Application on 31 August 2023
Site Plan- Stage 2	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/0.03 Amend 3	Submitted with Application on 31 August 2023
Existing Floor Plan	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/1.01 Amend 4	Submitted with Application on 31 August 2023
Proposed Floor Plan Stage 1	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/2.01 Amend 5	Submitted with Application on 31 August 2023
Proposed Floor Plan Stage 2 – Part A	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/2.02 Amend 3	Submitted with Application on 31 August 2023
Proposed Floor Plan Stage 2 – Part B	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/2.03 Amend 3	Submitted with Application on 31 August 2023
Sections	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/3.01 Amend 3	Submitted with Application on 31 August 2023
Existing Elevations	Rubicon Design and Construction Pty Ltd, Drawing No. Q2371/SK/4.01, Amend 3	Submitted with Application on 31 August 2023
Proposed Elevations Stage1	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/4.02 Amend 3	Submitted with Application on 31 August 2023
Proposed Elevations Stage 2	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/4.03 Amend 3	Submitted with Application on 31 August 2023

Proposed Elevations Stage 2	Rubicon Design and Construction Pty Ltd Drawing No. Q2371/SK/4.04 Amend 2	Submitted with Application on 31 August 2023
Overall Landscape concept Plan	Andrew Gold Landscape Architect Sheet 1 Issue B Job Number; 23.105	Submitted with Application on 31 August 2023
Landscape Concept Plan	Andrew Gold Landscape Architect Sheet 2 Issue B Job Number; 23.105	13/06/2023
Proposed Planting Schedule	Andrew Gold Landscape Architect Sheet 3 Issue B Job Number; 23.105	13/06/2023
Proposed Planting Schedule	Andrew Gold Landscape Architect Sheet 4 Issue B Job Number; 23.105	13/06/2023
Information Request 1 Stage 2 Swept Paths	ARO Drawing ARO0362-SK02	25 August 2023
Information Request 1 Stage 2 Swept Paths	ARO Drawing ARO0362-SK01	25 August 2023
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue E	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;
 - 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.

Acoustic Amenity

3. Undertake the recommendations detailed in the Environmental Noise Impact Assessment prepared by CRGAcoustics, crgref. 22144, Rev 2, dated 21 June 2023. All work must be completed to the satisfaction of the Chief Executive Officer prior to the commencement of use.

New or Relocated Plant

4. An Acoustic Report for the proposed air conditioning and mechanical plant must be prepared by a qualified Acoustic Consultant for the proposed air condition and mechanical plant. The report must be submitted at the time of lodgement of an application for a Development Permit for Building Work and endorsed by the Chief Executive Officer prior to the issue of the Development Permit for Building Work.

The report must indicate design and construction features to be incorporated in the development to ensure that the development is acoustically insulated having regard to the provisions of the *Environmental Protection Act 1994, Environmental Protection (Noise) Policy 2008*.

Air-Conditioning Screens

5. Air-conditioning units located above ground level and visible from external properties and Johnston Road must be screened with appropriate materials to improve the appearance of the building. Such screening must be completed prior to the commencement of use.

Advertising Signage

6. All signage associated with the development must comply with the self assessable outcomes of the Advertising Devices code contained within the Douglas Shire Planning Scheme.

Should the Design and siting of the advertising devices not comply with the Douglas Shire Planning Scheme, a separate Operational Works- Advertising Devices application must be submitted to Council.

Vehicle and Bicycle Parking

7. Provide forty-two (42) on-site vehicle parking spaces including two (2) all-abilities parking spaces. 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 maneuvering areas must be imperviously sealed, drained and line marked.

Provide eight (8) secured, on-site bicycle parking in accordance with Table 10-1 of *Austroads Guide to Traffic Engineering Practice Part 14 – Bicycles*.

All vehicle and bicycle parking must be constructed prior to completion of Stage 2 of the proposed development.

Landscaping

8. Landscaping must be undertaken in accordance with the approved Landscape Plans and Planting Schedule prepared by Andrew Gold Landscape Architect Sheet 1, 2, 3 and 4 Issue B, Job Number; 23.105, dated 13 June 2023, prior to the commencement of use. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

Refuse Storage

9. Provide a suitably sized refuse bin enclosure. The refuse bin enclosed must be roofed and bunded and fitted with a bucket trap.

Lighting

10. Lighting must not be directed toward nearby properties; and where applicable, shields and baffles must be installed on lighting to prevent spill onto adjoining properties.

Deliveries

11. Delivery of goods are permitted between the hours of 7am to 6pm Monday to Saturday, no deliveries should occur on Sundays or public holidays.

Widening Crossover for Delivery Bay

12. The widening of the vehicle crossover for the delivery bay must be constructed in accordance with FNQROC Development Manual Drawings S1015.

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded. Particular attention must be given to providing safe passage of people with disabilities i.e. the provision of temporary kerb ramps if pedestrian diversions are necessary.

Lawful Point of Discharge

13. 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.

Advices

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*.

Application to Refit a Food Premises

2. To ensure compliance with the *Food Act 2006* and Food Safety Standards the Applicant is responsible for submitting Application Form EHF1 – Fit-Out Application to Construct or Refit a Food Premises to Council. A link to the form can be accessed through;
<https://douglas.qld.gov.au/download/health/EHF1-Application-Fit-Out-Application-to-Construct-or-Refit-a-Food-Premises-23-24-fillable.pdf>

Noise

3. Despite condition 3, noise emanating from the site must not cause a noise nuisance in accordance with the *Environmental Protection Act 1994* and the *Environmental Protection Policy (Noise) 2008*.
4. 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.
5. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
6. 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 .

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*.

Concurrence Agency Response

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

Currency Period for the Approval

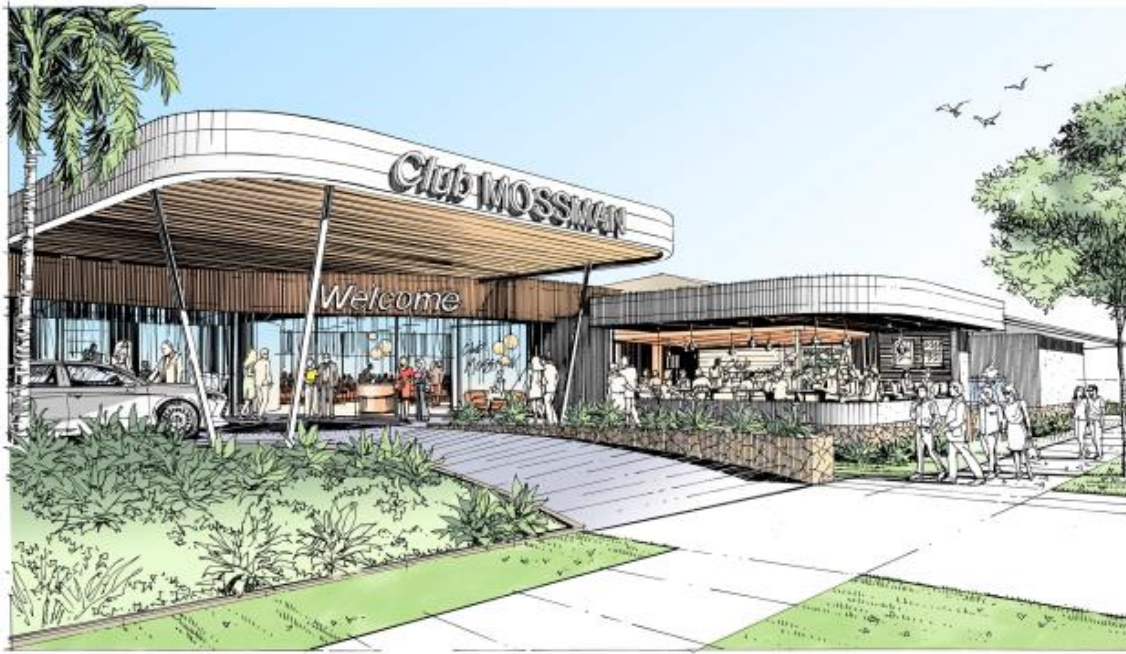
This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.

Rights to make Representations & Rights of Appeal

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

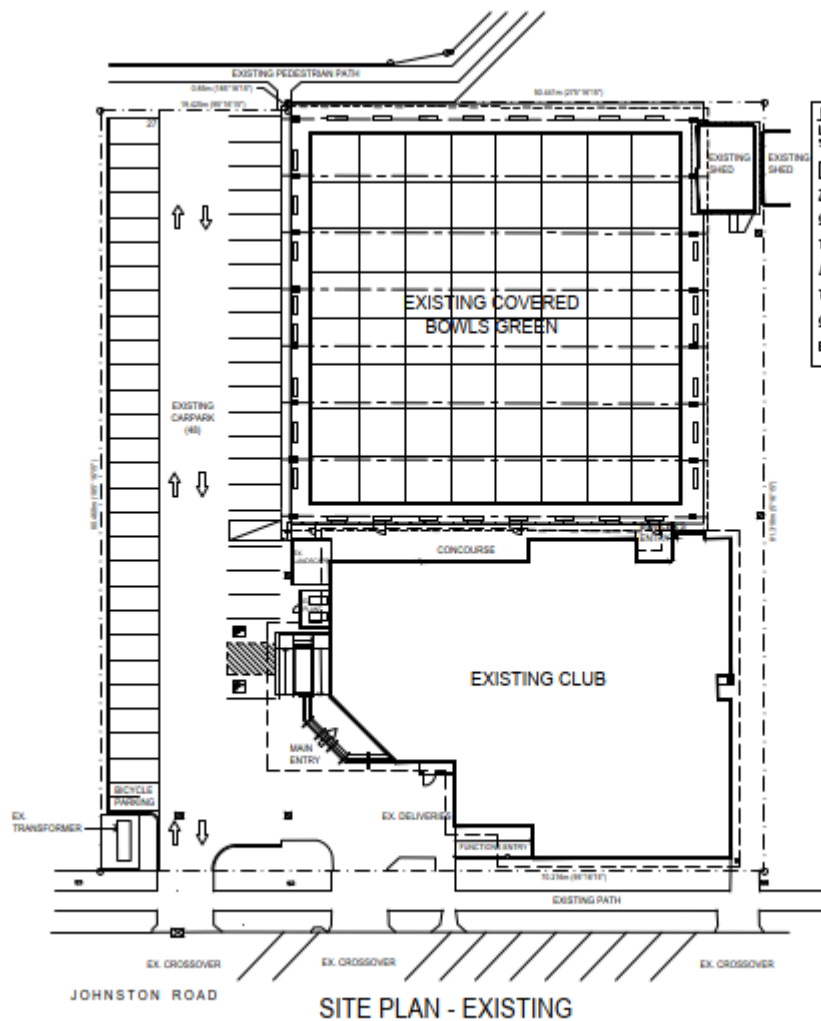
A copy of the relevant appeal provisions is attached.

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



**MOSSMAN MEMORIAL BOWLS CLUB
PROPOSED REDEVELOPMENT**

rubicon DESIGN+CONSTRUCT



REAL PROPERTY DESCRIPTION
 LOT 40 in SP230362
 SITE AREA: 1.6504ha

DEVELOPMENT SUMMARY
 ZONE: RECREATION & OPEN SPACE

GROSS FLOOR AREA
 TOTAL: 1233.40 SQM

AREA AVAILABLE TO THE PUBLIC
 TOTAL: 795.80 SQM

CAR PARKING
 EXISTING: 48

WBP

2223-0728

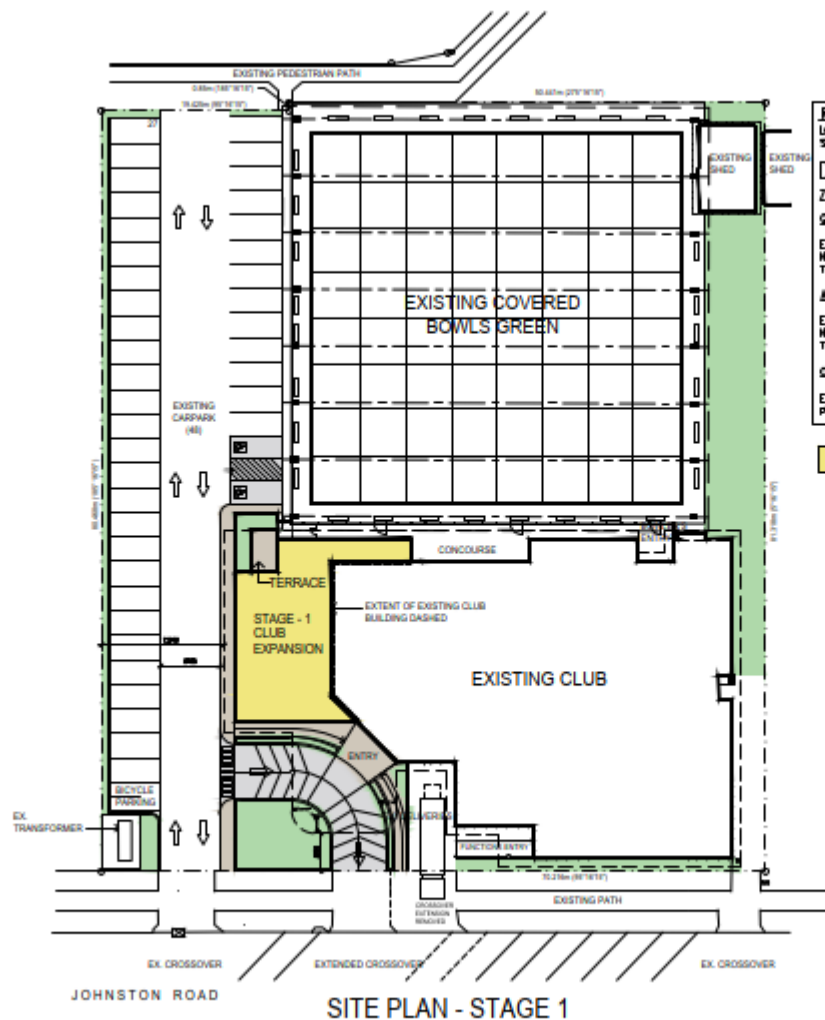
MOSSMAN MEMORIAL BOWLS CLUB

PROPOSED STAGED REDEVELOPMENT

6-8 JOHNSTON ROAD, MOSSMAN, QLD 4873

EXISTING SITE PLAN

2023/1/SK/0.01 4



REAL PROPERTY DESCRIPTION

LOT 40 in SP230362
SHE AREA: 18507sqm

DATE: 01/11/2000
TIME: 10:00 AM

DEVELOPMENT SUMMARY

ZONE : RECREATION & OPEN SPACE

GROSS FLOOR AREA

EXISTING : 1233.40 SQM
NEW : 814.80 SQM

NEW :	21.180 SOM
TOTAL :	1445.80 SOM

TOTAL : 146.00 50M

APRIL AVAILABLE TO THE PUBLIC

EXISTING : 795.89 SQM
NEW : 1.07 CR. SQM

NEW :	165.25	SOM
TOTAL :	1970.30	SOM

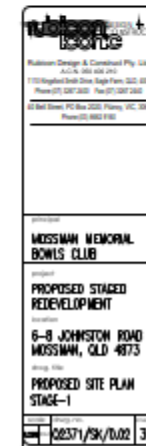
TOTAL :	202.30 22M
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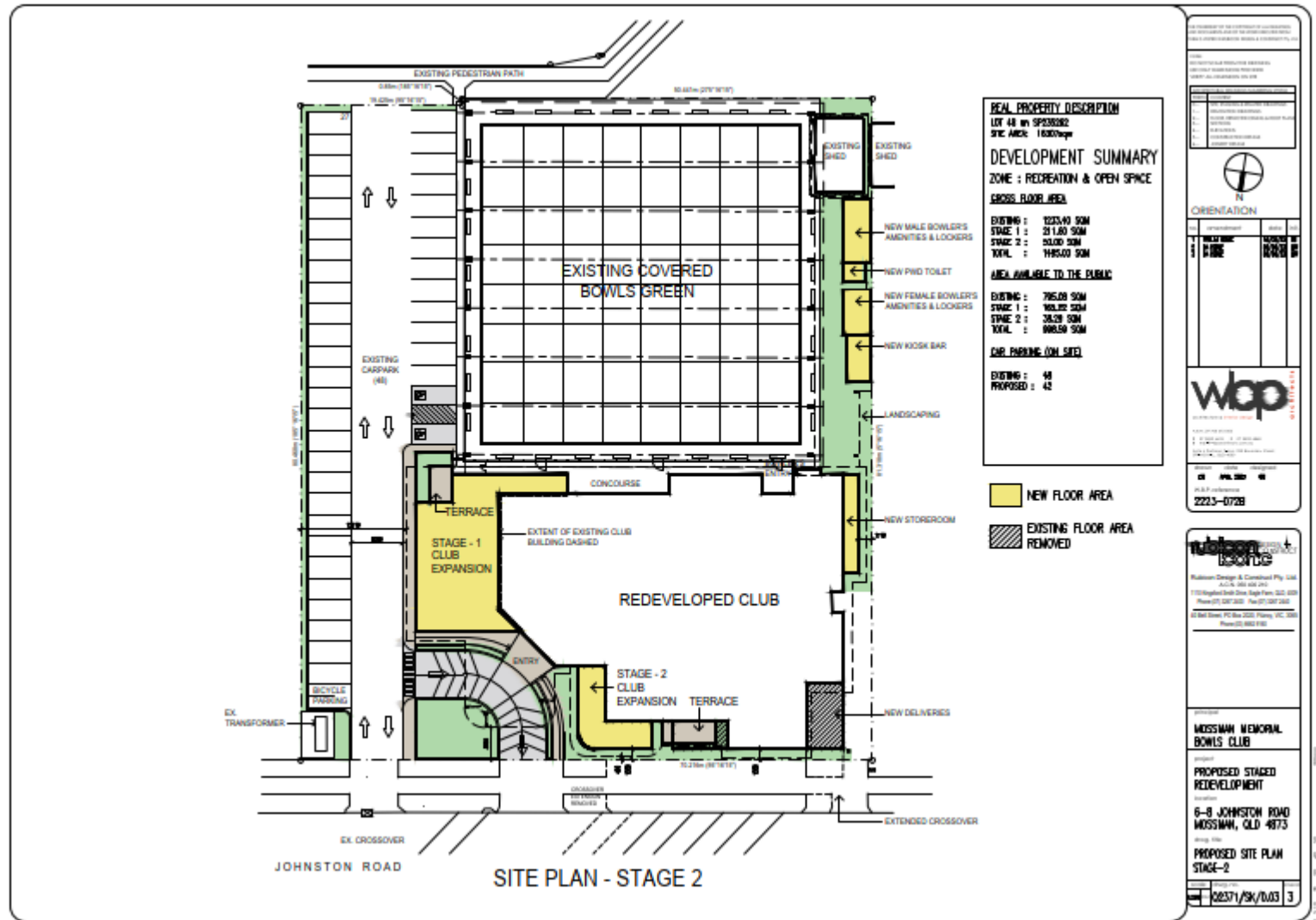
CAR BASKING (ON SITE)

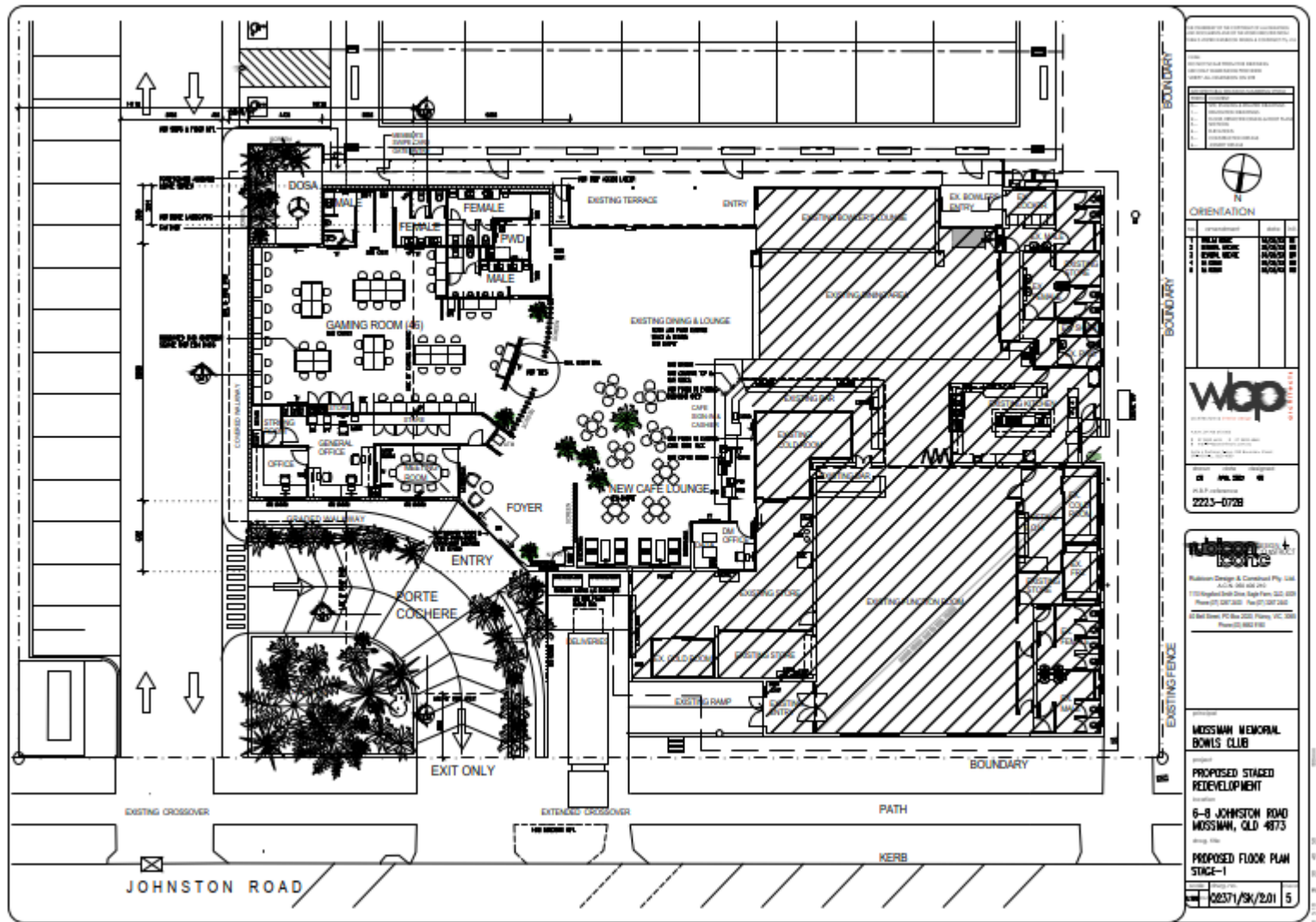
ENGINE : 48

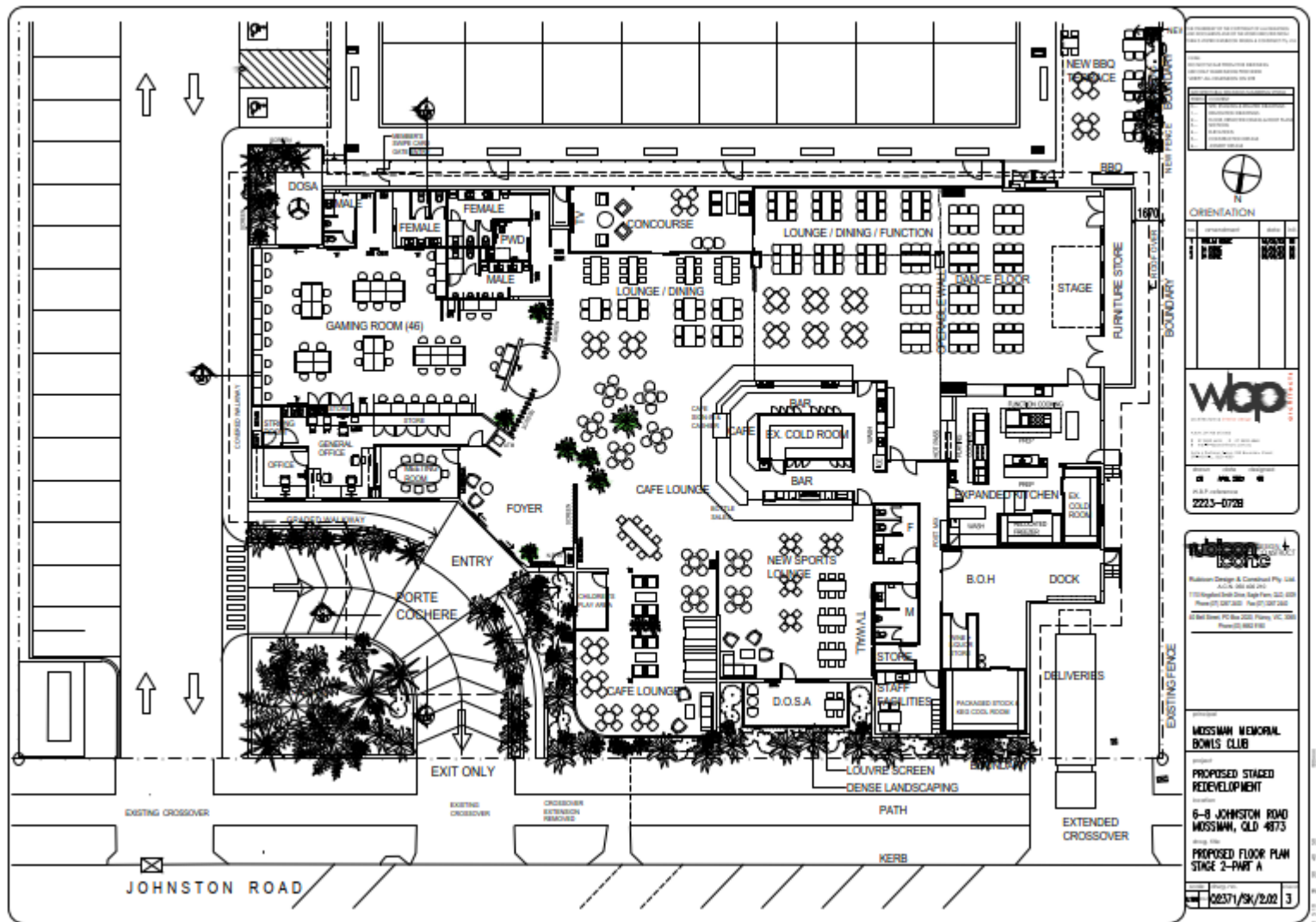
ENGLISH : 40
FRENCH : 42

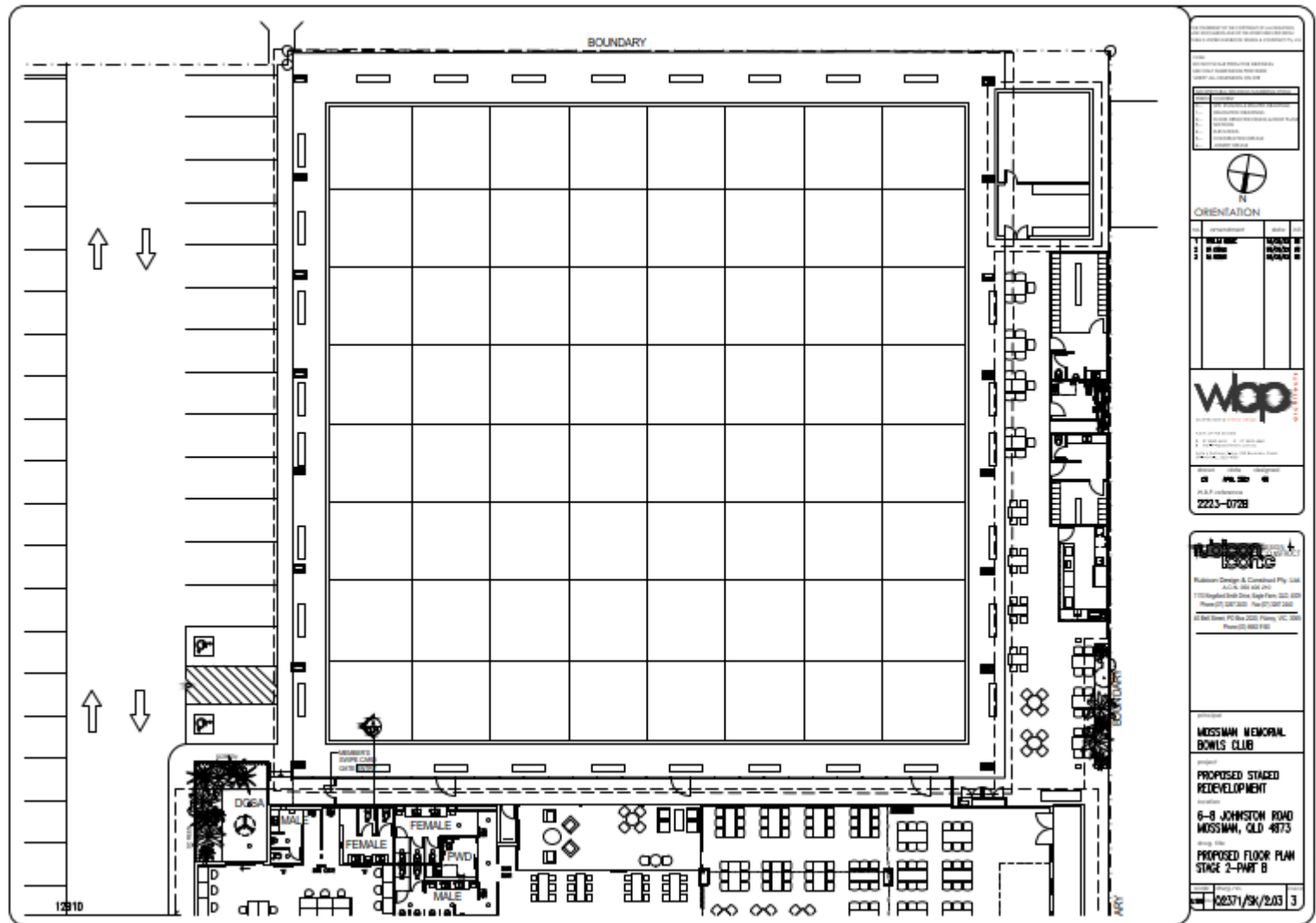
 NEW FLOOR AREA

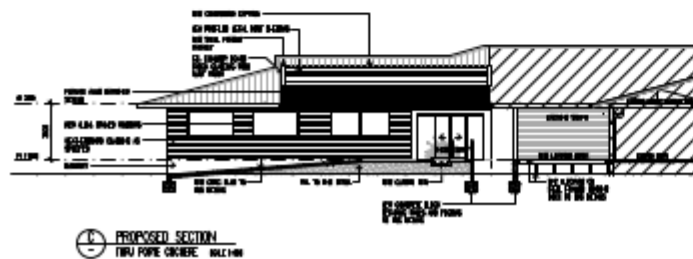












code	ingr.no	max
00371/9K/3.01		3



ELEVATION
EXISTING NORTH ELEVATION



ELEVATION
EXISTING EAST ELEVATION



ELEVATION
EXISTING SOUTH ELEVATION



ELEVATION
EXISTING WEST ELEVATION

THE DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

NO.	DESCRIPTION
1.	EXISTING NORTH ELEVATION
2.	EXISTING EAST ELEVATION
3.	EXISTING SOUTH ELEVATION
4.	EXISTING WEST ELEVATION



ORIENTATION

NO.	DESCRIPTION
1.	EXISTING NORTH ELEVATION
2.	EXISTING EAST ELEVATION
3.	EXISTING SOUTH ELEVATION
4.	EXISTING WEST ELEVATION



Woolworth Building Project

2223-0728



Rubicon Design & Construct Pty Ltd
1111 King Street, Suite 100, Melbourne, VIC 3000
Phone (03) 9247 1000 Fax (03) 9247 1001
22 Belford Street, PO Box 2000, Pines, VIC 3205
Phone (03) 9402 1100

MESSMAN MEMORIAL
BOWLS CLUB

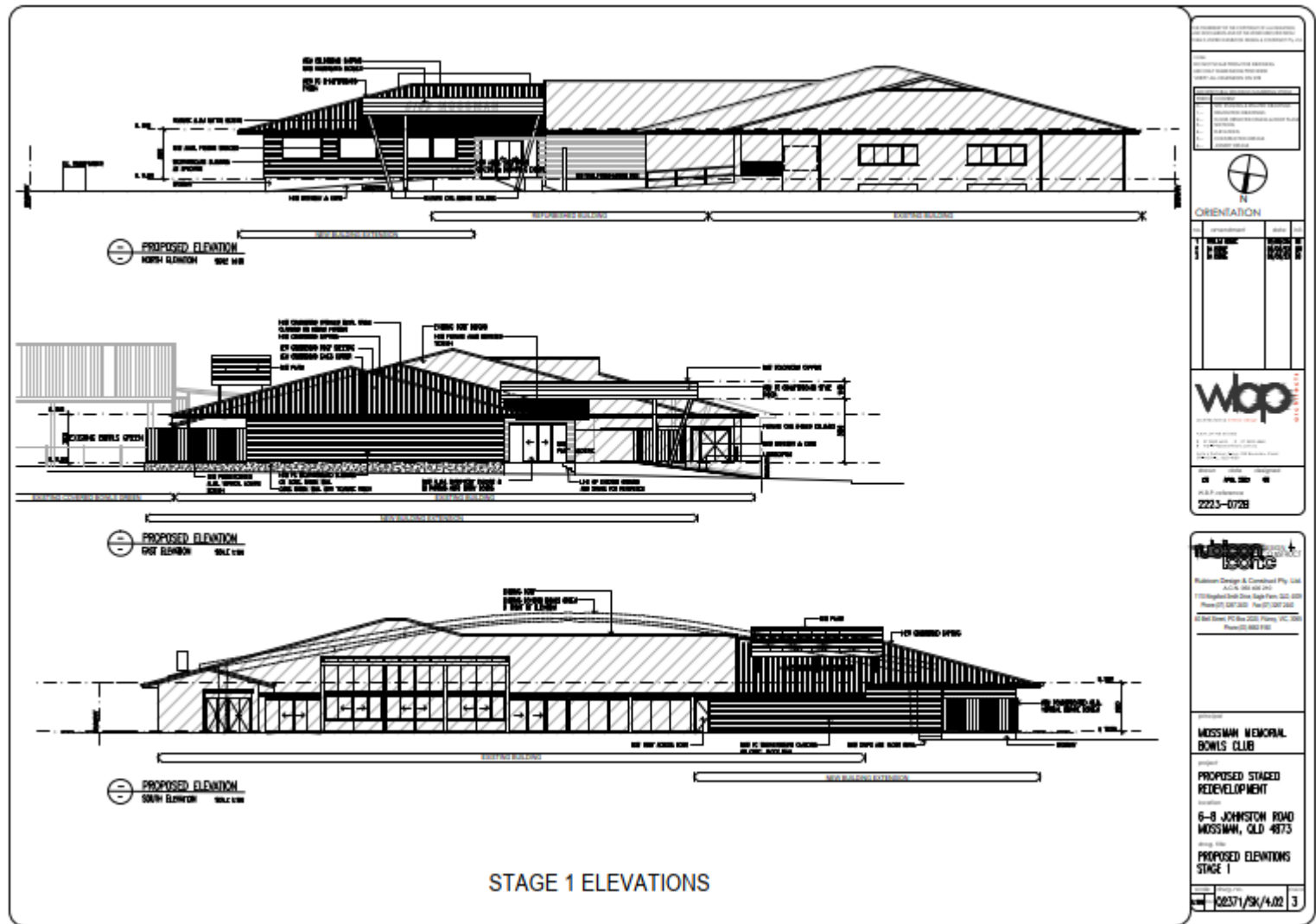
PROPOSED STAGED
REDEVELOPMENT

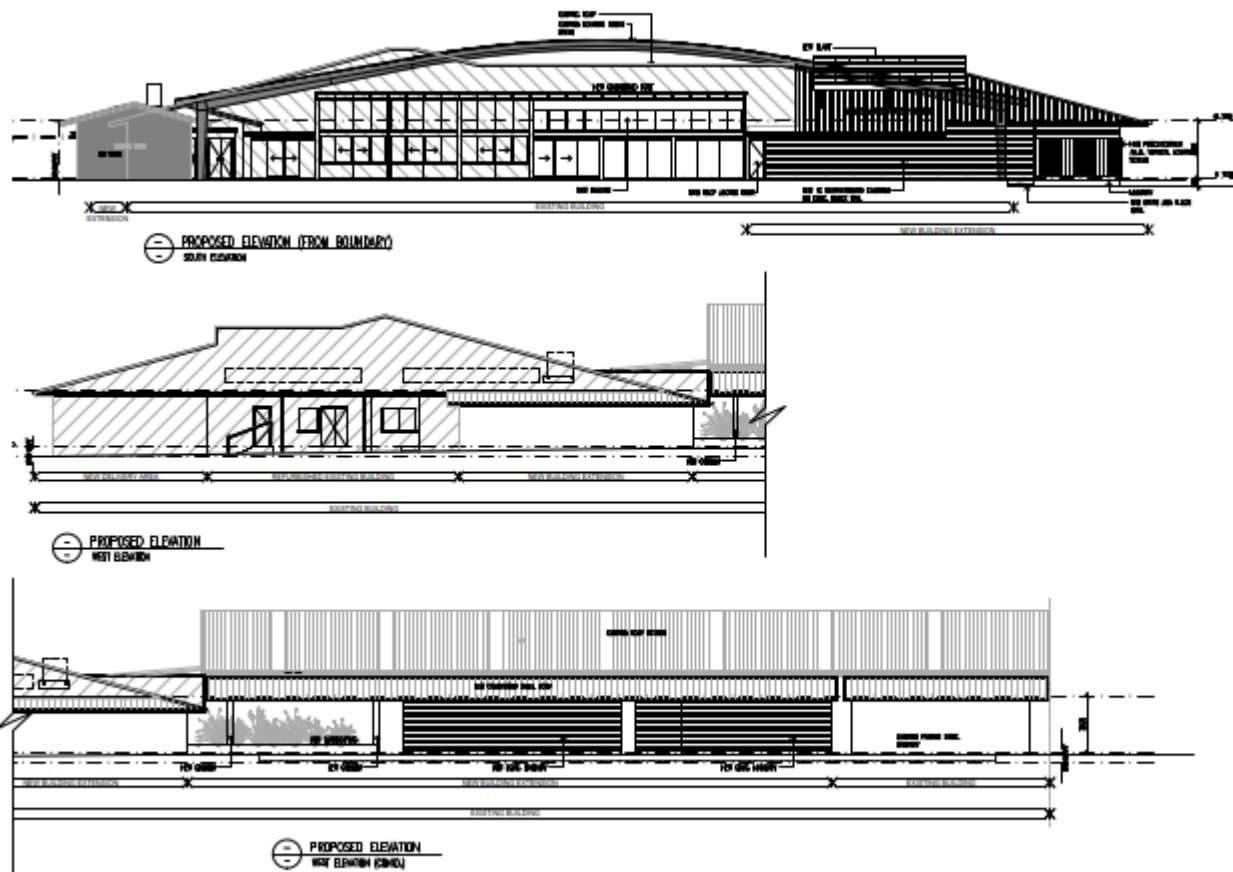
6-8 JOHNSTON ROAD
MESSMAN, VIC 3045

EXISTING ELEVATIONS

2023/1/30/4.01 3

DRAWING SCALE





STAGE 2 ELEVATIONS

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

GENERAL NOTES
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2023
2	ISSUED FOR PERMIT	10/10/2023



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2023
2	ISSUED FOR PERMIT	10/10/2023

wlop
ARCHITECTURE & INTERIOR DESIGN

10/10/2023
10/10/2023
10/10/2023

2223-0728

Robson Design & Construct Pty Ltd
ARCHITECTS

10/10/2023
10/10/2023
10/10/2023

MOSSMAN MEMORIAL BOWLS CLUB

PROPOSED STAGED REDEVELOPMENT

6-8 JOHNSTON ROAD
MOSSMAN, QLD 4873

PROPOSED ELEVATIONS
STAGE 2

10/10/2023
10/10/2023
10/10/2023

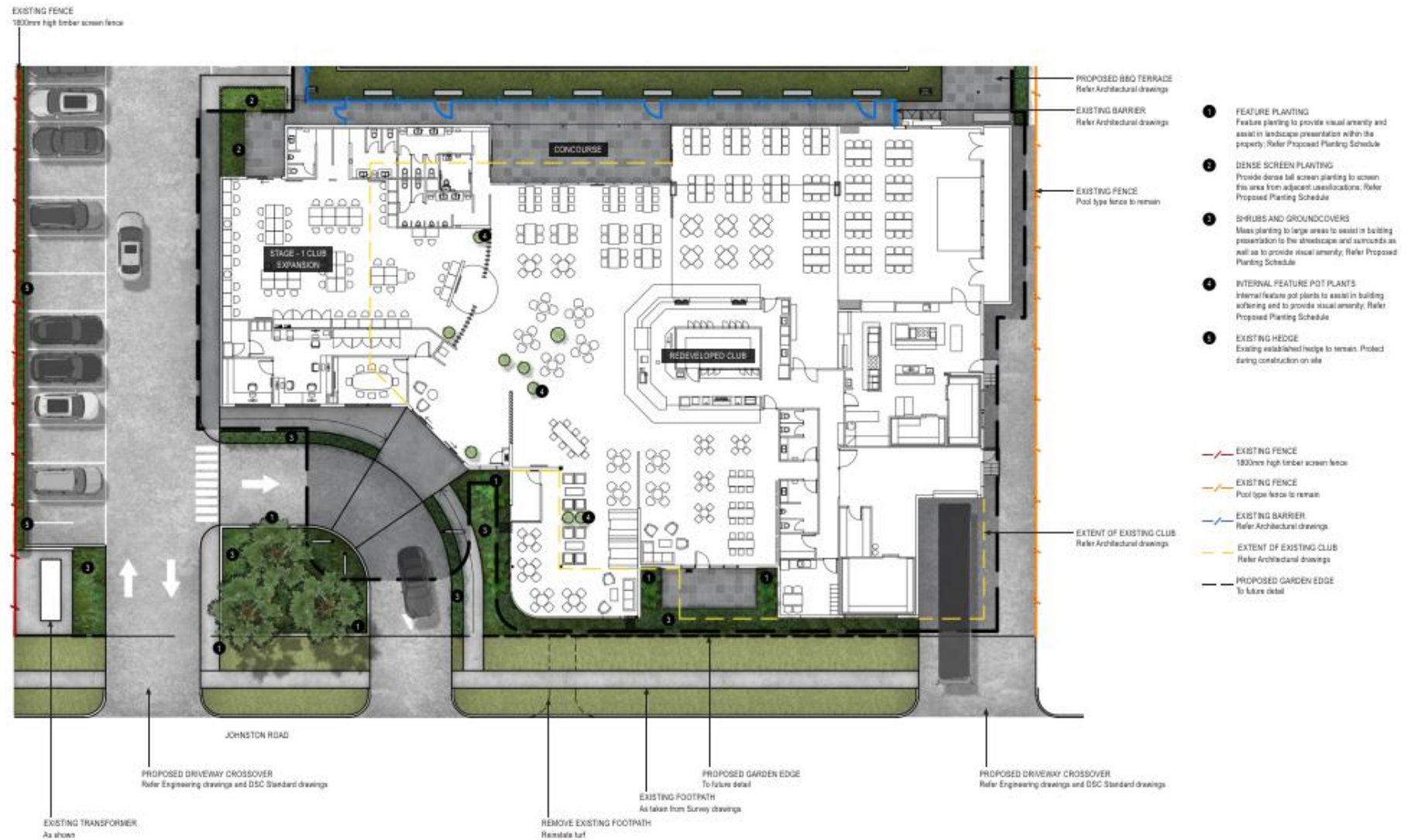
OVERALL LANDSCAPE CONCEPT PLAN



- 1 FEATURE PLANTING
Feature planting to provide visual amenity and assist in landscape presentation within the property. Refer Proposed Planting Schedule
- 2 DENSE SCREEN PLANTING
Provide dense tall screen planting to screen this area from adjacent landholders. Refer Proposed Planting Schedule
- 3 SHRUBS AND GROUNDCOVERS
Mass planting to large areas to assist in building presentation to the streetscape and surrounds as well as to provide visual amenity. Refer Proposed Planting Schedule
- 4 INTERNAL FEATURE POT PLANTS
Internal feature pot plants to assist in building softening and to provide visual amenity. Refer Proposed Planting Schedule
- 5 EXISTING HEDGE
Existing established hedge to remain. Protect during construction on site

- EXISTING FENCE
1800mm high timber screen fence
- EXISTING FENCE
Pool type fence to remain
- EXISTING BARRIER
Refer Architectural drawings
- EXTENT OF EXISTING CLUB
Refer Architectural drawings
- PROPOSED GARDEN EDGE
To future detail

LANDSCAPE CONCEPT PLAN



PROPOSED PLANTING SCHEDULE



CODE	SPECIES	COMMON NAME	SIZE"	SPACING(m)	HEIGHT(m)	WIDTH (m)
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PROPOSED FEATURE PLANTING

1.1	<i>Cordyline alliodora</i> Rubra	Palm Lily	300mm	0.8	2	1
1.2	<i>Cyathra coccinea</i>	Lassy Tree Fern	300mm	as shown	5-10	3
1.3	<i>Licuala nana</i>	Australian Fan Palm	300mm	as shown	10-20	2
1.4	<i>Livistona nana</i>	Australian Dwarf Fan Palm	200L	as shown	5	5

PROPOSED DENSE SCREEN PLANTING

2.1	<i>Alseodora macrophylla</i>	Giant Elephant Ear	300mm	1.5	2	1.5
2.2	<i>Calathea lutea</i>	Cigar Plant	200mm	1.2	3-4	1.2
2.3	<i>Heliconia psittacorum</i> Golden Torch	Parrot's Beak	200mm	1.2	1.5	2

*PLANT CONTAINER SIZE:

200L	200 Litre container stock min	Min. height at time of planting: 3.8m
300mm	300mm dia minimum pot size	
200mm	200mm dia minimum pot size	

The spacing of plants shown on plan have been derived as a compromise between growth rate, anticipated size, and the ability to provide a good vegetative cover within a reasonable space of time.

PROPOSED PLANTING SCHEDULE



CODE	SPECIES	COMMON NAME	SIZE**	SPACING(m)	HEIGHT(m)	WIDTH(m)
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PROPOSED SHRUBS AND GROUNDCOVERS

3.1	<i>Carissa macrocarpa</i> Green Carpet	Prostrate Desert Star	200mm	1.2	0.3	1.5
3.2	<i>Corvus pedunculatum</i>	Savory Lily	200mm	1	2	2
3.3	<i>Gardonia gladiolifera</i> (var. <i>var. indica</i>)	Native Gardenia	200mm	1	0.75	2
3.4	<i>Lepidospermum hybrid</i> Pink Cascade	Tea Tree	200mm	1.2	0.8	1.5
3.5	<i>Thaumatococcus</i> Kanakia	Kanakia	200mm	0.8	1	1

PROPOSED INTERNAL FEATURE POT PLANTS

4.1	<i>Dichondra argentea</i> Silver Falls	Silver Pony's Foot	200mm	as shown	0.3	1.8
4.2	<i>Aluminum punctatum</i> Green Flame	Tenacious Eklund Fern	200mm	as shown	0.5	0.5
4.3	<i>Monstera deltoidea</i>	Swiss Cheese Plant	300mm	as shown	1.5	1.2
4.4	<i>Rhipsalis coccinea</i>	Broadleaf Lady Palm	300mm	as shown	1.8	1.2
4.5	<i>Sparganium Peltate</i>	Dwarf Peace Lily	200mm	as shown	0.8	0.8
4.6	<i>Sparganium Peltate</i>	Peace Lily	300mm	as shown	1	1
4.7	<i>Zantedhaea zosterifolia</i>	Zantedha Zier	200mm	as shown	0.5	0.5

**PLANT CONTAINER SIZE:

100mm	100mm dia. minimum pot size
200mm	200mm dia. minimum pot size

The spacing of plants shown on plan have been derived as a compromise between growth rate, anticipated size, and the ability to provide a good vegetative cover within a reasonable space of time.



U1: 30 West Ave Street
Cairns QLD 4870
T: 075 5287 5287

E: info@arobuilders.com.au
W: www.arobuilders.com.au
ABN: 48 547 451 296

MOSSMAN BOWLS CLUB

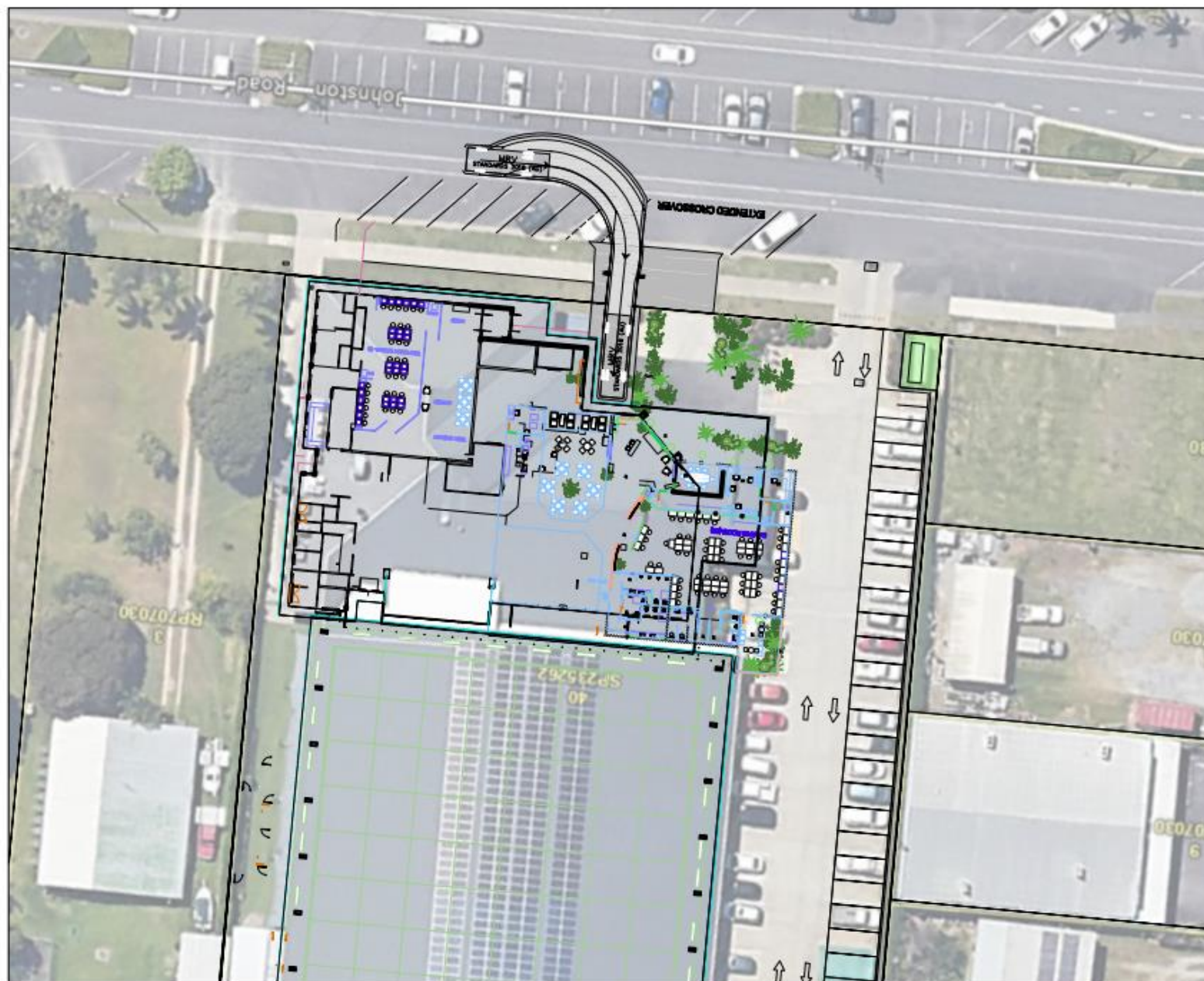
INFORMATION REQUEST 1 STAGE 2 SWEEP PATHS

ARO0362-SK02

1:200
A1 Full Size

Acad No: 5802

25 AUGUST 2023



1/1 Sheraton Street
Cairns QLD 4870
T 07 5337 5897
E info@arobowlsclubs.com.au
W www.arobowlsclubs.com.au
ABN 70 547 857 290

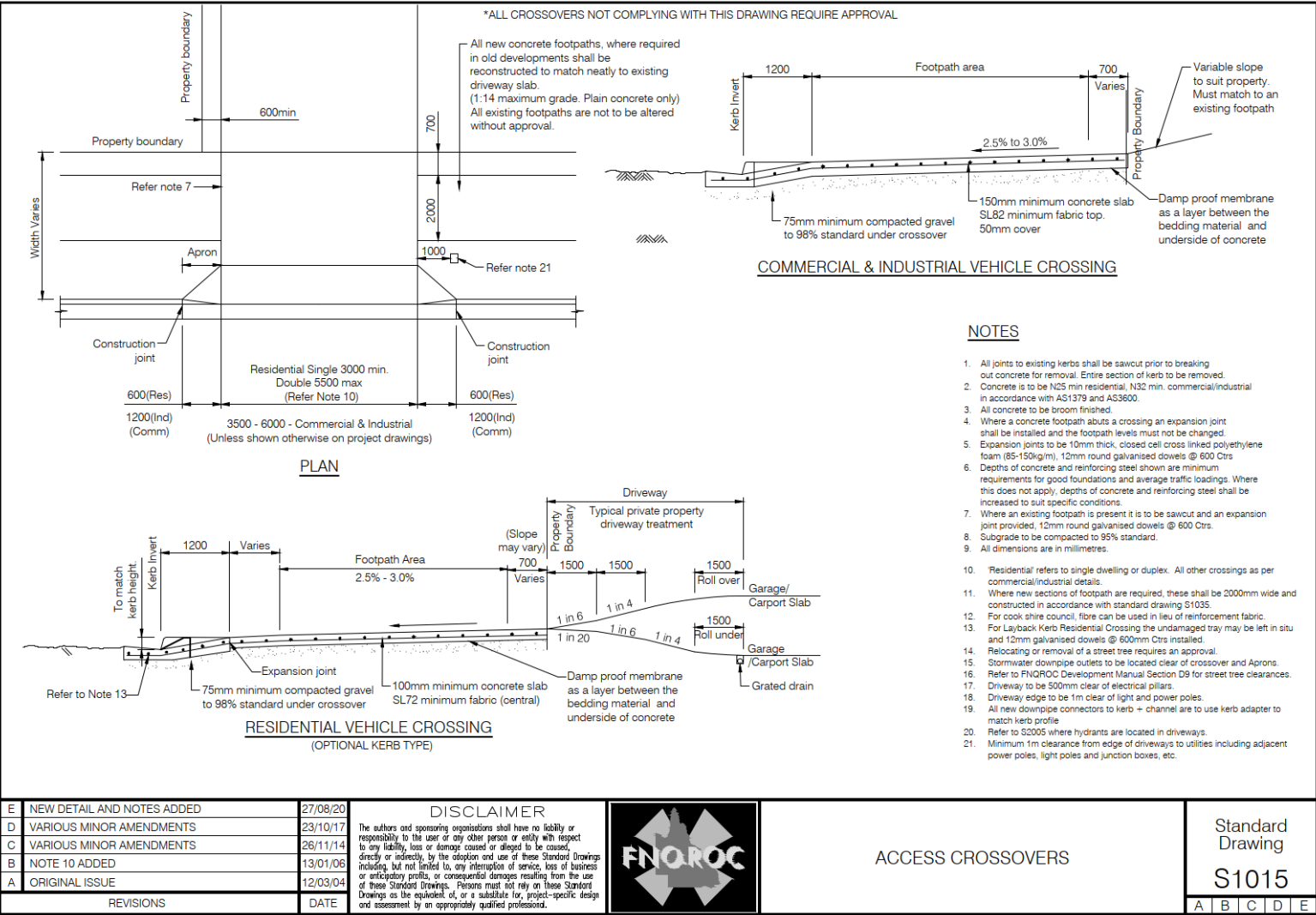
MOSSMAN BOWLS CLUB

INFORMATION REQUEST 1 STAGE 1 SWEEP PATHS

ARO0362-SK01 1:200
A1 Full Size

Acad No: SK01 25 AUGUST 2023

FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access



Concurrence Agency Conditions

RA9-N



SARA reference: 2308-36508 SRA
Council reference: MCUC2023_5489/1

3 October 2023

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

Attention: Rebecca Taranto

Dear Sir/Madam

SARA referral agency response—4-8 Johnston Road, Mossman

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 1 September 2023.

Response

Outcome:	Referral agency response - No requirements Under section 56(1)(a) of the <i>Planning Act 2016</i> , SARA advises it has no requirements relating to the application.
Date of response:	3 October 2023
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development Permit	Material Change of Use for Club alterations and additions
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (Planning Regulation 2017) - Material change of use of premises near a state transport corridor	

SARA reference: 2308-36508 SRA
 Assessment manager: Douglas Shire Council
 Street address: 4-8 Johnston Road, Mossman
 Real property description: Lot 40 on SP235262
 Applicant name: Northpoint Advisory
 Applicant contact details: 91 Cylinders Drive
 Kingscliff NSW 2487
 adam@thenorthpointadvisory.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s. 30 Development Assessment Rules).

Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Jenny Sapuppo, A/ Principal Planning Officer, on 07 5644 3220 or via email CairnsSARA@dsdillgq.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc Northpoint Advisory, adam@thenorthpointadvisory.com.au
 enc Attachment 1 - Advice to the applicant
 Attachment 2 - Reasons for referral agency response
 Attachment 3 - Representations about a referral agency response provisions

Attachment 1—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP), version 3.0. If a word remains undefined it has its ordinary meaning.

Attachment 2—Reasons for referral agency response

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

The reasons for SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment of SDAP. Specifically, the development:

- does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the structural integrity or physical condition of state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate state-controlled roads, future state-controlled roads or road transport infrastructure
- does not significantly increase the cost to the state to plan, construct, upgrade or maintain state-controlled roads, future state-controlled roads or road transport infrastructure
- maintains access to public passenger transport infrastructure or active transport infrastructure
- does not adversely impact the state's ability to operate public passenger services on state-controlled roads.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP, version 3.0, as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- Section 58 of the *Human Rights Act 2019*

Attachment 3— Representations about a referral agency response provisions

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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 31/07/2023 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 Recreation & Open Space 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.

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.

19 October 2023

Enquiries: Rebecca Taranto
Our Ref: MCUC 2023_5489 (Doc ID:1188602)
Your Ref: MOSSMAN BOWLS CLUB

Northpoint Advisory
91 Cylinders Drive
KINGSCLIFFE NSW 2487

Dear Sir/Madam

**Adopted Infrastructure Charge Notice
For Development Application Material Change of Use (Club alterations and additions)
At 4-8 Johnston Road MOSSMAN
On Land Described as Lot 40 on SP235262**

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_5489 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Rebecca Taranto 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

Mossman Bowls Club		0	1 and 2
DEVELOPERS NAME		ESTATE NAME	STAGE
4-8 Johnston Street	Mossman	Lot 40 on SP235262	153691
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
Cluc Alterations and Additions		MCU 2023_5489	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1188545	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)

Proposed Demand	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Places_of_assembly Club	\$_per_m²_GFA	67.50	262	\$17,685.00		
0 0	0	0.00	0	\$0.00		
Total Demand				\$17,685.00		
Credit						
<u>Existing land use</u>						Prior arrangement for online payment via invoicing - see below.
3 or more bedroom dwelling 1 lot	0%	0.00	1	\$0.00		
Total Credit				\$0.00		Code 895 GL GL7500.135.825

Required Payment or Credit

TOTAL

\$17,685.00

Prepared by	Rebecca Taranto	12-Oct-23	Amount Paid	
Checked by	Neil Beck	12-Oct-23	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision 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

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 - (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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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.

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 - (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
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decision includes—
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 - (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.