

2 May 2024

Enquiries: Neil Beck
Our Ref: MCUC 2023_5532/1 (Doc ID 1224905)
Your Ref: AU010594

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

Cooloola Waters Holdings Pty Ltd
C/- RPS Australia Asia Pacific
PO Box 1949
CAIRNS QLD 4870

Email: Patrick.clifton@rpsgroup.com.au

Attention Mr Patrick Clifton

Dear Sir

**Development Application for Material Change of Use for a Retirement Facility
At 47 Johnston Road Mossman Gorge
On Land Described as Lot 2 on SP295098**

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

Please quote Council's application number: MCUC 2023_5532/1 in all subsequent correspondence relating to this development application.

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

Yours faithfully



For
Paul Hoyer
Manager Environment & Planning

encl.

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



Decision Notice

Approval (with conditions)

Given under s 63 of the Planning Act 2016

Applicant Details

Name: Cooloola Waters Holdings Pty Ltd.

Postal Address: C/- RPS Australia Asia Pacific
PO Box 1949
CAIRNS QLD 4870

Attention Mr Patrick Clifton.

Email: Patrick.clifton@rpsgroup.com.au

Property Details

Street Address: 47 Johnston Road Mossman Gorge.

Real Property Description: Lot 2 on SP295098.

Local Government Area: Douglas Shire Council.

Details of Proposed Development

Development Permit for Material Change of Use for a Retirement Facility.

Decision

Date of Decision: 30 April 2024

Decision Details: Approved (subject to conditions)

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

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

Drawing or Document	Reference	Date
SITE & SETBACK PLAN	Sk-0001 REV C	15/03/2024
DUPLEX FLOOR PLAN	SHEET NO. A01	27/04/2023
DOOR & WINDOW SCHEDULE FLOOR PLAN	SHEET NO. A02	27/04/2023

Drawing or Document	Reference	Date
ELEVATIONS	SHEET NO. A04	27/04/2023
CLUB HOUSE PLAN	SHEET NO. A06	16/06/2022
CLUB HOUSE ELEVATIONS	SHEET NO. A07	16/06/2022
HOBBY SHED PLAN	SHEET NO. A09	16/06/2022
HOBBY SHED ELEVATION	SHEET NO. A10	16/06/2022
POOL HOUSE PLAN ELEVATION	SHEET NO. A11	16/06/2022
LANDSCAPE PLANS		
LANDSCAPE CONCEPT PLAN	L2314_LCP1_230914	UNDATED
LANDSCAPE PLANT PALETTE	L2314_LPP1_230907	UNDATED
LANDSCAPE PLANT PALETTE	L2314_LPP2_230907	UNDATED
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Access Crossovers	Standard Drawing S1015 Issue F	5/12/2023

Note – The plans referenced above will require amending in order to comply with conditions of this Decision Notice.

Assessment Manager Conditions & Advices

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.

Amendment to Design

3. Further details and amendments to the development are to be provided addressing the following:
 - a. Provide car parking accommodation in close proximity to the central facilities building the service the two units located on the second level;
 - b. Demonstrate the ability for a vehicle to turn around at the end of the road stubs running east-west (Note – treatment can be considered the same as a blind isle for off-street parking facilities);

- c. Split the on-street spaces located on the central through road and move half of the spaces northwards to be more central to the development;
- d. Treatments are to be implemented that achieves a sense of privacy for dwelling units where patios of dwelling units face one another;
- e. Provide a 2.0m wide footpath on the eastern side of the central through road from the existing footpath in the un-named road off Johnston Road through to the northern boundary of the site;
- f. Reconfigure the refuse area to provide access to a side loading waste vehicle;
- g. Provide further details demonstrating the refuse area is of sufficient size to accommodate the entire development having regard to the total waste entitlements generated by the development. Details are to include the type of bins to be used and the frequency of servicing by a waste collection contractor and associated swept path vehicle movements for the design vehicle servicing the facility;
- h. Provide plans detailing the refuse enclosure which must be covered, provided with a water connection and tap and be connected to sewer;

Note – Plans will require amending to comply with the NCC and The Premises Standards to provide for people with disabilities.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to Commencement of Use.

Operational Works

- 4. A Development Permit for Operational Works must be obtained for the following activities:
 - a. Vegetation removal and bulk earthworks associated with the construction of the earth bund, filling of the site and site grading;
 - b. Construction of internal roads and drainage works and installation of services. Street lighting design for the internal road network is required; and
 - c. Water supply and sewer works.

A Development Permit for Operational Works must be obtained prior to commencing any works associated with the redevelopment of the site.

Central Facilities

- 5. The delivery of the central facilities is coincide with the completion of the 30th unit of the development.

Geotechnical Requirements

- 6. Provide a land specific Geotechnical Assessment prepared by a suitably qualified Geotechnical Engineer (RPEQ) for the construction of the proposed earthworks bund and associated batters.

The Geotechnical Assessment must be provided prior to the issue of a Development Permit for Operational Work with certification from the RPEQ that the bund has been constructed in accordance with RPEQ certified plans.

Earthworks

- 7. All earthworks must be generally in accordance with the Approved Plan(s) and constructed in accordance with AS 3798: Guidelines on earthworks for commercial and residential developments.

Water Supply and Sewer Capacity

8. Undertake investigations to confirm that the points of connection to the water supply and sewer network have the capacity to accommodate the development. The investigations must include supporting calculations and network analysis and identify if any upgrades are necessary to the network to accommodate the development.

The investigations must be provided prior to the issue of a Development Permit for Operational Work.

Water Supply and Sewerage Work Internal

9. Undertake the following water supply and sewerage works internal to premises:
 - a. The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures;
 - b. Water supply sub-metering must be designed and installed in accordance with the Plumbing and Drainage Act 2018 (Qld) and the Water Supply (Safety and Reliability) Act 2008 (Qld); and
 - c. Any redundant sewer property connection(s) and water connection(s) must be decommissioned and removed.

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

All works must be carried out in accordance with the Approved Plan(s), to the requirements and satisfaction of Council.

Roads and Footpaths

10. Roads must be constructed generally in accordance with the Approved Plan(s) and relevant design and specifications sections of the FNQROC Development Manual.

Car Parking Requirements

11. The amount of car parking must be as per the approved plan(s), being twenty-two (22) spaces and one space for each dwelling unit.

The car parking layout must comply with the AS 2890.1:2004 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.

Updated Drainage Study

12. As part of the supporting information for the application for Operational Works, provide an updated drainage calculations confirming capacity and operation of existing drainage adjacent to the site.

In particular, the updated calculations must provide further information to address the following:

- a. Provide calculations of the existing open drain south-east of the property boundary to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual;
- b. Provide calculations of the existing open drain north of property boundary to address the following:
 - i. Provide the pre- and post-development peak flows downstream from the existing open drain out letting to Marrs Creek demonstrating a no worsening effect on upstream and downstream drainage features, properties and infrastructure; and

- ii. Provide drain hydraulic calculations to demonstrate sufficient capacity and freeboard is provided to accommodate the modified flow produced as a result of the development in accordance with the Queensland Urban Drainage Manual.
- c. Amend the engineering plan(s) to indicate potential drainage easement locations.

Advice Note: Freeboard must be demonstrated in accordance with Section 9.3.4 of the Queensland Urban Drainage Manual. An easement is not required over the adjoining land to the north being Lot 92SR81.

Drainage Design

13. Design a stormwater drainage system (internal and external to the land) in accordance with section D4 of the FNQROC Development Manual to satisfactorily drain the subject land such that the upstream drainage is not adversely affected and that the downstream drainage system is capable of adequately catering for the discharge of the modified flow produced as a result of the development.

Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided to Council for endorsement.

The drainage design must include but not be limited to the following:

- a. Stormwater Masterplan of the drainage system including pipe, pit, kerb and channel and defined overland flow paths;
- b. Hydraulic modelling of the existing 2/600 diameter RCP (east of the property boundary) including pipe grade levels, water depth, freeboard, velocity and actual tailwater conditions;
- c. Information on any proposed works and mitigation measures to the open drain north of the site to accommodate the proposed development.

Once approved, all work must be carried out in accordance with the approved plan(s).

Landscaping Plan

14. The site must be landscaped generally in accordance with the Landscape Plan prepared by GGI Landscape Architects subject to the following:
- a. The addition of a footpath along the central through road as required by conditions of this Development Permit;
 - b. Landscaping and/or fencing treatment to provide privacy to outdoor patio areas where units face one another;
 - c. Remove the trees shown in the adjoining Lot 92 on SR81;
 - d. Opportunity to include street tree planting in streets running east-west;
 - e. Details of feature fencing to be installed along road frontage;
 - f. Landscaped setbacks adjacent northern and eastern boundary.
 - g. Species to have regard to Council's Planning Scheme Policy No.7 Landscaping.

An amended Landscape Plan is to be submitted at the time of seeking Operational Works Approval and be endorsed by the Chief Executive Officer. All landscaping works must be undertaken in accordance with the endorsed plan prior to the Commencement of Use.

Lawful Point of Discharge

15. All stormwater from the land must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.

Concentration of Stormwater

16. Stormwater discharge must have a no worsening effect or ponding nuisances on downstream or upstream properties.

If a disparity exists between pre and post alteration flows, measures are to be implemented in order to have a no worsening effect.

Minimum Fill and Floor Levels

17. All finished floor levels of all habitable areas must be a minimum of 300mm above the defined inundation event, in accordance with the requirements of the Douglas Shire Council Planning Scheme 2018 and the FNQROC Development Manual.

Existing Creek and Drainage Areas

18. Existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.

Private Drainage Assets

19. All internal drainage infrastructure and associated pipework contained within the lot boundaries of this development site must be private infrastructure and will not become an asset of Council.

Vegetation Protection

20. All vegetation on the site, other than the approved tree(s) to be removed, must be protected and retained in accordance with the AS 4970-2009 Protection of trees on development sites.

Evidence of Electrical and Telecommunication Connection

21. Provide Council with evidence of the agreement to provide an electricity supply and telecommunication services for each new lot shown on the approved plan. Such evidence must be in the form of a "Certificate of Electricity Supply" or "Certificate of Electrical Acceptance".

The confirmation from the telecommunications provider must be in the form of a receipt for the full payment of the telecommunications "Development Application" or alternatively, a copy of the telecommunications provider "Council Letter".

Stockpiling and Transportation of Fill Material

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

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

- a. Peak traffic times; or
- b. Before 7:00am or after 6:00pm Monday to Friday; or
- c. Before 7:00am or after 1:00pm Saturdays; or
- d. On Sundays or Public Holidays.

Environmental Protection Policy – Noise & Dust

23. All reasonable and practicable measures must be implemented during the construction phase of the development for the purpose of ensuring the development does not create a noise or dust nuisance in accordance with the Environmental Protection Policy. These measures must be capable of minimising the potential for unreasonable impacts to residents, guests and other activities that may be occurring on site or at nearby locations.

Damage to Council Infrastructure

24. Prior to any works occurring on the site, the applicant is to prepare a road condition report of the proposed road access and haulage route(s) to and from the site. The report is to identify relevant existing defects or problems with the roadway along the identified route.

On completion of the works, the access and haul route(s) shall be subject to a joint inspection by the applicant and Council Officers to identify any further damage that has occurred.

Where additional damage has occurred, all rectification works shall be at the applicant's expense, to the satisfaction of the Chief Executive Officer.

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

Electricity Supply

26. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy.

Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

Electricity and Telecommunications

27. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Development Permit for Operational Works.

Siam Weed Control

28. In order to prevent the spread of Siam Weed {a class 1 declared pest plant under the *Land Protection (Pest and Stock Route Management) Act 2002*}, all machinery working on site must be cleaned down on site prior to leaving.

Construction Signage

29. Prior to the commencement of any construction works associated with the development, a sign detailing the project team must be placed on the road frontage of the site and must be located in a prominent position. The sign must detail the relevant project coordinator for the works being undertaken on the site, and must list the following parties (where relevant) including telephone contacts:

- a. Developer;
- b. Project Coordinator;
- c. Architect/Building Designer;
- d. Builder;
- e. Civil Engineer;
- f. Civil Contractor;
- g. Landscape Architect.

ADVICE

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.

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

Cultural Heritage

5. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the Cultural Heritage Acts) require anyone who carries out a land-use activity to exercise a duty of care.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the Act. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

Food Premises

6. Prior to the construction of any premises that is intended to be used for storage, preparation, handling, packaging, or service of food, an Approval for the design and fit-out under the Food Act 2006 must be obtained from the Chief Executive Officer.

Infrastructure Charges Notice

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

The amount in the Infrastructure Charges Notice has been calculated according to Council's Infrastructure Charges Resolution. Please note that this Decision Notice and the Infrastructure Charges Notice are stand-alone documents. The *Planning Act 2016* confers rights to make representations and appeal in relation to a Decision Notice and an Infrastructure Charges Notice separately.

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 Operational Work

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

Concurrence Agency Response

Concurrence Agency	Concurrence Agency Reference	Date	Doc ID
State Assessment & Referral Agency Response (SARA)	2402-38964 SRA	15 April 2024	#1222065

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

Currency Period for the Approval

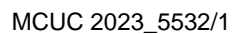
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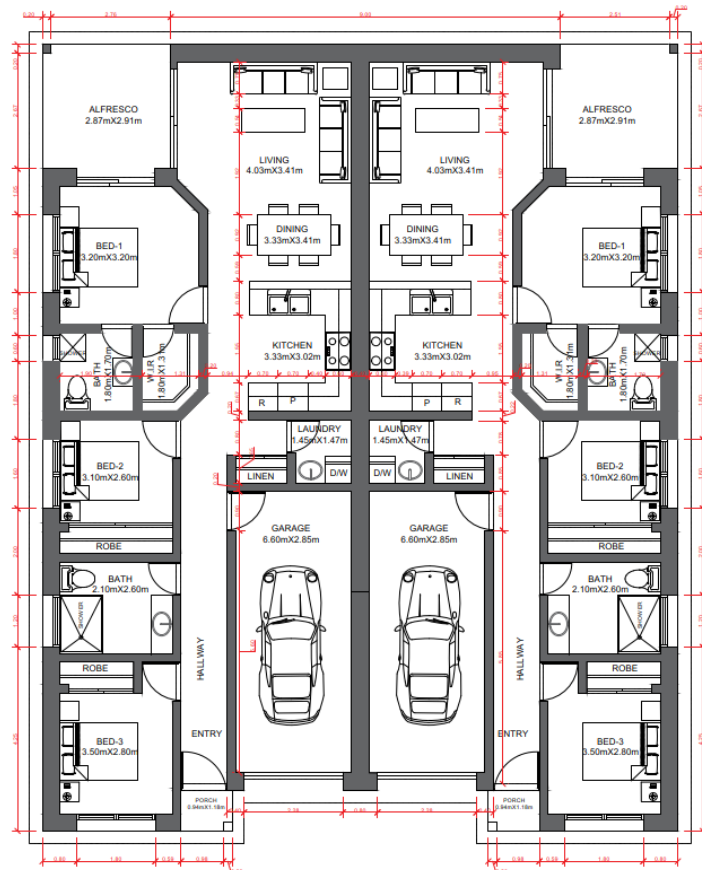
Rights to make Representations & Rights of Appeal

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

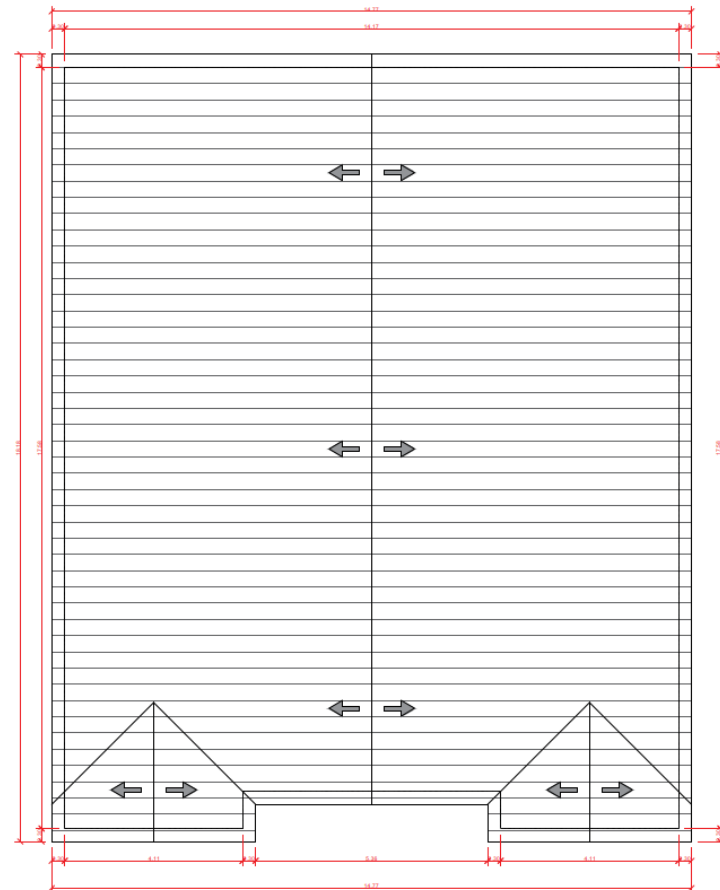
A copy of the relevant appeal provisions is attached.

Doc ID: 1224905





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ROOF PLAN
SCALE: 1:50

Rev.	Date	Submitted
0	16/06/22	Draft Not Prepared

PROJECT

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MOSSMAN RETIREMENT
VILLAGE
LOCATION:
MOSSMAN QLD
CLIENT:
COOLOOLA WATERS
HOLDINGS PTY LTD

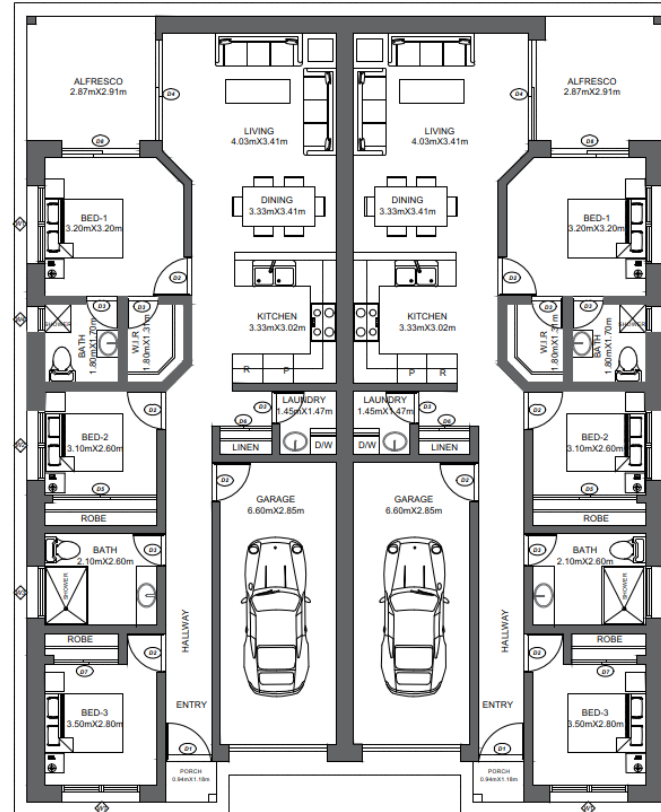
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DUPLEX FLOOR PLAN

Date: 04/07/22
Project No:
Drawn By:
Checked By:
Approved By:

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A01



MAIN FLOOR PLAN
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Rev.	Date	Submitted
0	16/06/22	Draft Not Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY-

**DOOR AND WINDOW SCHEDULE
FLOOR PLAN**

Date: 04/07/22

Project No:

Drawn By:

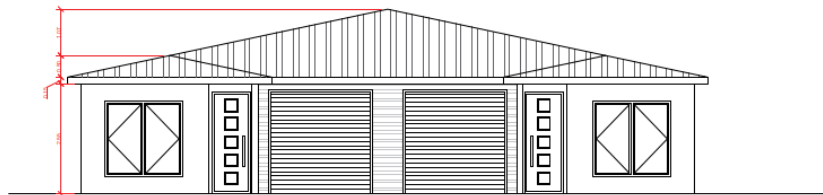
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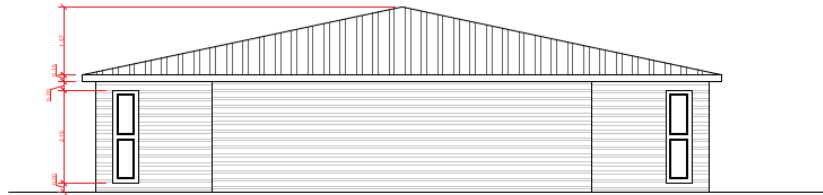
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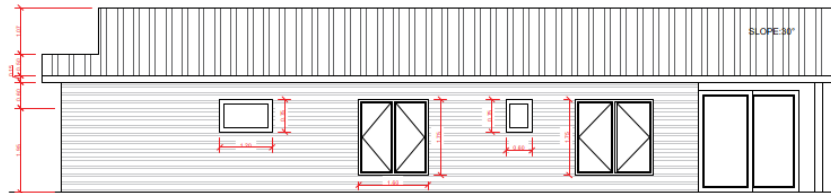
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CEILING LEVEL (2.55M)
GROUND LEVEL (0.0M)



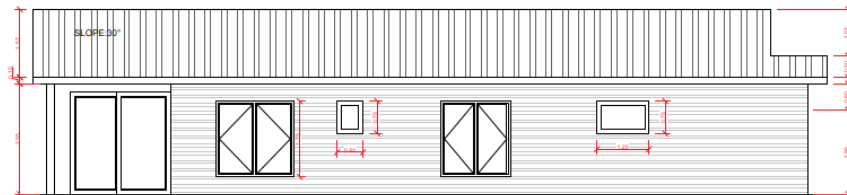
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CEILING LEVEL (2.55M)
GROUND LEVEL (0.0M)



RIGHT ELEVATION
SCALE: 1:50

UPPER LEVEL (4.27M)
CEILING LEVEL (2.55M)
GROUND LEVEL (0.0M)



LEFT ELEVATION
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UPPER LEVEL (4.27M)
CEILING LEVEL (2.55M)
GROUND LEVEL (0.0M)

Rev.	Date	Submitted
0	16/09/22	Drawn and Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT
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LOCATION :
MOSSMAN QLD
CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

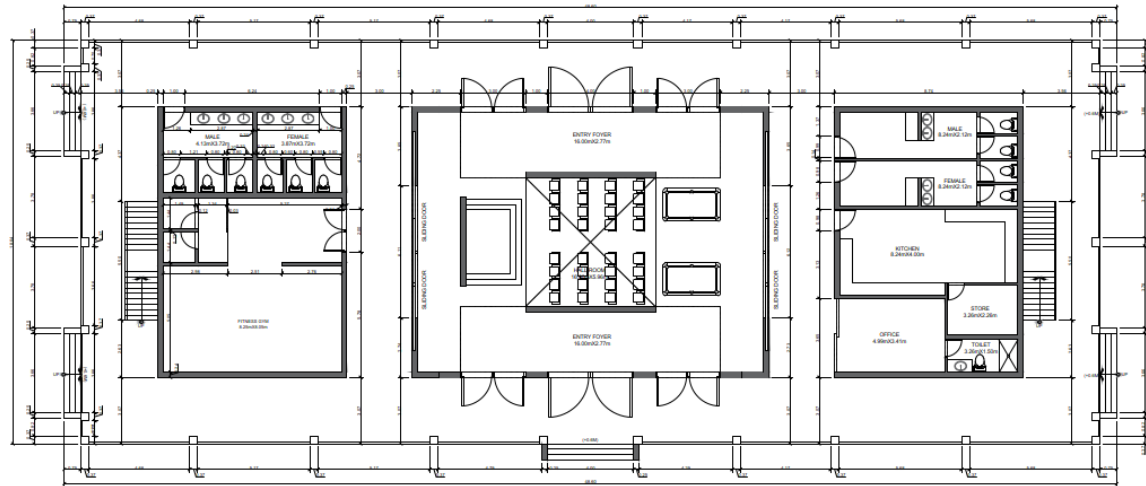
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ELEVATIONS

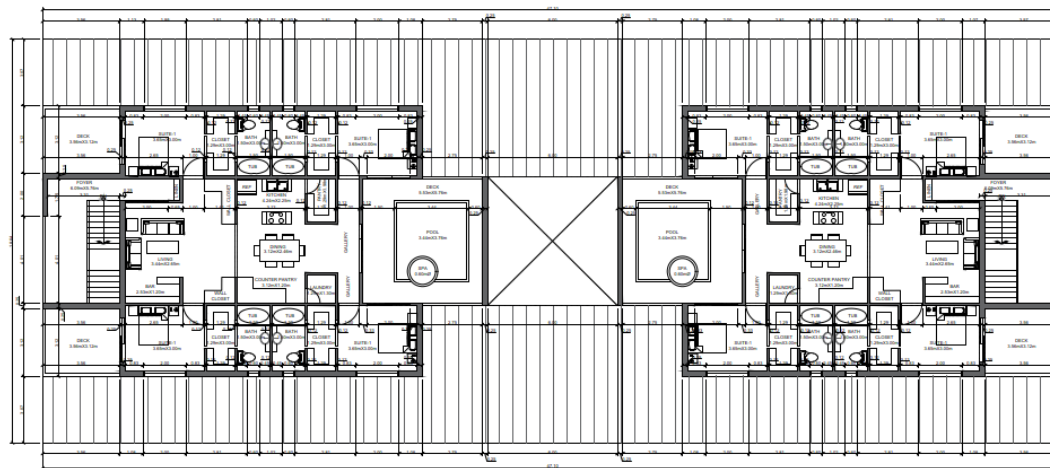
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A04



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UPPER FLOOR PLAN
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Rev.	Date	Submitted
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PROJECT

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MOSSMAN RETIREMENT
VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
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PREPARED BY-

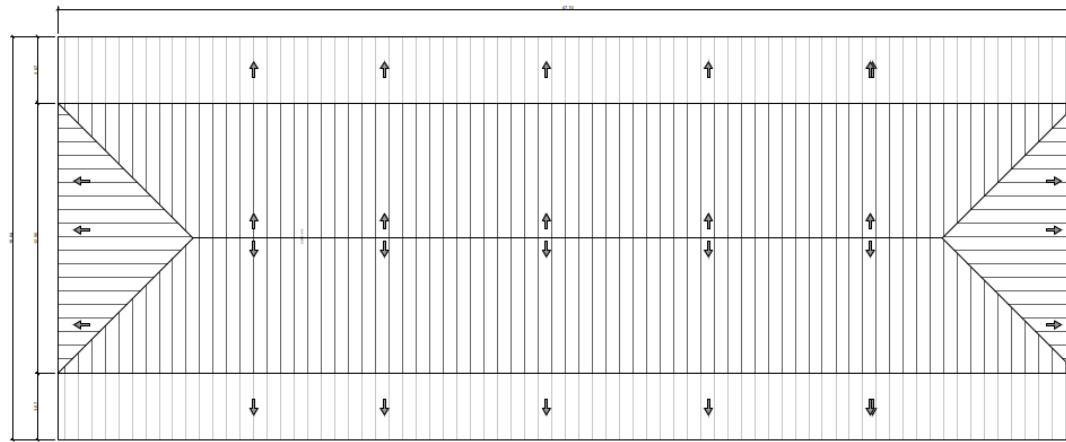
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CLUB HOUSE PLAN

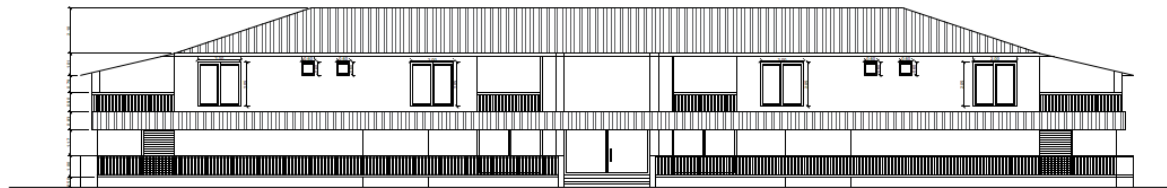
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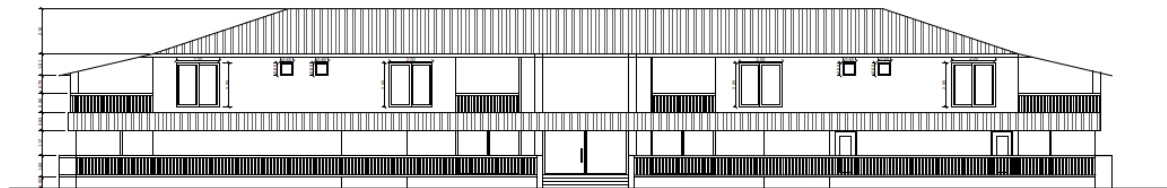
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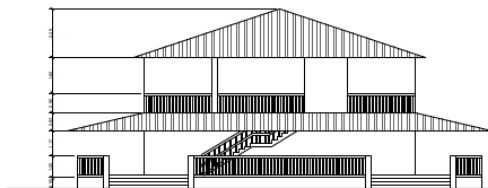
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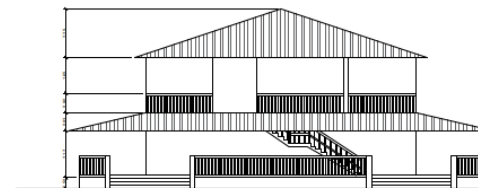
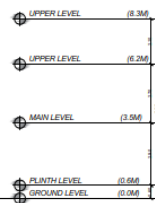
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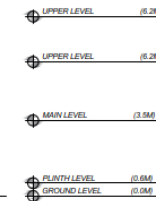
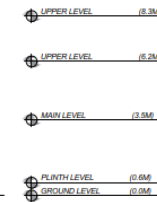
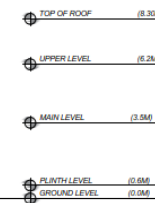
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LEFT ELEVATION
SCALE: 1:100



RIGHT ELEVATION
SCALE: 1:100



Rev.	Date	Submitted
0	10/02/22	Drawn and Prepared

PROJECT

NAME:
MOSSMAN RETIREMENT
VILLAGE
LOCATION :
MOSSMAN QLD
CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

PREPARED BY-

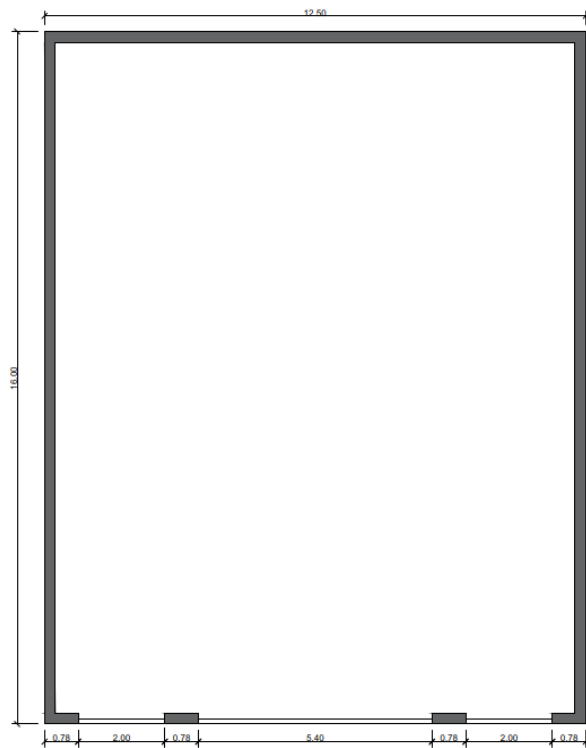
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CLUB HOUSE ELEVATION

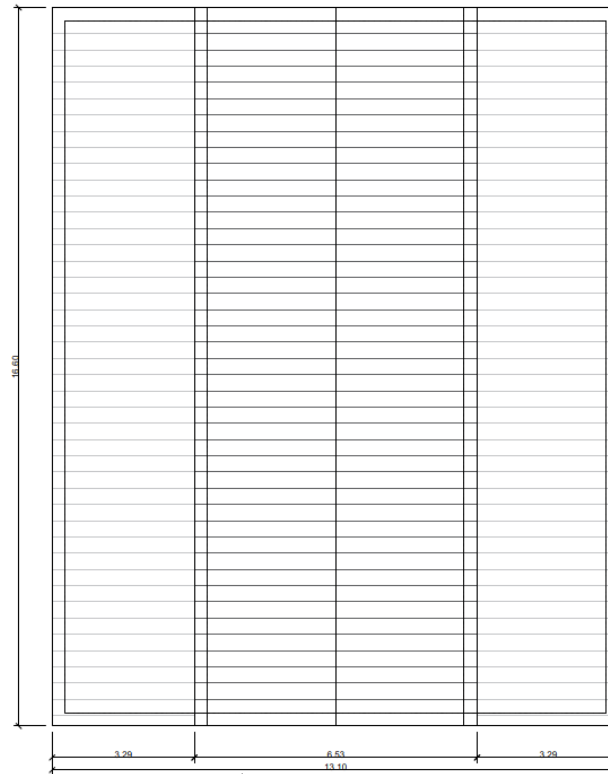
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Approved By:	

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Sheet No:

A07



HOBBY SHED FLOOR PLAN
SCALE: 1:50



HOBBY SHED ROOF PLAN
SCALE: 1:50

Rev.	Date	Submitted
0	16/06/22	Drawn and Prepared

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CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

PREPARED BY-

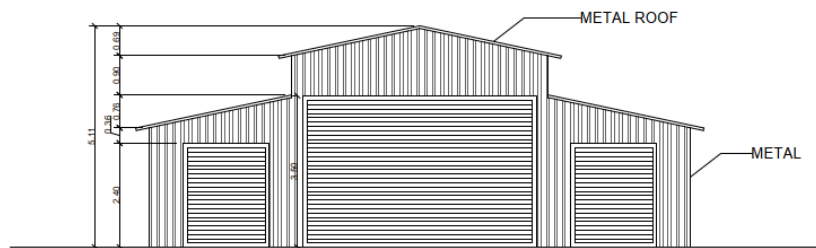
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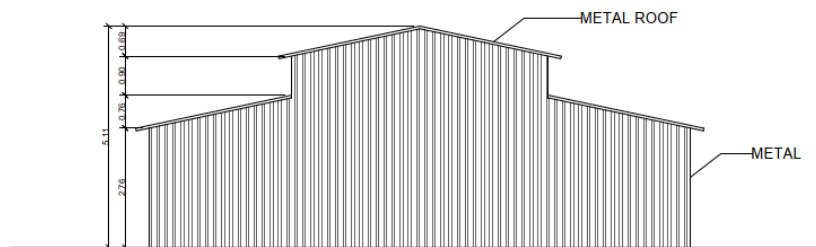
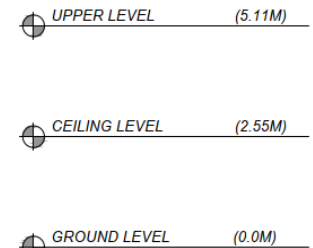
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Project No:	
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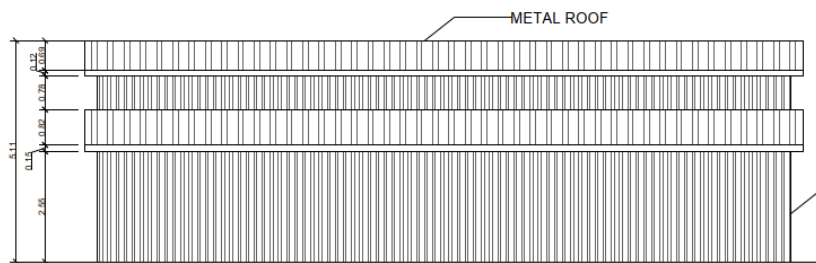
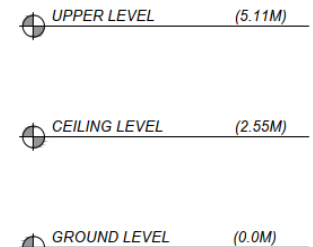
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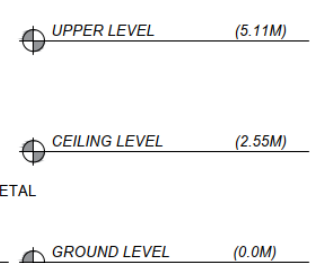
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Rev.	Date	Submitted
0	16/02/22	Drawn and Prepared

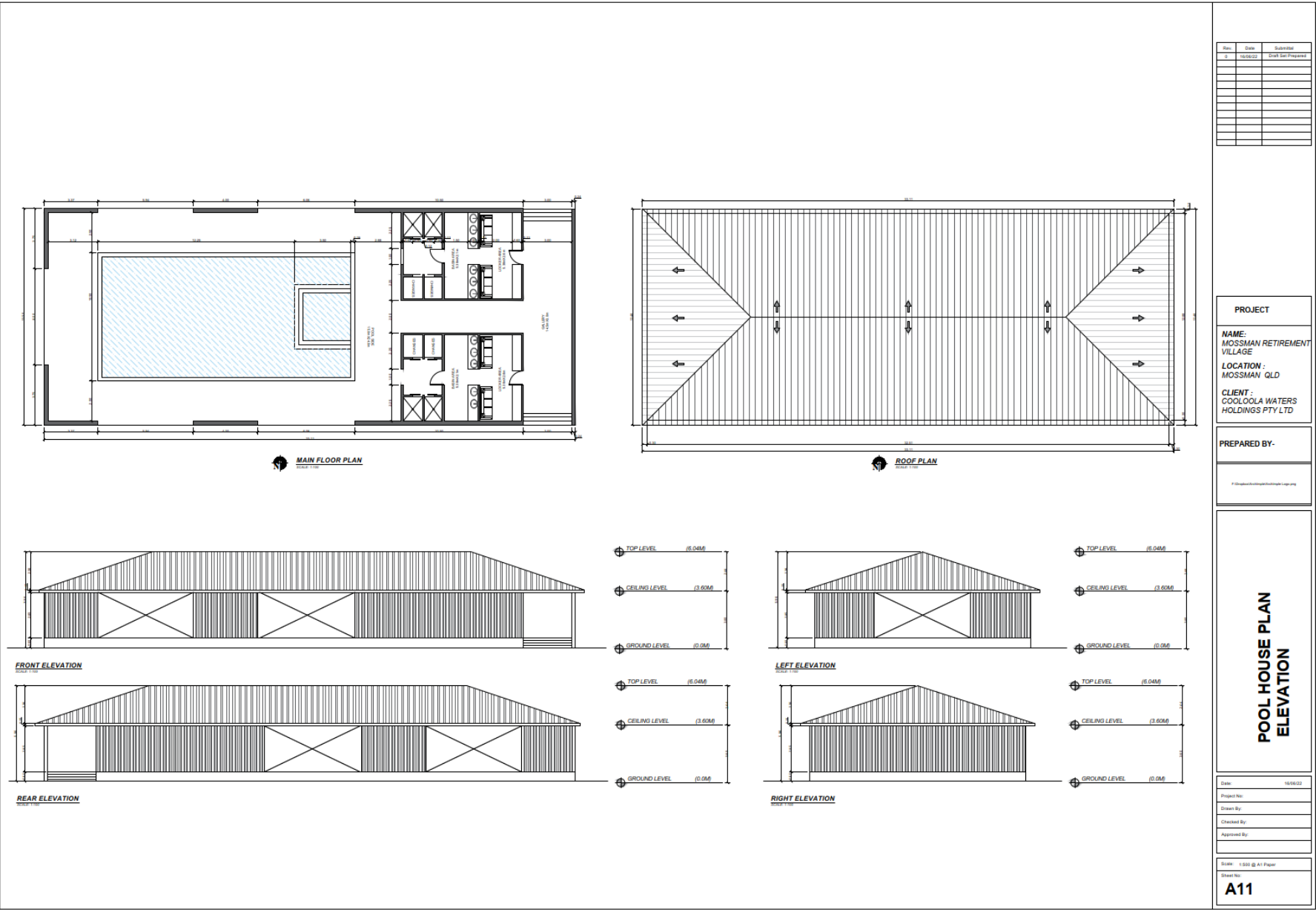
PROJECT
NAME: MOSSMAN RETIREMENT VILLAGE
LOCATION : MOSSMAN QLD
CLIENT : COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY -

HOBBOY SHED ELEVATION

Date:	16/02/22
Project No:	
Drawn By:	
Checked By:	
Approved By:	

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Sheet No:	
A10	



GROUNDCOVERS



Acalypha herzogiana
Dwarf Cat's Tail



Acmena smithii
'Allyn Magic'



Alpinia nutans
Dwarf Cardamom



Callistemon Little Silver
600 - 1000mm



Diets bicolor
Spanish Iris



Gardenia Glennie River
up to 200mm



Ixora chinensis Pygmy Pink



Lomandra hystrix
'Katie's Belles'



Lomandra hystrix 'Lucky Stripe'



Melaleuca Mini Quinni
up to 1000mm



Molineria recurvata
Weevil Plant



Murraya paniculata
Min-a-min



Pandanus amaryllifolius
Edible Pandan



Pittosporum tobira
'Miss Muffet'



Russelia equisetiformis
Lemon Falls



Tibouchina heteromalla
'Jules'

SHRUB PLANTING



Alpinia caerulea
Red Back Native Ginger



Breynea cernua 'Ironstone Range'



Calathea lutea
Havana Cigar



Callistemon Cameo Pink
up to 2000mm



Callistemon Slim
3000mm x 1200w



Callistemon Tangerine Dream
up to 1500mm



Croton insularis
up to 3000mm



Cyclanthus bipartitus
Split Leaf Cyclanthus



Cordyline fruticosa rubra



Ficus macrocarpa Green Island



Ixora cv 'White Malay'



Gardenia scabrella
up to 2000mm

MOSSMAN RETIREMENT VILLAGE

LANDSCAPE PLANT PALETTE
SCALE NA @ A3
L2314_LPP1_230907



SHRUB PLANTING



Licuala ramsayi
North Queensland Fan Palm



Melaleuca linarifolia
Claret Tops
up to 1000mm



Phyllanthus cuscutiflorus
Pink Phyllanthus



Prumnopitys ladei
Mt Spurgeon Pine



Rademachera 'Summerscent'



Syzygium aqueum
Water Apple



Syzygium australe Resilience



Syzygium wilsonii ssp *wilsonii*
Powder Puff Lilly Pilly



Wrightia antidysenterica
Arctic Snow



Xanthostemon verticillatus
Bloomfield Penda



Zamia furfuracea
Cardboard Cycad

TREES FOR STREET & PARKLAND



Acmena hemilampra
Blush Satinash



Archontophoenix alexandrae
Alexander Palm



Attractocarpus fitzalanii
Yellow Mangosteen



Barringtonia actangula
Indian Oak



Brachychiton acerifolius
Illawarra
Flame Tree



Coccoloba uvifera
Sea Grape



Cyrtostachys renda
Lipstick Palm



Cupaniopsis anacardioides
Tuckeroo



Hibiscus tiliaceus rubra



Maniltoa lenticelata
Silk Hankerchief Tree



Melicope rubra
Little Evodia



Plumeria pudica
Everlasting Love



Podocarpus grayae
Brown Pine



Polyalthia longifolia
pendula
Indian Mast Tree



Ptychosperma
macarthurii
Macarthur Palm



Syzygium australe Pbr 'Pinnacle'

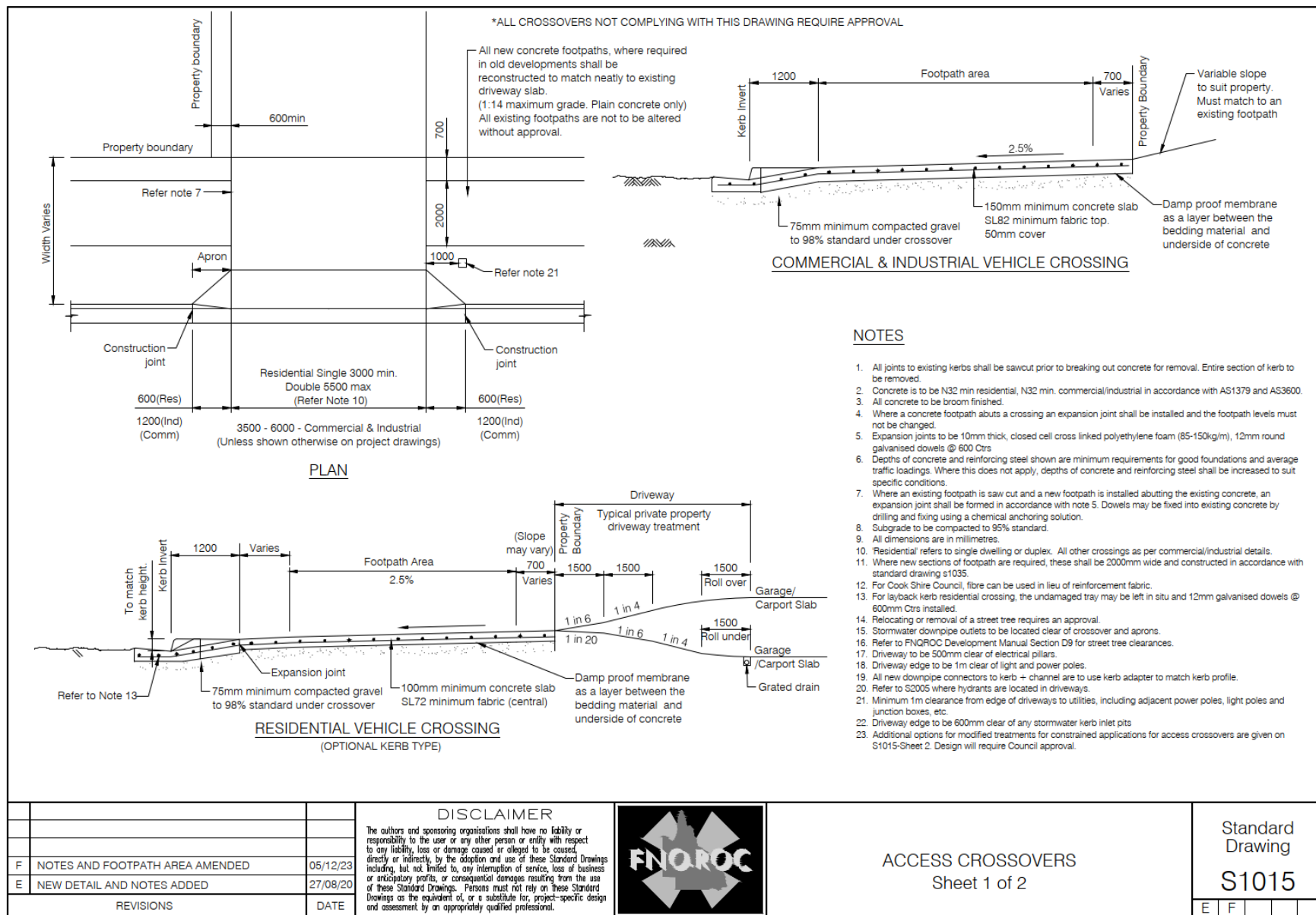


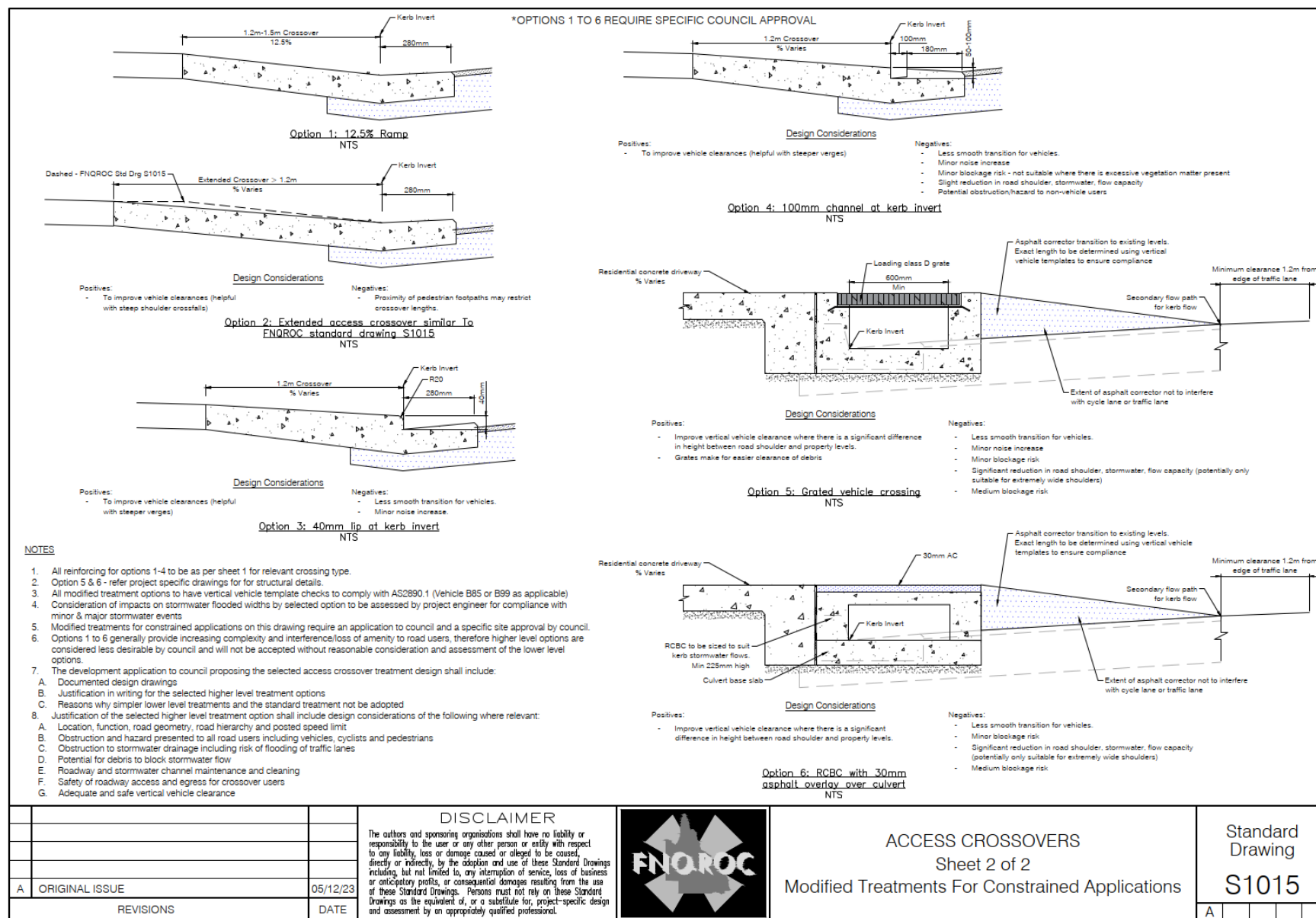
Xanthostemon chrysanthus
Golden Penda

MOSSMAN RETIREMENT VILLAGE

LANDSCAPE PLANT PALETTE
SCALE NA @ A3
L2314_LPP2_230907







RA6-N



SARA reference: 2402-38964 SRA
Council reference: MCUC 2023_5532/1
Applicant reference: AUO10594

15 April 2024

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

Attention: Neil Beck

Dear Sir/Madam

SARA referral agency response— Retirement Facility at 47 Johnston Road, Mossman Gorge (Lot 2 on SP295098)

(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 29 February 2024.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 April 2024
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 Retirement Facility
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 (Planning Regulation 2017) – Material change of use adjoining a Queensland	

heritage place

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017) – Material change of use impacting on state transport infrastructure thresholds

SARA reference: 2402-38964 SRA
 Assessment manager: Douglas Shire Council
 Street address: 47 Johnston Road, Mossman Gorge
 Real property description: Lot 2 on SP295098
 Applicant name: Cooloola Water Holdings Pty Ltd
 Applicant contact details: C/- RPS AAP Consulting Pty Ltd
 PO Box 1949
 Cairns QLD 4870
 Patrick.Clifton@rpsgroup.com.au

Human Rights Act 2019 considerations: Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision.
 This decision does not limit the above identified 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 Anthony Westbury, A/Senior Planning Officer, on 40373215 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
 Manager (Planning)

cc Cooloola Water Holdings Pty Ltd, Patrick.Clifton@rpsgroup.com.au
 enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response
 Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Material Change of Use		
Schedule 10, Part 8, Division 2, Subdivision 3, Table 2 – Development adjoining a Queensland heritage place (Planning Regulation 2017)—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment, Science and Innovation to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be carried out generally in accordance with the following plans:</p> <ul style="list-style-type: none"> • Mossman Retirement Village Site and Setback Plan, prepared by Neon Consulting, dated 16/11/2023, reference 021-2302-00-SK-0001, revision B. • Mossman Retirement Village Elevations, dated 16/06/22, Sheet No. A04, Rev. 0. • Mossman Retirement Village Clubhouse Elevation, dated 16/06/22, Sheet No. A07, Rev. 0, as amended in red by SARA. • Mossman Retirement Village Hobby Shed Elevation, dated 16/06/22, Sheet No. A04, Rev. 0. • Mossman Retirement Village Pool House Plan Elevation, dated 16/06/22, Sheet No. A11, Rev. 0, as amended in red by SARA. 	At all times.
2.	<p>Provide written notice of the commencement of the retirement facility to the Department of Environment, Science and Innovation at palm@des.qld.gov.au.</p>	Within 10 business days of the commencement of the material change of use.

Attachment 2—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) v3.0. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 6: Protection of state transport networks and State code 14: Queensland heritage, as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of the state-controlled road network.
- Increased traffic generation from the proposed development can be adequately accommodated at the Captain Cook Highway / Johnston Road T- intersection and/or filtered via Owen Street via the local road network.
- The proposed development has minimised adverse impacts on the cultural heritage significance (spectacular mountain backdrop) of the Mossman District Hospital (Queensland heritage register no. 602713).

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

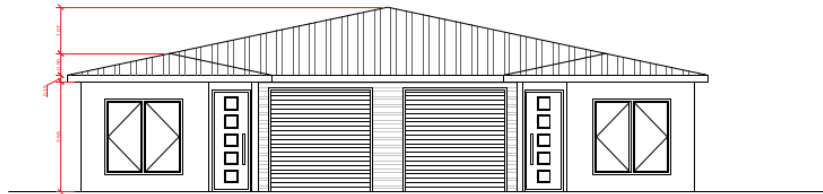
Attachment 4—Representations about a referral agency response

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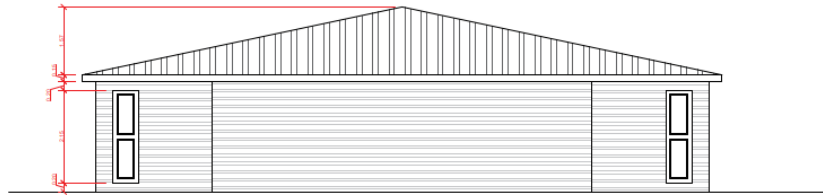
Attachment 5—Documents referenced in conditions

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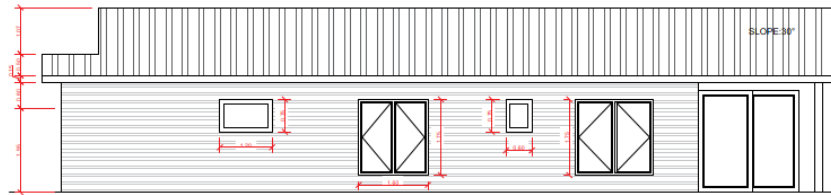




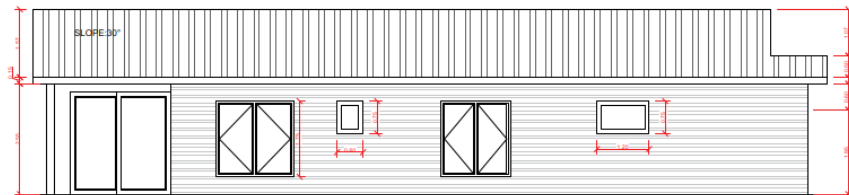
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BACK ELEVATION
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SCALE: 1:50



LEFT ELEVATION
SCALE: 1:50

UPPER LEVEL (4.27M)

CEILING LEVEL (2.55M)

GROUND LEVEL (0.0M)

UPPER LEVEL (4.27M)

CEILING LEVEL (2.55M)

GROUND LEVEL (0.0M)

UPPER LEVEL (4.27M)

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UPPER LEVEL (4.27M)

CEILING LEVEL (2.55M)

GROUND LEVEL (0.0M)

Rev.	Date	Submitted
0	16/06/22	Drawn and Prepared

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2402-38964 SRA

Date: 15 April 2024

PROJECT

NAME:
MOSSMAN RETIREMENT
VILLAGE
LOCATION :
MOSSMAN QLD
CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

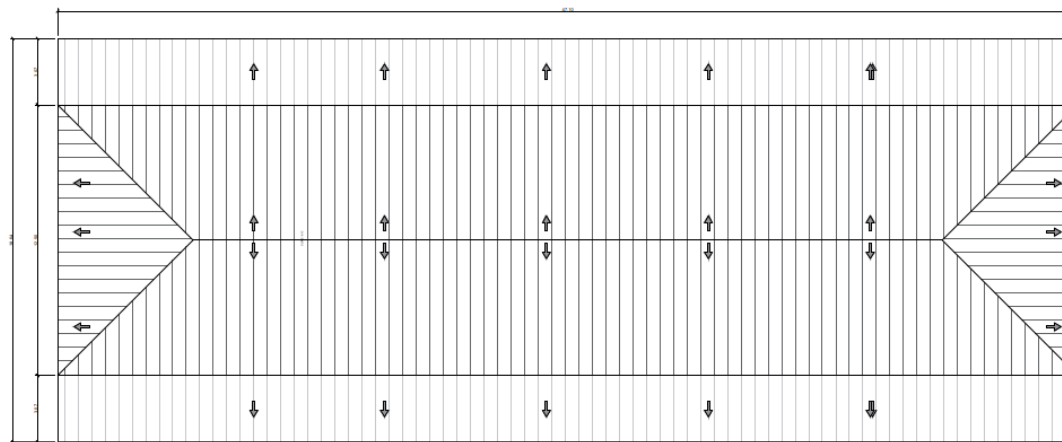
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ELEVATIONS

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Drawn By:
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A04



PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



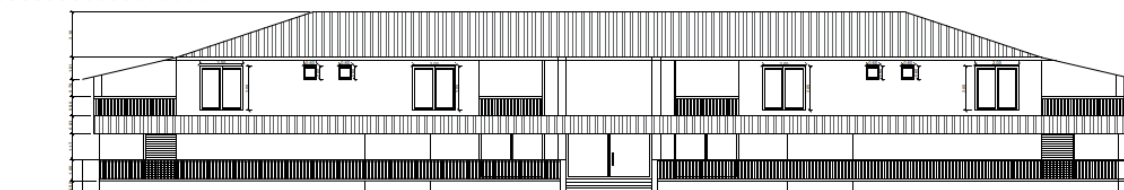
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Date: 15 April 2024

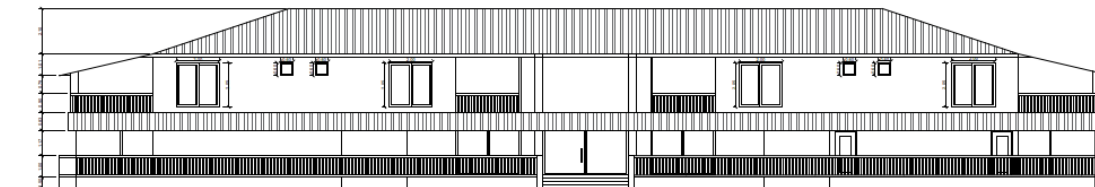
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15 April 2024

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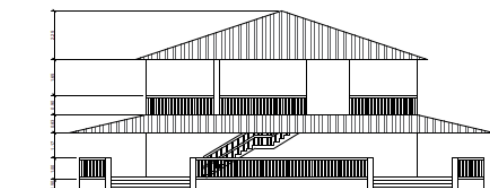
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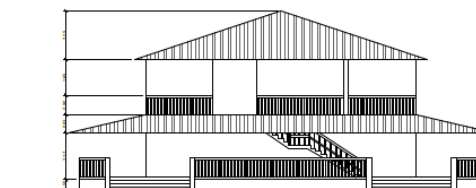
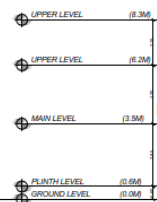
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BACK ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

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UPPER LEVEL (6.25)

MAIN LEVEL (3.50)

PLINTH LEVEL (0.65)

GROUND LEVEL (0.00)

UPPER LEVEL (6.2M)
UPPER LEVEL (6.2M)
MAIN LEVEL (3.5M)
PLINTH LEVEL (0.6M)
GROUND LEVEL (0.0M)

TOP OF ROOF	(8.30M)
UPPER LEVEL	(6.2M)
MAIN LEVEL	(3.5M)
PLINTH LEVEL	(0.6M)
GROUND LEVEL	(0.0M)

PROJECT

NAME:
MOSSMAN RETIREMENT
VILLAGE

LOCATION :
MOSSMAN QLD

CLIENT :
COOLOOLA WATERS
HOLDINGS PTY LTD

PREPARED BY-

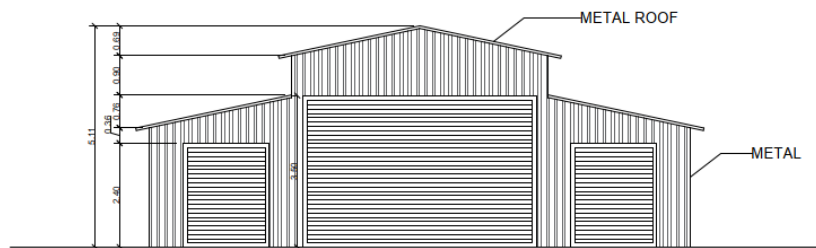
[Full Download Archangel Archangel Lyrics pdf](#)

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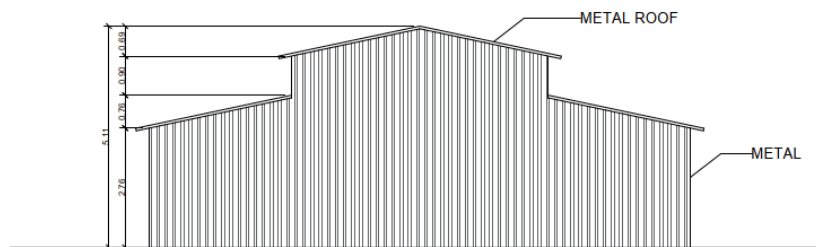
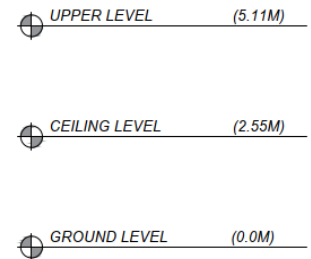
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Project No:	
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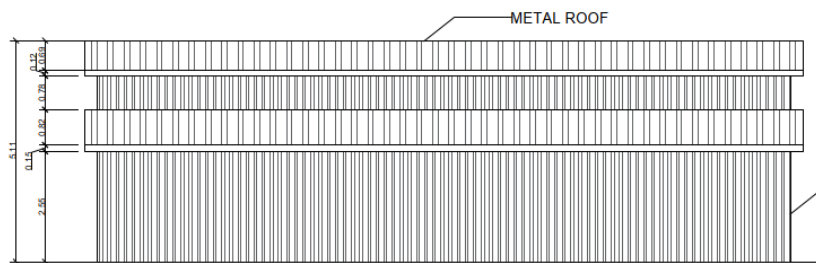
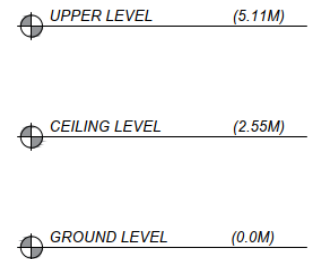
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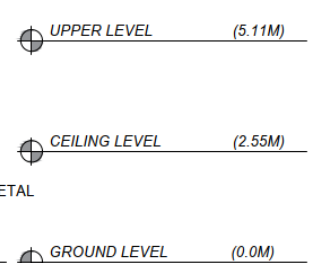
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Rev.	Date	Submitted
0	16/06/22	Drawn and Prepared

**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: 2402-38964 SRA

Date: 15 April 2024

PROJECT
NAME: MOSSMAN RETIREMENT VILLAGE
LOCATION : MOSSMAN QLD
CLIENT : COOLOOLA WATERS HOLDINGS PTY LTD

PREPARED BY -

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HOBBY SHED ELEVATION

Date: 16/06/22
Project No:
Drawn By:
Checked By:
Approved By:

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A10

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE

Q

Queensland
GOVERNMENT

SARA ref:

2402-38964 SRA

Date:

15 April 2024

Amended in red by SARA on
15 April 2024

Rev.	Date	Submitted
0	16/06/22	Drawn and Prepared

PROJECT

NAME:

MOSSMAN RETIREMENT
VILLAGE

LOCATION :

MOSSMAN QLD

CLIENT :

COOLOOLA WATERS
HOLDINGS PTY LTD

PREPARED BY-

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POOL HOUSE PLAN
ELEVATION

Date:

16/06/22

Project No:

Drawn By:

Checked By:

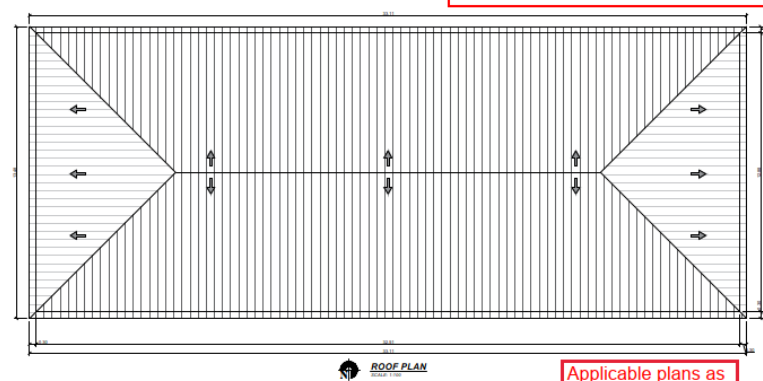
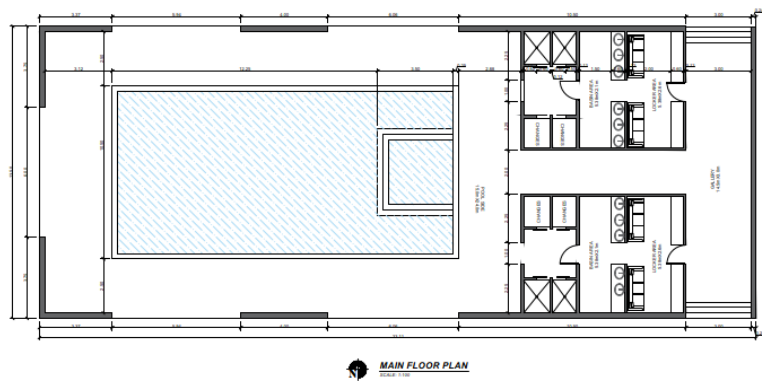
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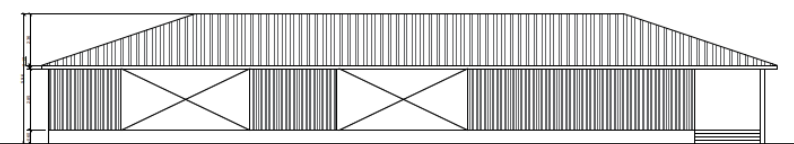
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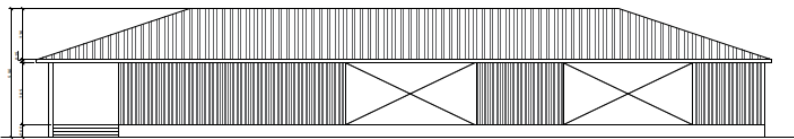
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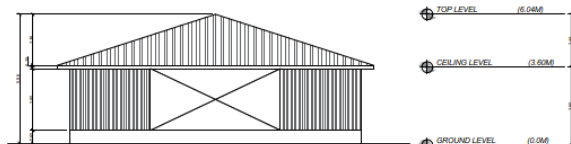
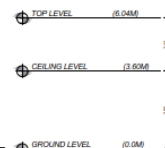
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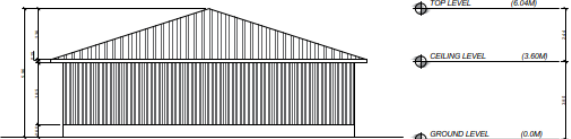
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LEFT ELEVATION



RIGHT ELEVATION

Reasons for Decision

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. to ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. 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 24 January 2024 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 Community Facilities 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.

Planning Act 2016
Chapter 3 Development assessment

[s 74]

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—
 - (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), 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.
- (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.

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.

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

78A Responsible entity for change applications

- (1) The *responsible entity* for a change application is—

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

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

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- (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.

2 May 2024

Enquiries: Neil Beck
Our Ref: MCUC 2023_5532 (Doc ID1224905)
Your Ref: AU010594

Cooloola Waters Holdings Pty Ltd
C/- RPS Australia Asia Pacific
PO Box 1949
CAIRNS QLD 4870

Email: Patrick.clifton@rpsgroup.com.au

Attention Mr Patrick Clifton

Dear Sir

**Adopted Infrastructure Charge Notice
Development Application for Material Change of Use for a Retirement Facility
At 47 Johnston Road Mossman Gorge
On Land Described as Lot 2 on SP295098**

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_5532 in all subsequent correspondence relating to this matter.

Should you require any clarification regarding this, please contact Neil Beck 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

Cooloola Waters Holdings Pty Ltd		N/A	0
DEVELOPERS NAME		ESTATE NAME	STAGE
47 Johnston Road	Mossman	Lot 2 on SP295098	158114
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
MCU - Retirement Village		MCUC 5532/2023	6
DEVELOPMENT TYPE		COUNCIL FILE NO.	VALIDITY PERIOD (year)
1221728	1	Payment before commencement of use for MCU; and Prior to signing and sealing of survey form for ROL	
DSC Reference Doc. No.	VERSION No.		

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

	Charge per Use	\$ Rate	Floor area/No.	Amount	Amount Paid	Receipt Code & GL Code
Proposed Demand						
Accommodation_long-term Retirement_facility	\$_per_3_or_more_bedroom_dwelling	10,000.00	59	\$590,000.00		
Charges capped at \$10,000 / unit. Charge subject to indexation - Council Resolution 27 September 2022						
Total Demand				\$590,000.00		
Credit						
Existing land use						
=Charges!B23 Dwelling_house	\$_per_3_or_more_bedroom_dwelling	26479.47	1	\$26,479.47		Prior arrangement for online payment via invoicing - see below.
Total Credit				\$26,479.47		Code 895 GL GL7500.135.825

Required Payment or Credit **TOTAL \$563,520.53**

Prepared by	Neil Beck	12-Apr-24	Amount Paid	
Checked by	Dan Lamond	12-Apr-24	Date Paid	
Date Payable	MCU - prior to the commencement of use		Receipt No.	
Amendments		Date	Cashier	

Note:

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

Charge rates under the Policy are subject to indexing.
Any Infrastructure Agreement for trunk works must be determined and agreed to prior to issue of Development Permit for Operational Work.

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

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

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

- (d) if the charge applies for other development—on the day stated in the infrastructure charges notice under which the charge is levied.
- (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;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.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the 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 appeal period restarts on the day after the day the local government receives the notice of withdrawal.

Note—

See also section 125(7) and (8) in relation to other circumstances affecting the appeal period.

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

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

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
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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
 - (iii) who is a co-respondent in an appeal of the matter; and
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- (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
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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
 - (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—
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- (4) In this section—
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.