

ORDINARY MEETING  24 MARCH 2015	5.3
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REQUEST FOR NEGOTIATED NOTICE FOR INFRASTRUCTURE CHARGES ASSOCIATED WITH A DEVELOPMENT PERMIT FOR OPERATIONAL WORKS - PRESCRIBED TIDAL WORKS – REEF MARINA, WHARF STREET, PORT DOUGLAS

**Neil Beck: MCUC 449/2014: (450439)**

<u>PROPOSAL:</u>	REQUEST TO NEGOTIATE INFRASTRUCTURE CHARGES
<u>APPLICANT:</u>	REEF MARINA PTY LTD C/- PLANZ TOWN PLANNING 17 ATHERTON STREET WHITFIELD QLD 4870
<u>LOCATION OF SITE:</u>	WHARF STREET, PORT DOUGLAS
<u>PROPERTY:</u>	LOT 146 ON SP861
<u>LOCALITY:</u>	PORT DOUGLAS AND ENVIRONS
<u>PLANNING AREA:</u>	PORT DOUGLAS WATERFRONT – NORTH
<u>PLANNING SCHEME:</u>	DOUGLAS SHIRE PLANNING SCHEME 2008
<u>REFERRAL AGENCIES:</u>	DEPARTMENT OF ENVIRONMENT & HERITAGE PROTECTION DEPARTMENT OF TRANSPORT & MAIN ROADS DEPARTMENT OF STATE DEVELOPMENT, INFRASTRUCTURE & PLANNING
<u>NUMBER OF SUBMITTERS:</u>	NOT APPLICABLE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	NOT APPLICABLE
<u>APPLICATION DATE:</u>	30 SEPTEMBER 2014
<u>APPENDIX:</u>	1. APPROVED LAYOUT PLAN & PREVIOUSLY ISSUED CHARGES NOTICE
INFRASTRUCTURE	2. AMENDED INFRASTRUCTURE CHARGES NOTICE
	3. APPLICANT REPRESENTATIONS



The Development Permit provided for the construction of an additional 37 marina berths. Due to the increase in demand placed on Council's reticulated water supply and sewer network as a consequence of the approval, infrastructure charges were levied against the development. The Infrastructure Charges Notice is also attached at Appendix 1. A rate of 0.2 of an equivalent residential allotment (ERA) per additional berth was levied against the development which equates to \$85,063.82.

The Applicant has sought to negotiate the amount of infrastructure charges and provided supporting material to Council to assist in determining the request. The submission is attached at Appendix 3.

Having regard to the additional material provided and applying a reasonable and relevant test to the request, it is recommended that Council reduce the infrastructure charges and issue an amended Infrastructure Charges Notice as detailed in Appendix 2.

## **DISCUSSION**

At the time of deciding the application, limited information was available regarding the additional demand that such an expansion would have on Council's water supply and sewer network. There is no dispute between Council and the Applicant that such an expansion does place additional demand on Council's system and therefore it is matter of calculating an appropriate monetary contribution which is fair and reasonable.

Both Council's Infrastructure Charges Policy and the State Planning Regulatory Provision (adopted charges) 2012 (SPRP) provide limited guidance on what constitutes an appropriate infrastructure charge for this particular form of development. The SPRP identifies the expansion as "Other Uses" and leaves it to the discretion of Council to apply an appropriate charge at the time of assessing the application.

In determining an appropriate amount, it was noted that Council's Infrastructure Charges Policy nominates a 1 bedroom unit and a 1 bedroom retirement facility as having a demand of 0.4 ERA per unit and a 1 bedroom motel unit attracts a rate of 0.35 ERA. These forms of accommodation types are the lowest demand generators listed in the policy. It was therefore considered reasonable to halve these values again and attribute 0.2 ERA and apply to each additional berth. This in turn equates to 7.4 ERA's for the expansion and therefore \$85,063.82.

Having regard to the representations provided by the Applicant (attached at Appendix 3) with particular reference to:-

- (i) the mix / type of vessels being accommodated (limited live aboard availability);
- (ii) the supporting letter from International Marina Consultants comparing like facilities elsewhere; and
- (iii) the recently upgraded toilet and shower facilities dedicated for Marina berth holders.

sufficient grounds exist to support a reduction in the estimated demand generated by the proposal from 0.2 ERA to 0.1 ERA per additional berth. This has reduced the infrastructure charges from \$85,063.82 to \$41,541.87.

An amended Infrastructure Charges Notice has been prepared and contained at Appendix 2.

## **COUNCIL'S ROLE**

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the Assessment Manager for the application.



## APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

GENERAL NOTES :		14.0 CONCRETE		15.0 WALKING SURFACES SHALL BE FINISHED IN ACCORDANCE WITH AS4586		16.0 INSULATION		17.0 DESIGN PARAMETERS		18.0 THE PROPOSED PONTON COMPLIES WITH THE GUIDELINES IN AS3962-2001 "GUIDELINES FOR DESIGN OF MARINAS"		19.0 THE WORKS WILL BE STRUCTURALLY ADEQUATE FOR ANTICIPATED USAGE		20.0 THE WORKS COMPLY WITH ALL RELEVANT CODES - INCLUDING THE DEHP'S OPERATIONAL POLICY, BUILDING AND ENGINEERING STANDARDS FOR TIDAL WORKS	
10 ALL DIMENSIONS AND LEVELS ARE TO BE VERIFIED ON SITE		- ALL CONCRETE WORKS SHALL BE IN ACCORDANCE WITH AS 3600				BOLTED MATERIAL		INSULATING MATERIAL							
20 WHEN IN DOUBT, ASK, DO NOT SCALE		- MINIMUM CONCRETE STRENGTH f <sub>c</sub> = 50MPa				ALUMINIUM / GALV STEEL		DURALAC ANTI CORROSION COMPOUND OR NYLON SEPARATION WASHERS							
30 ALL DIMENSIONS ARE SHOWN IN MILLIMETRES UNDO		- ALL STEEL REINFORCEMENT TO BE HOT DIP GALVANIZED				ALUMINIUM / CONCRETE		3mm NEOPRENE							
40 ALL LEVELS ARE SHOWN IN METRES AND ARE REDUCED TO LOWEST ASTRONOMICAL TIDE (LAT) (AND IS +1584 ABOVE LAT)						STEEL / CONCRETE		3mm NEOPRENE							
50 PILES															
- TOLERANCE FOR DRIVING IN PLAN +/- 50 mm, MEASURED AS THE WORST COMBINATION OF PLAN DEVIATION AND OUT OF PLUMB OVER FULL TIDAL RANGE. VERTICAL + 1 IN 150 MAX OUT OF PLUMB															
- CONTRACTOR TO ADVISE ENGINEER IF BED LEVEL DIFFERS FROM DESIGN LEVEL BY MORE THAN 300mm															
60 PONTON DIMENSIONS ARE NOMINAL															
- DIMENSIONS ARE MEASURED TIMBER TO TIMBER															
70 PONTONS ARE TO BE CONNECTED TOGETHER WITH TIMBER WALERS															
80 ALL THRU-RODS ARE TO BE M20 NOMINAL ROLL THREADED ROD (GALV) EX 185mm DIA. SPACING TO VARY WITH LOCATION															
90 ALL TIMBER DESIGN AND CONSTRUCTION TO BE IN ACCORDANCE WITH AS 1720.1															
WALER SIZES															
ARM A															
WALKWAY															
- 2/75 x 300 GRADE F17 HARDWOOD PLUS 40 x 300 F8 SOFTWOOD COVERBOARD															
FINGERS FOR 25m TO 30m BOAT															
- 2/75 x 200 GRADE F17 HARDWOOD PLUS 40 x 300 F8 SOFTWOOD COVERBOARD															
FINGERS FOR 22m BOAT															
- 2/50 x 200 GRADE F17 HARDWOOD															
ARM B															
WALKWAY															
- 2/50 x 200 GRADE F17 HARDWOOD PLUS 40 x 300 F8 SOFTWOOD COVERBOARD															
FINGERS															
- 2/50 x 200 GRADE F17 HARDWOOD															
UTILITY BERTHS															
- 2/50 x 200 GRADE F17 HARDWOOD PLUS 40 x 300 F8 SOFTWOOD COVERBOARD															
- ALL TIMBER TO BE SEASONED AND TREATED IN ACCORDANCE WITH AS 1604															
- STRUCTURAL TIMBER MUST NOT BE CUT OR DRILLED FOR ANY REASON OTHER THAN SHOWN ON THESE DRAWINGS															
100 ALL WELDS TO BE COMPLETE PENETRATION BUTT WELD OR 6mm FILLET WELD AS REQUIRED UNDO															
110 ALL ALUMINIUM WORK TO BE IN ACCORDANCE WITH AS 1664															
- ALL EXTRUSIONS TO BE TYPE 6061-T6 OR 6082-T5 UNDO															
- PLATES TO BE TYPE 5083 TENSILE H221															
- ALL WELDS SHALL BE INERT GAS WELD USING PULSE MIG OR TIG FUSION WELDING PROCESS															
- ALL WORK SHALL BE NEATLY FINISHED WITH ALL SHARP EDGES GRIND SMOOTH															
- ALL WELDS TO BE COMPLETE PENETRATION BUTT WELD															
120 ALL STEEL AND ALUMINIUM WORK SHALL BE NEATLY FINISHED WITH ALL SHARP EDGES GRIND SMOOTH															
130 PILE GUIDE BLOCKS ARE TO BE ADJUSTED AS REQUIRED TO SUIT PILE SIZE AND POSITION ON SITE															
- CLEARANCE MUST BE PROVIDED BETWEEN PILE AND GUIDE TO PREVENT "HANGING" OF PONTON UNDER FULL TIDAL RANGE															

**14.0 CONCRETE**

- ALL CONCRETE WORKS SHALL BE IN ACCORDANCE WITH AS 3600
- MINIMUM CONCRETE STRENGTH f<sub>c</sub> = 50MPa
- ALL STEEL REINFORCEMENT TO BE HOT DIP GALVANIZED

**15.0 WALKING SURFACES SHALL BE FINISHED IN ACCORDANCE WITH AS4586**

**16.0 INSULATION**

BOLTED MATERIAL	INSULATING MATERIAL
ALUMINIUM / GALV STEEL	DURALAC ANTI CORROSION COMPOUND OR NYLON SEPARATION WASHERS
ALUMINIUM / CONCRETE	3mm NEOPRENE
STEEL / CONCRETE	3mm NEOPRENE

**17.0 DESIGN PARAMETERS**

**WIND**

- BASIC WIND SPEED V<sub>b</sub> = 69.3m/s
- TERRAIN CATEGORY TC2
- GUST DURATION = 30sec

**WAVE**

- WIND GENERATED WAVE H<sub>s</sub> = 0.75m T = 2.1/s (FOR OUTER ARM) H<sub>s</sub> = 0.3m T = 2.1/s (FOR INNER ARM)
- BOAT WAKE H<sub>max</sub> = 0.6m

**BERTHING IMPACT**


- APPROACHING VELOCITY v = 0.3m/s L<sub>DA</sub> ≤ 25m v = 0.2m/s L<sub>DA</sub> > 25m

**LIVE LOAD ON PONTONS**

- MAX. UNIFORMLY DISTRIBUTED LOAD 3 kPa
- FREEBOARD UNDER DEAD LOAD NEW ARM A 600 x 25mm NEW ARM B & FISHERMEN BERTHS 400 x 25mm

**DESIGN VESSELS (MAX)**

VESSEL LENGTH (m)	WIND PROFILE AREA (m <sup>2</sup> )		DISPLACEMENT (t)
	BEAM	HEAD	
17	57.7	20.7	19.5
20	76.0	24.0	30.0
22	89.6	26.4	40.0
25	95.0	30.0	55.0
26	100.0	33.0	60.0
27	105.0	36.0	65.0
28	110.0	39.0	70.0
29	115.0	42.0	75.0
30	120.0	45.0	80.0
60	326.0	100.0	600.0



**LOCALITY PLAN**  
SCALE: 1:15

**LOT 146 SR861 IS221802**  
PARISH : SALISBURY  
COUNTY : SOLANDER  
TOWN : PORT DOUGLAS  
LOCAL GOVERNMENT : CAIRNS REGIONAL

**FOR APPROVAL**

**J. M. LEMAN**  
REGISTERED PROFESSIONAL ENGINEER  
OF QUEENSLAND NUMBER : 2938

**Revisions**

B 9/09/14 DESIGN VESSEL TABLE UPDATED  
A 12/08/14 NOTE Nos. 9 & 17 UPDATED

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**International Marina Consultants**  
Consultants to the Marina Industry.  
International Marina Consultants Pty. Ltd.  
A.C.N. 079 905 481  
473 Annerley Road  
Annerley QLD 4103  
Australia  
Phone: (07)3892 5711 Fax: (07)3892 5611  
Email: inc@imc-marinas.com

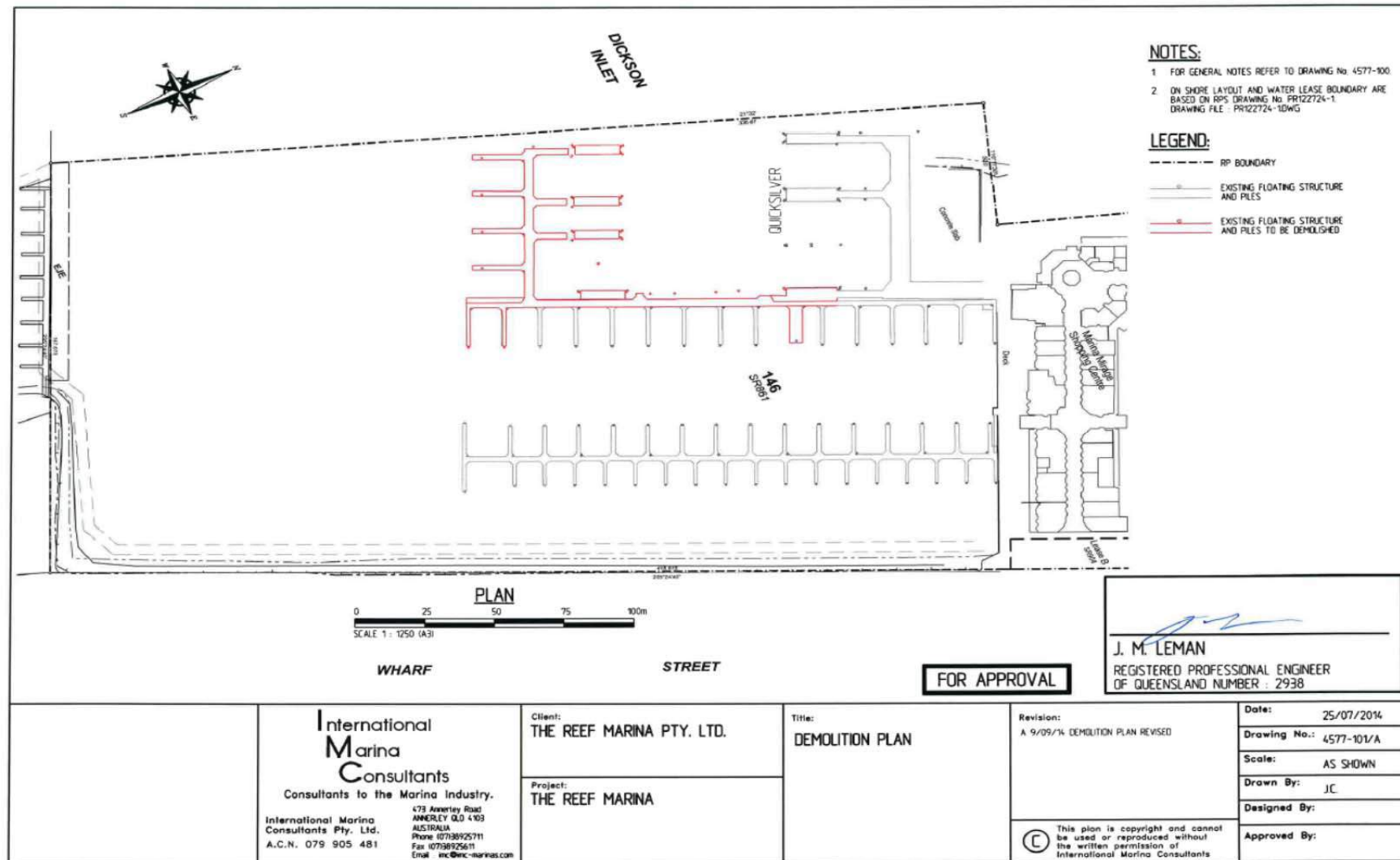
**CLIENT:**  
**THE REEF MARINA PTY. LTD.**

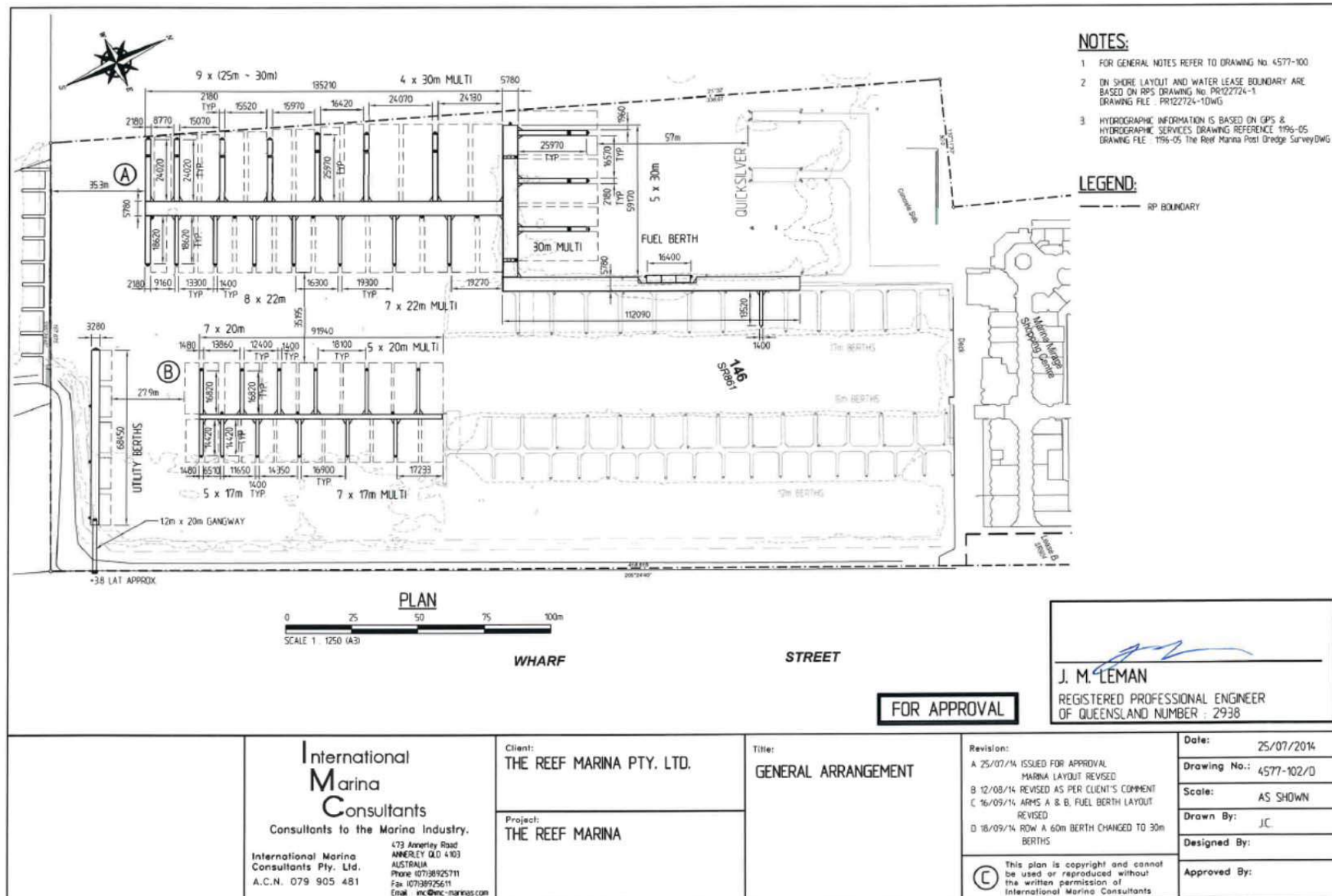
**PROJECT:**  
**THE REEF MARINA**

**TITLE:**  
**GENERAL NOTES & LOCALITY PLAN**

**Date:** 29/07/2014  
**Drawing No.:** 4577-100/B  
**Scale:** NIL  
**Drawn By:** JC **Designed By:**  
**Approved By:**

**Ordinary Meeting 24 March 2015**







<b>DOUGLAS</b> SHIRE COUNCIL		<b>2006 &amp; 2008 Douglas Shire Planning Schemes Applications</b>	
<b>INFRASTRUCTURE CHARGES NOTICE</b>			
The Reef Marina Pty Ltd		N/A	
DEVELOPERS NAME		ESTATE NAME	
0	Port Douglas	Lot 146 SR861	STAGE 2614
STREET No. & NAME		SUBURB	
MCU	MCUC 449/2014	LOT & RP No.s	PARCEL No.
DEVELOPMENT TYPE		COUNCIL FILE NO.	
435525	1	R&B INDEX QUARTER ENDING This logsheet is indexed appropriately only for payments made within the quarter noted above.	
DSC Reference Doc. No.		VERSION No.	
	DIST	\$ / EDC	NET EDC
WATER	Existing	11 6,704.00 X	7.40 0.00
	Proposed	11 663.04 X	7.40 0.00
Port Douglas		Water sub - total	
		\$54,516.11	
SEWERAGE	Existing	2 3,590.59 X	7.40 0.00
	Proposed	2 537.47 X	7.40 0.00
Pt D Town Area		Sewerage sub - total	
		\$30,547.70	
OPEN SPACE	DSC Area	\$0.00	
Off-site Car Parking	0.00	\$0.00	
<b>TOTAL</b>		<b>\$85,063.82</b>	
Prepared by	Nell Beek	on	Amount Paid
Checked by		on	Date Paid
Date Payable			
Amendments		Date	Cashier

Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009 (SPA)*.

Charge rates are subject to index adjustments (QLD Road & Bridge Index, ABS data as per SPA). The total charge amount indicated on this notice is current at the date of issue. The total charge due at the date of payment must reflect the current indexed value. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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

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

## APPENDIX 2 – AMENDED INFRASTRUCTURE CHARGES NOTICE

DOUGLAS SHIRE COUNCIL		2006 & 2008 Douglas Shire Planning Schemes Applications																																																																																																									
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Checked by	J Elphinstone	on	16-Mar-15	Date Paid																																																																																																							
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## **APPENDIX 3 – APPLICANT REPRESENTATIONS**

✉: 17 Atherton Street Whitfield QLD 4870  
 M: 0447 323 384  
 E: nikki.huddy@planztp.com  
 ABN 83 128 085 870



Council Ref: MCUC 449/2014

3 March 2015

Chief Executive Officer  
 Douglas Shire Council  
 PO Box 723  
 Mossman QLD 4873

Via email: [Neil.Beck@douglas.qld.gov.au](mailto:Neil.Beck@douglas.qld.gov.au)

### **Review of Infrastructure Charges – Reef Marina Lot 146 SR861, Wharf Street, Port Douglas**

I refer to Council's Adopted Infrastructure Charges Notice for the *Reef Marina* at Wharf St, Port Douglas for \$85,063.82 consisting of:

- a. Water \$54,516.11
- b. Sewerage \$30,547.70

The purpose of this letter is to provide further information on the nature and scale of the use, to assist council in determining the correct infrastructure charge to be applied for the approved expansion of the *Reef Marina* (net increase of 37 berths).

It is understood that Infrastructure Charges are the costs applied to development to support the provision of trunk infrastructure that services the development. The Sustainable Planning Act 2009, provides that Councils may require developers to pay *relevant and reasonable* charges towards the capital costs of infrastructure in order to meet the demand placed on trunk infrastructure networks by their development.

In July 2011, the State Government adopted a new system of charging known as Adopted Infrastructure Charges. The system sets a maximum charge for trunk infrastructure, and also sets out how Councils apply the charges and it is noted that the State did not set an adopted minimum for a Marina, listing it instead under the 'Other Uses' category, leaving the maximum charge to be determined by Council.

Council's Infrastructure Charges Notice has provided that charges are calculated at a net rate of 7.4 EDC (i.e.  $37 \times 0.2$ ). It is acknowledged that Council did not have detailed usage data to rely on in determining the rate of 0.2 EDC and the following information is provided to assist Council in

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considering the application of a lower EDC rate i.e. submitted in support of an EDC rate that is *relevant and reasonable* to the use.

### Marina Usage

The vast majority (95+%) of the people that visit the *Reef Marina* do so to go on commercial marine and reef tours. An increase in the number of these passengers or vessels will require no additional waste serviced as the waste generated by this group is collected on board the operators vessel and is dumped at sea in an approved manner.

With expansion will include metering of water usage at each berth. Currently no water pedestals metered in the *Reef Marina*. Metered pedestals will enable the marina operators to charge for water usage, this will drive down water usage, as pay for use comes with the incentive to reduce water consumption.

Vessels operating in Australian waters are required to have a holding tank to contain raw effluent until it can be

- a. pumped out professionally at the marina or
- b. released overboard in an approved area, while proceeding en-route.

It is recognised that most vessels that berth in Marinas release waste en-route, as they make their way to into Harbour. In the Port Douglas *Reef Marina* there are approximately:

- a. 39 commercial vessel – 33 of these would have holding tanks which release waste en-route (most days)
- b. 10 – non-commercial live aboard vessels with an average of 1-2 persons on board in a permeant or semi permeant arrangement, these individual use the recently upgraded toilet and shower facility dedicated for Marina berth holders.
- c. 35 – non-commercial unoccupied vessels.

These figures are consistent with Marinas across Australia and the attached letter from International Marina Consultants Pty Ltd provides details on the likely use rates of a marina berths. The letter confirms that a typical demand is in the order of less than 0.1 EDC for both water and effluent.

Council is requested to consider a revised rate of 0.1 EDC for each new berth. The reduced EDC rate would result in the following Infrastructure Charges:

	0.2 EDC (net 7.4 EDC)	0.15 EDC (net 5.55 EDC)	0.1 EDC (net 3.7 EDC)
Water	\$54,516.11	\$40,887.09	\$27,258.06
Sewerage	\$30,547.70	\$22,910.76	\$15,273.85
Total	\$85,063.82	\$67,797.87	\$42,531.91



### Comparison with other local governments

The Mackay, Whitsunday, Gold and Sunshine Coast Regional Councils have continued the state government approach of recognising Marina as a 'specialised' or 'other use' – with the EDC to be determined at the time of assessment. No information is available on the rates recently charged in these areas, however Infrastructure Charges at Whitsunday and Sunshine Coast Regional Council are incentivised or discounted where development in certain circumstances such as where development is starting within 6 months of approval and where development will have a benefit to the community.

The Port Marina development is due to commence in May 2015.

The community benefit analysis of the Marina, is summarised in the following table:

Aspect	Description
Utility benefit of having marina berths available	The availability of safe harbour berths in the Shire, for rough weather is a valuable contribution to tourism and to Port Douglas as a destination for ocean based tourism
Transfer of Activity from elsewhere in Queensland	The strengthened numbers of Marina berths will result in the transfer of some activity from elsewhere in Queensland as a result of the attraction of marina berth owners, tourist visitors, and some permanent residents to Port Douglas town.
Charter boat and Marina Facilities activity	The strengthened numbers of Marina berths will have a flow on benefit of increased business and economic activity in the Port / Inlet area.
Enticed Visitor Expenditure in broader region, outside of Port Douglas Marina	Visitors and users of the marina are expected to undertake expenditure on goods and services in the wider area, in particular in the surrounding service areas of Port Douglas, Craiglie and Mossman. Average expenditure per visitor per day is \$100 based on: <ul style="list-style-type: none"> <li>- Average daily spend on domestic overnight visitors</li> <li>- Including 40% expenditure on food and drink outside of the Marina</li> <li>- Assuming 60% food and drink expenditure inside of the Marina</li> </ul>

### Phasing the construction

The expansion of the *Reef Marina* will be undertaken in two phases, reflecting the logistics of working in the marina (i.e. water access for construction and not restricting access to existing marina users).

The phasing of the construction is to minimise the effect of construction on the fleet of Commercial Reef and other marine tour operators that are vital to the local and regional economy.





### **In summary**

It is acknowledged that Council did not have detailed usage data to rely on in determining the rate of 0.2 EDC and this submission demonstrates that a lower EDC rate 0.1 EDC or less is *relevant and reasonable* to the use.

It is recognised across the Marina industry that vessels prefer to dump at sea than to dump at a designated location within a marina. It is cumbersome to dock at the berth, and odour and handling considerations are a disincentive, particularly compared to dumping at sea. The use of the Marina pump facility will be less than 0.1 EDC.

The use of water by vessels in marinas is also low, as primarily there is little to no live aboard berths. The redevelopment of the *Reef Marina* will include water metering which will further reduce the demand / usage of water. Industry experts again calculate water requirements to be less than 0.1 EDC.

Council is requested to review the developer contributions to a rate of 0.1 EDC or less.

I am available to discuss this matter further if required. Thank you for your consideration of this matter.

Yours faithfully

A handwritten signature in blue ink that reads "Nikki Huddy".

**Nikki Huddy**  
**Director**

A l l   A b o u t   P l a n n i n g

## International Marina Consultants - Consultants to the Marina Industry

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Thursday 12 February 2015

The Reef Marina  
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 PORT DOUGLAS QLD 4877

ATTENTION ANDREW HOOPER-NGUYEN

Dear Sir,

Re: **MARINA HEADWORKS CHARGES**

There have been Local Authorities that have published equivalent tenement (ET) ratios for a marina berth, which is 0.2ET/berth.

We are not sure how they arrive at this figure but suspect they derived it from what they might consider similar (such as non-permanent caravan sites which are 0.2).

To review this with water usage is difficult as most marinas combine on-shore activities with wet berths. However, Runaway Bay Marina, as an example, had an annual water use of 4,921 kilolitres which included 280 wet berths, 280 dry stack and shipyard.

Obviously, if we took out the dry stack and shipyard it would be less but with them included it still only equates to 48 litres per day per berth.

This is about one tenth of a typical dwelling (where ET = 1).

Similarly, if you look at waste water you would have to get much less than a dwelling. Even using the recommended number of toilets for number of marina berths in the Marina Code (at 40 berths per toilet) the ET should be much less than the notional ET of 0.2

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At an ET of 0.1 (which is much higher than the above suggests is appropriate), the 37 overall additional berths would equate to an ET increase of around 4.

Yours sincerely

**INTERNATIONAL MARINA CONSULTANTS PTY LTD**



**JOHN LEMAN, BE, RPEQ, MIPENZ, ATBP No. CC4190W**  
Director