

10 October 2017

Enquiries: Jenny Elphinstone
Phone: (07) 4099 9482
Reference: CA 3504/2009 (D#829683)

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
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David and Jane Lucas
PO BOX 329
PORT DOUGLAS QLD 4877

davidlucas88@gmail.com

Dear Sir & Madam

**REQUEST TO EXTEND CURRENCY PERIOD RECONFIGURING OF A LOT COMPONENT
OF THE COMBINED APPLICATION FOR MULTIPLE DWELLINGS, RESTAURANT AND
ANCILLARY FACILITIES, RECONFIGURING A LOT & PRELIMINARY APPROVAL FOR
DWELLING HOUSES AT 40-52 MITRE STREET CRAIGLIE
LAND DESCRIBED AS LOTS 1, 2 AND 6 ON CPLN2253;**

Thank you for your request to extend the reconfiguring of a lot component of the above approval lodged with Council on 14 September 2017.

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

Please quote Council's application number: CA 3504/2009 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully

TRACEY CROUCH
A/Manager Sustainable Communities

encl.

- Decision Notice
- Adopted Infrastructure Charges Notice

**DOUGLAS SHIRE COUNCIL
DECISION NOTICE — APPROVAL
(GIVEN UNDER SECTION 87 OF *THE PLANNING ACT 2016*)**

Thank you for your development application detailed below which was properly made on 14 September 2017. Please be aware that Douglas Shire Council has assessed your application and decided it as follows:

1. Applicant's details

Name: David and Jane Lucas

Postal Address: PO BOX 329
PORT DOUGLAS QLD 4877

2. Location details

Street Address: 40-52 Mite Street, Craiglie

Real Property Description: Lots 1, 2 and 6 on CPLN: 2253

Local Government Area: Douglas Shire Council

3. Details of proposed development

Request to extend the currency period for four years for the Reconfiguring of a Lot component of the Combined Application for Multiple Dwellings, Restaurant and Ancillary Facilities, Reconfiguring a Lot & Preliminary Approval for Dwelling Houses.

4. Decision

Date of decision: 10 October 2017

Decision details: Council approves the currency period for a further four (4) years up to and including the 13 October 2022.

5. Approval

A copy of the approval for which the extensions relates to is included in schedule 1.

6. Rights of appeal

The rights of applicants 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*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

A copy of the relevant appeal provisions are included in Schedule 2.

SCHEDULE 1 – APPROVAL

OUR REF: CA 3504/2014 (prev 8/7/1815) 423040

24 June 2014

Mr & Mrs David & Jane Lucas
C/- MiCorp Property Pty Ltd
PO Box 7777
CAIRNS QLD 4870

Dear Sir/Madam

REQUEST TO CHANGE APPROVAL AND EXTEND RELEVANT PERIOD FOR COMBINED APPLICATION 40-52 MITRE STREET, CRAIGLIE

With reference to the abovementioned request, please find attached the relevant Amended Decision Notice which was determined by under Instrument of Delegation on 19 June 2014.

It was further determined that the relevant period for the reconfiguring of a lot component be extended for a period of four (4) years up to and including 13 October 2018.

The notice includes extracts from the Act with respect to lodging an Appeal.

Should you have any enquiries in relation to this Amended Decision Notice, please contact Jenny Elphinstone of Council's Development Assessment team on telephone number 07 4099 9482.

Yours faithfully

Donna Graham
Manager Development & Environment

Att

40.2009.3504
1/46

APPLICANT DETAILS

David & Jane Lucas
C/- MiCorp Property Pty Ltd
PO Box 7777
CAIRNS QLD 4870

ADDRESS

40-52 Mitre Street, 42-44 Mitre Street and 46-52 Mitre Street, Craiglie

REAL PROPERTY DESCRIPTION

Lots 1, 2 & 6 on C2253

PROPOSAL

Request to change approval and extend relevant period for the reconfiguring a Lot component of the Combined Application

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

This Amended Decision Notice dated 23 June 2014 replaces the mended Decision Notice dated 7 July 2010.

TYPE

Combined Application

REFERRAL AGENCIES

(State Controlled Roads)
Department of Transport & Main Roads
Road Assets & Operations
Senior Planner
PO Box 6185
CAIRNS QLD 4870

(Vegetation Clearing, Remnant Vegetation & Acid Sulfate Soils)
Development Application Lodgement
Department of Environment & Heritage Protection
(formerly Department of Environment & Resource Management)
PO Box 15155
CITY EAST QLD 4002

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works
Development Permit for Plumbing Works
Development Permit for Operational Works

40.2009.3504
2/46

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expressions means:

- A. Material Change of Use for Multiple Dwellings (Tourist) and Ancillary Facilities (including two central facilities areas with restaurant, lounge/bar, spa, gym and conference/function rooms).**

Plan of Development

1. The approved development and the carrying out of any works on the premises associated with the development must generally be in accordance with Plans all dated 13.11.09, titled and numbered:

Drawing No 2.0 – Master Plan – Ground Floor Level,
Drawing No 2.1 – Master Plan – First Floor Level,
MiHaven Project 182 Drawing SK-02 Revision B, Coloured Layout (Dated May 2014)

Drawing No 2.2 – Master Plan – Car Park Level,
MiHaven Project 184 Drawing SK-01 Revision A, Coloured Layout (Dated May 2014)

MiHaven Project 182 Drawing SK-01 Revision E, Layout

Drawing No 3.0 – Typical Apartment Plans,
Drawing No 3.1 – Typical Villa Plans,
Drawing No 3.2 – Typical House Plans,
Drawing No 3.3 – Central Facilities Plan,
Drawing No 4.0 – Central Facilities Elevation,
Drawing No 4.1 – Central Facilities Elevation,
Drawing No 4.2 – Central Facilities Section,
Drawing No 4.3 – Typical Apartments,
Drawing No 5.0 – Typical Apartments Perspective

attached to this approval, subject to:

- (i) modifications required by any condition of this approval and any minor alterations found necessary by Council at the time of examination of engineering plans;

- (ii) the applicant is to provide a minimum of 120 car spaces/parks on site. Alternatively, the applicant may provide less car parking spaces with the shortfall to be provided in the form of a monetary contribution equivalent to \$3575 per space in accordance with Planning Scheme Policy No 2 or by way of providing any shortfall in car parking spaces on-site within on-street works adjacent to the site. Any monetary contribution associated with this condition is to be paid prior to the granting of a building approval and any on-street works associated with this condition are to be completed prior to the commencement of the use;
- (iii) the proposed development and any associated works, contributions and lodgement of security being undertaken/made in stages to be determined at the Operational Works stage.
 - a. It is anticipated that the development will occur in several informal stages and be complemented by multiple approvals for Operational work. The extent of operational work required to be undertaken in respect to the part development of the Material Change of Use is to be determined by the Chief Executive Officer and provided by the land owner prior to the Commencement of Use for that part of the development.
- 2. The following external works will be required to connect the proposed development to the existing water supply network.
 - (i) Extend the existing 150 mm diameter water main located at the eastern end of Sagiba Avenue along the length of Sagiba Avenue to connect with the existing 150 mm main in Mitre Street.
- 3. The design will be required to be provided for approval prior to construction at Operational Works stage.

Sewerage

- 4. The following external works will be required to connect the proposed development up to the existing sewerage network:
 - Installation of a sewerage pump station to be located internally to the site together with a rising main to connect to Council's existing trunk sewer main located in Old Port Road. Council will pay half the cost of the rising main only.
- 5. The design will be required to be provided for approval prior to construction at Operational Works stage.

Water Supply and Sewerage Headworks

- 6. The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Contributions Policy in force at the time of payment.

The contribution shall be calculated at the rate per Equivalent Domestic Connection ('EDC') applicable at the time of payment in accordance with the Policy.

Electrical and Telephone Services

7. Prior to approval of any development application for Building Work, the Applicant must submit to Council a copy of a letter from Ergon Energy stating that satisfactory arrangements have been made for the provision of:
 - a. an underground electrical supply to the development; and
 - b. street lighting in accordance with Council's adopted standards.
 - c. locating of all above ground transformer cubicles clear of footpath areas.
8. Prior to approval of any development application for Building Work, the Applicant must submit to Council a copy of a letter from Telstra stating that satisfactory arrangements have been made for the provision of:
 - a. an underground telephone service to the development including undergrounding of aboveground powerlines adjacent to the site; and
 - b. locating of all above ground switching station cubicles clear of footpath areas.

Landscaping

9. All fences, on road frontages, are to be set back two (2) metres from the property boundary with at least two (2) metres dense tropical landscaping provided to the frontage of the fence.

Landscaping Plan

10. The site must be landscaped in accordance with details included on a Landscaping Plan. The Landscaping Plan must show:

Planting Design

- a. The location and species of all existing trees, with an indication as to whether each tree is to be retained or removed, and natural and finished ground levels if filling is to occur in the vicinity of any tree.
- b. The inclusion of individual character through landscape design and plant species for the various streets within the development;
- c. A planting design which is in accordance with the FNQROC Development Manual;
- d. A planting design that does not include any species that are identified as Declared or Environmental Weeds or constitute an Invasive Species;
- e. Provide a hierarchy of planting, which includes shade trees, shrubs and groundcovers;

- f. The landscaped areas must be mulched with shredded/chipped vegetation waste, or similar material. The landscaped area must be regularly maintained and watered with a drip or sprinkler irrigation system;

Hard Landscaping Works

- a. Natural and finished ground levels including details of all retaining works;
- b. Details of any perimeter, private yard or street fencing;
- c. Protection of landscaped areas adjoining parking areas from vehicular encroachment by a 150 mm high vertical concrete kerb or similar obstruction;
- d. Clothes drying areas screened from public view and have access to natural sunlight.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer. The approval and completion of all landscaping works must be undertaken in accordance with the endorsed plan prior to the issue of a Certificate of Classification or Commencement of Use whichever occurs first. Landscaped areas must be maintained at all times to the satisfaction of the Chief Executive Officer.

- 11. The landscaping required by condition 10 shall be completed before the development is occupied and maintained thereafter. The applicant is also required to revegetate the esplanade adjacent to the subject site, with the design to be subject to Council approval with the full landscape plans required by condition 10.

Earthworks

- 12. Details of the proposed filling and excavation for the development including a detailed acid sulfate soils assessment including management program must be submitted for Operational Works approval.

Stormwater Drainage

- 13. The legal point of discharge for all impervious surfaces, including roof water, is the swale located in the Esplanade to the east of the development site. The balance of the site can be drained to the points of discharge nominated on Plan number 83307/82 – C01 prepared by ARUP. This discharge point requires the approval of the EPA for drainage works in the Coastal Management District (CMD). This approval will be required prior to Council issuing an Operational Works Development Permit for external and internal site works.
- 14. Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be registered in Council's favour, at no cost to Council.

15. The developer is required to place pollution control devices and sumps in the stormwater systems within their allotment. The quality of any stormwater discharge from the site is to meet the EPA Queensland coastal waters of the Douglas Shire draft environmental values and water quality objectives May 2005.

Roadworks

16. The applicant is to undertake the following roadworks external to the site in accordance with the requirements of the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer:

- ~~Upgrading of the intersection of Nautilus Street and Mitre Street with the design and construction of a roundabout; and~~
- ~~Lighting of the roundabout in accordance with the requirements of the FNQROC Development Manual.~~
- ~~A two (2) metre wide footpath along the full Mitre Street and Sagiba Avenue (new road) frontages of the subject site.~~
- Provide a connecting footpath from the Main entry in Sagiba Avenue, across Sagiba Avenue to connect to the existing footpath on the north side of Sagiba Avenue; and
- Provide a connecting footpath from the entry point of the Multiple dwellings (tourist) use in Mitre Street to the existing footpath on the western side of Mitre Street.

The connecting footpaths are to be undertaken at a time as nominated by the Chief Executive Officer commensurate with the extent of development proposed.

Environmental Management Plans

17. The applicant is to have prepared with the submission for approval of the engineering plans, an Environmental Management Plan (EMP) detailing the controls to be utilised to ensure that no environmental harm or nuisance is caused from the proposed use of the land and construction of the works. In particular, this plan should address such issues as dust suppression, waste disposal, acid sulfate soil management, noise management and stormwater management (to minimise discharges of sediment, wastes and other substances).

Carparking and Access

18. The access/egress point to and from the western carpark is to be relocated so as to avoid the removal of trees numbered 115 and 116 on Plan number VP01 Revision A prepared by Siteplan.
19. The proposed egress onto Martin Sculley Drive is not approved.

Basement Parking

20. Submit a report prepared by a qualified and experienced, registered engineer on the basement parking and a separate report prepared by a qualified and experienced hydrologist on the dewatering process. Both reports must be endorsed by the Chief Executive Officer prior to commencement of any works on the site related to basement parking.
 - a. The basement parking report must include, but is not limited to the following:
 - i. Construction techniques;
 - ii. Techniques to imperviously seal the basement; and
 - iii. Method of basement ventilation.
 - b. The dewatering report must include, but is not limited to the following:
 - i. Method of water extraction pre and post development and the layout of the dewatering pumps and pipelines;
 - ii. Water quality;
 - iii. Lawful discharge of water; and
 - iv. How the results (being the form and frequency) will be reported to Council.
 - c. The access to the basement parking area must be designed to prevent 100 year ARI flood waters from entering the basement parking area, to include a 150 mm freeboard and must have a minimum vertical clearance of 2.1 metres.
21. The ingress and egress of the basement carpark shall be designed to prevent floodwaters entering the carpark. The entrance to the carpark are to be provided with 150 mm of freeboard. The Q100 immunity level is 3.4 metres AHD plus any hydraulic grade effect.

Waste Storage and Discharge

22. The waste storage area must be located outside of a three (3) metre wide landscape strip to the road frontage in the location shown on the approved plan for this development. The waste storage area must:
 - a. Contain an impervious surface for the storage of waste containers suitably screened so as not to be visible from adjoining properties or the road reserve;
 - b. Include a stop cock and stormwater diversion valve at the drainage point;
 - c. Contain sufficient storage space for the storage of a 240 litre refuse bin for each unit in the development.
23. Refuse storage, removal and collection methods shall be in accordance with the 'Environment Protection (Interim Waste) Regulations 1996'.

Airconditioning and Service Equipment

24. All service equipment, outdoor lighting and airconditioning equipment must be located so as not to cause a nuisance to the occupants of adjoining units or neighbouring premises. The noise levels shall be maintained in accordance with the requirements of the Environmental Protection Policy – Noise.

Footpath Damage Liability

25. All damage occasioned to footpaths and roadways adjacent to the site and on designated transport routes for the construction, as a result of or in connection with this development must be repaired by the applicant, at their expense, prior to completion of works associated with the development.

Maintenance

26. The Applicant shall maintain in accordance with the requirements of the Operational Works Development Permit and the FNQROC Development Manual, all works of any nature whatsoever works carried out under the provisions of the subdivision of the land by-laws for a period of 24 months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such works carried out as part of the works associated with the development.

Operational Works Development Permit

27. Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, stormwater drainage, water supply, sewerage and lot improvement at Operational Works Application stage proportional to the extent of works proposed. Drawings should, in general, include the following and be designed in accordance with the requirements of the FNQROC Development Manual:
 - a. locality plan;
 - b. layout and staging plan, where applicable;
 - c. earthworks plan;
 - d. layout plan for each driveway;
 - e. longitudinal section of each driveway;
 - f. cross sections for each driveway, including standard cross sections;
 - g. layout plan for each stormwater drainage;
 - h. longitudinal sections for each stormwater drain line;
 - i. details for non-standard drainage structures;
 - j. Sewerage Reticulation Plan;
 - k. Water Reticulation Plan;
 - l. Erosion and Sediment Control Strategy;
 - m. Service providers conduit plan, including street lighting; and
 - n. Such other details for the proper construction of the works ie retaining walls etc.

Security

28. Appropriate security is to be provided to Council in accordance with the FNQROC Development Manual with an application for Operational Works.

Currency Period

29. This development approval lapses eight (8) years after the day that the development approval takes effect, ie the approval lapses 13 October 2014.

Compliance with Conditions

30. All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and Engineering Standards.
31. Unless otherwise specified in this development permit, the conditions of this permit must be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land.

Acid Sulfate Soils

32. The Golders Associates acid sulfate soil management plan ref 05673000-17(A) must be revised to reflect the current site conditions and requirements of the amended proposed Development.
33. That the bunding of any material should be as per section 8.3.6 Treatment Pad design in the Queensland Acid Sulfate Soil Technical Manual Management Guidelines 2002 by Dear et al.
34. Prior to the commencement of any excavation work on the basement carpark or the installation of underground services the Construction Manager is to provide evidence to Council that site personnel have received the appropriate training in the recognition and management of PASS material as per as per Appendix 'A' of the ASS Management Plan prepared by Golder Associates.
35. Provide to Council information on where the off-site treatment of Pass from the basement carpark and or the installation of underground services is to occur and where this material is to be disposed.
36. A report from a specialist consultant covering the excavations, treatment and disposal of PASS materials is to be provided to Council on the completion of the basement excavations.
37. A report from a specialist consultant covering the monitoring and treatment of seepage and dewatering discharges is to be provided to Council on the completion of excavation and dewatering works.
38. All discharge of surface waters, groundwater, seepage and dewatering is to meet the performance indicators prescribed in Appendix 5 of the ASS Management Plan.

Lawful Point of Discharge

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

Drainage Study of Site

40. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries and conditions for a fully developed catchment;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
 - c. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements;
 - e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
 - f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
 - g. The study is to include any impacts that the downstream tail water level will have on any proposed drainage infrastructure on secondary flowpaths for a major event.
 - h. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

41. Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be registered in Council's favour, at no cost to Council.

Plan of Drainage Works

42. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
 - a. Drainage infrastructure in accordance with the FNQROC Development Manual

- b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQIDs), namely:
 - i. End-of line stormwater quality improvement devices (SQIDs) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
 - ii. SQIDs shall remove at least 95 per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQIDs treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
 - iii. The design of the SQIDs shall not compromise the hydraulic performance of the overall drainage system.
 - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
- c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and
- d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

External Works

- 43. Undertake the following works external to the land at no cost to Council:
 - ~~a. Construct a two (2) metre wide concrete footpath to Mitre Street and Sagiba Drive frontage in accordance with FNQROC Development Manual Standard Drawing 1035;~~
 - ~~ba. Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015, in accordance with need and commensurate with the extent of development proposed;~~
 - i. Make good the kerb(s) at redundant crossover(s);
 - ~~eb. Upgrade the street lighting to comply with requirements of the FNQROC Development Manual, where necessary at the Mitre Street entry when this vehicle crossing is to be utilised;~~

- dc. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.
- ed. Construct kerb and channel to Mitre Street and Sagiba Drive (including any drains required to Mitre Street) or an agreed alternative design commensurate on the extent of development proposed;

The external works outlined above require approval from Council in accordance with the FNQROC Development Manual for an Operational Works Application for the subject site. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use for the relevant component of the work or approval and dating of the Building Format Plan, whichever occurs first.

Street and Internal Lighting

- 44. The following arrangements for the installation of street lighting for the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:
 - a. Prior to the approval and dating of the Plan of Survey, both a street and internal lighting design is to be prepared by an approved consultant generally in accordance with the FNQROC Development guidelines and submitted to the Chief Executive Officer for approval.
 - b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
 - c. Category V5 street lighting is to be provided at the new intersection off Mitre Street and the intersection approaches along Mitre Street for a distance equivalent to at least two spans either side of the intersection.
 - d. Internal roads and associated pathways are to be lit to at least AS/NZS 1158 Lighting Category P4.
 - e. Internal car parks are to be lit to at least AS/NZS 1158 Lighting Category 11B.
 - f. All internal lighting is to be connected to a private metered supply.

Above Ground Transformer Cubicles/Electrical Sub-Stations

45. Above ground transformer cubicles and/or electrical sub-stations are to be positioned so that they do not detract from the appearance of the streetscape and must be clear of footpath areas. This will require cubicles/sub-stations to be setback from the street alignment behind a screen of landscaping, or incorporated within the built form of the proposed building. Details of the electrical sub-station positioning must be endorsed by the Chief Executive Officer prior to the issue of Development Permit for Building Work.

Under Grounding of Electricity Supply

46. All electricity lines along the full frontages of the subject site are to be placed underground. Such works are to be undertaken by Ergon Energy or an Ergon Energy approved contractor at the applicant's expense.

Street lighting along the full frontages is to be upgraded to the applicable Lighting Category and lighting columns are to be of steel construction.

Ergon Energy must be notified of these requirements when making application for power supply.

All works must be completed prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Minimum Fill and Floor Levels

47. All floor levels in all buildings must be located 150 mm above the Q100 flood immunity level of 3.4 metres AHD, plus any hydraulic grade effect (whichever is the greater), in accordance with FNQROC Development Manual and Planning Scheme requirements.

Existing Creek and Drainage Systems

48. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

Water Supply and Sewerage Works External

49. Undertake the following water supply and sewerage works external to the site to connect the site to existing water supply and sewerage infrastructure:
 - a. Augment existing water supply infrastructure to the extent necessary such that the development does not adversely affect the water supply to adjacent properties and such that a water service connection can be provided at the lot frontage;

- b. Augment existing sewers and pump station downstream of the site, to the extent required to accommodate the increased flows generated by the development;
- c. Extend the sewer main as required by Cairns Regional Council;
- d. Sewerage pumping and lift stations will not be accepted external to the development.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual as shown on the plan of works.

The external works outlined above constitute Operational Works. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Water Supply and Sewerage Works Internal

- 50. Undertake the following water supply and sewerage works internal to the subject land:

The development must be serviced by a single internal water and sewerage connection made clear of any buildings or structures.

Sewerage pump stations and lift stations shall be privately owned and maintained.

Water supply sub-metering must be designed and installed in accordance with *The Plumbing and Drainage Act 2002 and the Water Supply (Safety and Reliability) Act 2008*.

Construct internal property sewers and private pump stations if required to connect individual premises to the property connection branch servicing the development.

Private Water and Sewerage infrastructure must be managed by a Community Management Scheme. If the development consists of more than one (1) Body Corporate within Lot 1, 2 and 6 on C2253, a parent Body Corporate shall be established to manage the operation and maintenance of the internal water and sewerage infrastructure.

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

The plan of works must be approved by the Chief Executive Officer prior to the issue of a Development Permit for Building Work.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer 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 or approval and dating of the Building Format Plan, whichever occurs first.

Inspection of Sewers

51. CCTV inspections of sewers must be undertaken both prior to commencement of works on site and at works completion where works have been undertaken over or to sewers. Defects must be rectified to the satisfaction of the Chief Executive Officer at no cost to Council prior to Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Damage to Infrastructure

52. In the event that any part of Council's existing sewer/water infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to, mobilisation of heavy earthmoving equipment, stripping and grubbing, the applicant/owner must notify Douglas Water & Waste immediately of the affected infrastructure and have it repaired or replaced by Douglas Water & Waste, at the developer's cost, prior to the Commencement of Use or approval and dating of the Building Format Plan, whichever occurs first.

Water Saving

53. All toilet devices in the development must be fitted with dual flush cisterns and showers and hand basins in the development must be fitted with flow control valves or similar water control devices to generally restrict flow to nine (9) litres of water per minute.

Refuse Storage

54. Refuse storage is required to service the site in accordance with Council requirements. Brochures on these requirements – 'Requirements for Refuse Storage' are available from Douglas Water & Waste.
55. The refuse bin enclosure must be roofed and bunded and fitted with a bucket trap.

B. Reconfiguration of a Lot (3 Lots into 9-8 Lots)

1. The approved reconfiguration and the carrying out of any works on the premises associated with the reconfiguration must be generally in accordance with Plan of Reconfiguration Drawing No: 1.1 dated 16 November 2009 MiHaven Project 182 Drawing SK-01 Revision B, Coloured Layout dated May 2018 and amended where all land other than those lots numbered 01 to 07 and the associated common property road is included as a single balance lot attached to this approval, subject to:

- (i) modifications required by any condition of this approval and any minor alterations found necessary by Council at the time of examination of engineering plans.

The lots to have a minimum level within the building footprints to be determined at the Operational Works stage as described in Council's development manual.

- a. It is anticipated that the development will occur in several informal stages and be complemented by multiple approvals for Operational work. The extent of operational work required to be undertaken in respect to the part development of the Reconfiguration of a Lot is to be determined by the Chief Executive Officer and provided by the land owner prior to the issue of a Certificate of Compliance for a relevant Survey Plan.

- 2. The applicant shall make contribution for parkland for five (5) additional allotments in accordance with Council's requirements for parkland contribution valid at time of payment.
- 3. The Applicant shall pay to the Council headworks contributions for water supply and sewerage in accordance with Council's Contributions Policy in force at the time of payment.

The contribution shall be calculated at the rate per Equivalent Domestic Connection ('EDC') applicable at the time of payment in accordance with the Policy.

- 4. This development approval lapses ~~eight (8)~~ twelve (12) years after the day that the development approval takes effect, ie the approval lapses 13 October 2014 ~~2018~~ unless the Plan of Survey has been lodged with Council for endorsement.

All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and Engineering Standards.

Unless otherwise specified in this development permit, the conditions of this permit must be complied with prior to Council endorsement of the Plan of Survey

Earthworks

- 5. Details of the proposed filling and excavation for the development including a detailed acid sulfate soils assessment including management programme must be submitted for Operational Works approval. All proposed residential lots are to be provided with Q100 immunity and be drained to a Lawful Point of Discharge in accordance with the FNQROC Development Manual and the Douglas Shire Planning Scheme 2008.

External Works

6. Undertake the following works external to the land at no cost to Council:
- a. ~~Construct a two (2) metre wide concrete footpath to Mitre Street and Sagiba Drive frontage in accordance with FNQROC Development Manual Standard Drawing 1035;~~
 - b. Provision of a concrete crossovers and aprons in accordance with FNQROC Development Manual Standard Drawing 1015;
 - i. Make good the kerb(s) at redundant crossover(s);
 - c. ~~Upgrade the street lighting to comply with requirements of the FNQROC Development Manual;~~
 - db. Repair any damage to existing kerb and channel, footway or roadway (including removal of concrete slurry from footways, roads, kerb and channel and stormwater gullies and drain lines) that may occur during and works carried out in association with the construction of the approved development.
 - i. Construct landscaping and appropriate road finish to match existing from the common property road along Sagiba Avenue to the eastern boundary of the land, commensurate to the extent of development proposed. kerb and channel to Mitre Street and Sagiba Drive;

All works in the road reserve need to be properly separated from pedestrians and vehicles, with any diversions adequately signed and guarded.

The external works outlined above require approval from Council in accordance with the FNQROC Development Manual for an Operational Works Application for the subject site. Three (3) copies of a plan of the works at A1 size and one (1) copy at A3 size must be endorsed by the Chief Executive Officer prior to commencement of such works. Such work must be constructed in accordance with the endorsed plan to the satisfaction of the Chief Executive Officer prior to sealing of the Survey Plan.

Maintenance

7. The Applicant shall maintain in accordance with the requirements of the Operational Works Development Permit and the FNQROC Development Manual, all works of any nature whatsoever works carried out under the provisions of the subdivision of the land by-laws for a period of 24 months. The Applicant shall make good within such period any defects arising from faulty workmanship or materials in respect to such works carried out as part of the works associated with the development.

Drainage Study of Site

8. Undertake a local drainage study of the site to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
 - a. The contributing catchment boundaries and conditions for a fully developed catchment;
 - b. The extent of the 100 year ARI flood event in relation to the site both pre and post development;
 - c. Primary and secondary flow paths for the 2 and 100 year ARI flood events;
 - d. Identify any requirement for drainage easements;
 - e. Identify the need and tenure for flood detention areas to ensure a no worsening impact on downstream properties for the entire development;
 - f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development.
 - g. The study is to include any impacts that the downstream tail water level will have on any proposed drainage infrastructure on secondary flowpaths for a major event.
 - h. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

9. Drainage easements and/or reserves as reasonably required following review of Operational Works drawings are to be registered in Council's favour, at no cost to Council.

Plan of Drainage Works

10. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
 - a. Drainage infrastructure in accordance with the FNQROC Development Manual
 - b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQIDs), namely:

- i. End-of line stormwater quality improvement devices (SQIDs) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
- ii. SQIDs shall remove at least 95 per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQIDs treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
- iii. The design of the SQIDs shall not compromise the hydraulic performance of the overall drainage system.
- iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
- c. All new allotments shall have immunity from flooding associated with an ARI 100 year rainfall event; and
- d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

Existing Creek and Drainage Systems

- 11. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant/owner must obtain any necessary approvals from the Department of Environment and Resource Management for carrying out works in a watercourse.

Operational Works Development Permit

- 12. Full engineering drawings, prepared and/or checked by a Registered Professional Engineer, shall be submitted for all road works, stormwater drainage, water supply, sewerage and lot improvement at Operational Works Application stage. Drawings should, in general, include the following and be designed in accordance with the requirements of the FNQROC Development Manual:
 - a. locality plan;
 - b. layout and staging plan, where applicable;
 - c. earthworks plan;
 - d. layout plan for each driveway;
 - e. longitudinal section of each driveway;
 - f. cross sections for each driveway, including standard cross sections;

- g. layout plan for each stormwater drainage;
- h. longitudinal sections for each stormwater drain line;
- i. details for non-standard drainage structures;
- j. Sewerage Reticulation Plan;
- k. Water Reticulation Plan;
- l. Erosion and Sediment Control Strategy;
- m. Service providers conduit plan, including street lighting; and
- n. Such other details for the proper construction of the works i.e. retaining walls etc.

Access to proposed residential lots

13. Construct the proposed common road in accordance with the standard for an Access Place in accordance with the FNQROC Development Manual otherwise demonstrate how the proposed design will be able to service the proposed lots with regards to, but not limited to, drainage, water, sewer, power, telecommunications and provision of a turnaround for vehicles at road end.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Service Conduits

14. Provide service conduits to new proposed lots adjacent the proposed common road together with associated access pits if necessary, to end of the proposed access.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Existing Services

15. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
 - a. Relocate the services to comply with this requirement; or
 - b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.

Electricity Supply

16. 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

17. 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 approval and dating of the Plan of Survey.

Street and Internal Lighting

18. The following arrangements for the installation of street lighting for the proposed subdivision must be provided prior to the approval and dating of the Plan of Survey:
 - a. Prior to the approval and dating of the Plan of Survey, both a street and internal lighting design is to be prepared by an approved consultant generally in accordance with the FNQROC Development Manual guidelines and submitted to the Chief Executive Officer for approval.
 - b. Prior to approval and dating of the Survey Plan, written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
 - c. Category V5 street lighting is to be provided at the new intersection off Mitre Street and the intersection approaches along Mitre Street for a distance equivalent to at least two (2) spans either side of the intersection.
 - d. Internal roads and associated pathways are to be lit to at least AS/NZS 1158 Lighting Category P4.
 - e. Internal car parks are to be lit to at least AS/NZS 1158 Lighting Category 11B.
 - f. All internal lighting is to be connected to a private metered supply.

Access Easement/s

19. Create an Access Easement to allow vehicle access and on-site manoeuvring to proposed lots ~~2—9-01-07~~ over proposed ~~lot 1—single balance lot~~, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Water Supply and Sewerage Works

20. Undertake the following water supply and sewerage works to the subject land:

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- a. Provide water and sewer connections to each lot (including proposed lots ~~2 to 9~~ 01 to 07 and the single balance lot) in accordance with the FNQROC Development Manual;

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 plans, to the requirements and satisfaction of the Chief Executive Officer prior to approval and dating of the Plan of Survey.

Services Easements

21. Create a Service Easement over proposed ~~Lot 1~~ single balance lot for the benefit of Lots ~~2 to 9~~ 01 to 07 to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Environment and Resource Management in conjunction with the Plan of Survey.

Parkland Contribution

22. Pay a monetary contribution equivalent to ten (10) per cent of the Unimproved Capital Value of the created allotment/s in accordance with the Planning Scheme Policy.

At the time of seeking approval and dating of the Plan of Survey, a security equivalent to the amount payable must be submitted to Council. This security can take the form of a cash bond or bank guarantee. The amount payable must be determined by an appropriately qualified property valuer and must be submitted to Council as supporting information when seeking endorsement of the Survey Plan.

The contribution payable must be made within three (3) months of the registration of the allotment/s.

C. Preliminary Approval for five (5) Dwelling Houses.

Dwelling Houses (Preliminary Approval)

1. A further application for Material Change of Use (Code Assessment) will be required to construct a Dwelling House on proposed Lots 2 to 6.
2. No building work (including pools) is permitted to be erected or constructed within the Erosion Prone Zone as shown on Plan LPP 1.00 dated October 2005 and prepared by Siteplan.
3. No vegetation is to be removed from the Erosion Prone Zone.

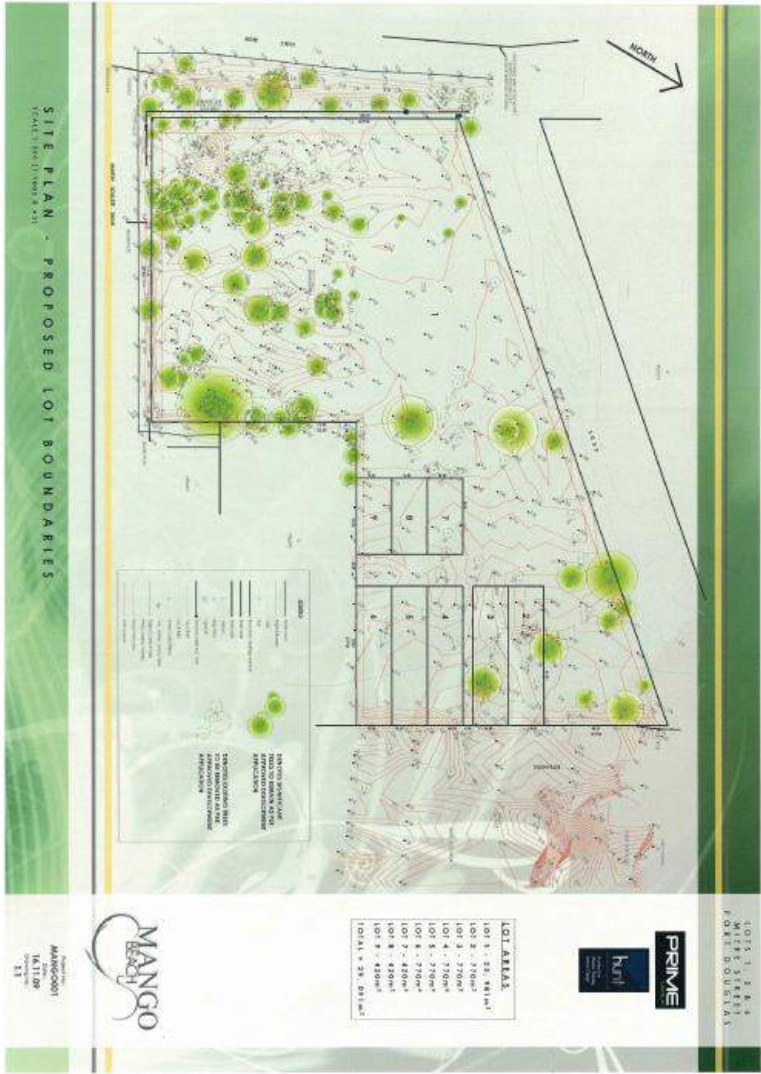
4. The height of any proposed Dwelling House is not to exceed 7.5 metres above natural ground level.
5. This development approval lapses eight (8) years after the day that the development approval takes effect, unless an application for a Material Change of Use Development Permit over each proposed allotment has been lodged for the approval of Council.
6. All works required pursuant to the above conditions shall be undertaken and completed in accordance with Council's requirements contained in the Planning Scheme Provisions/Codes and Engineering Standards.
7. Unless otherwise specified in this development permit, the conditions of this permit must be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land.

RIGHTS OF APPEAL

Attached

End of Decision Notice

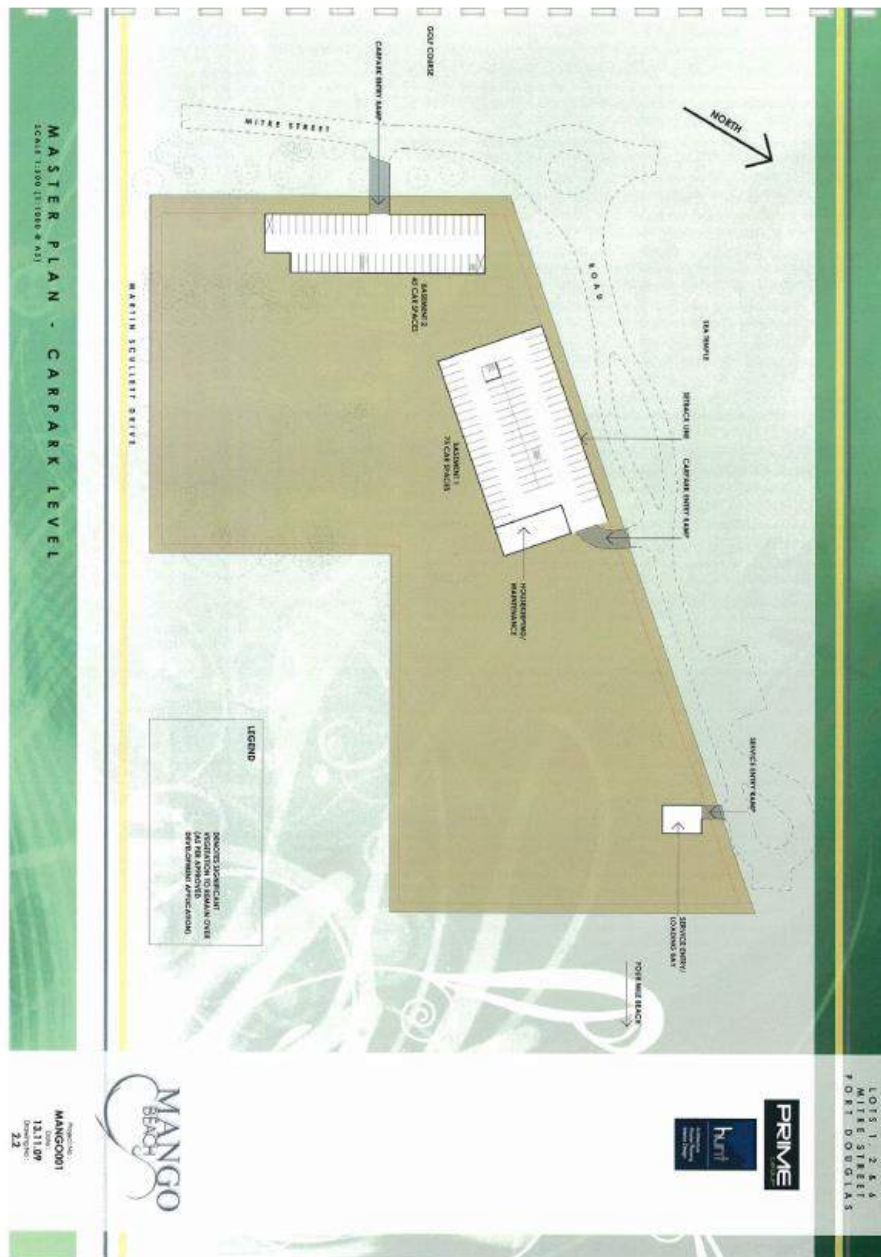
APPENDIX 1: APPROVED PLAN FOR RECONFIGURATION COMPONENT



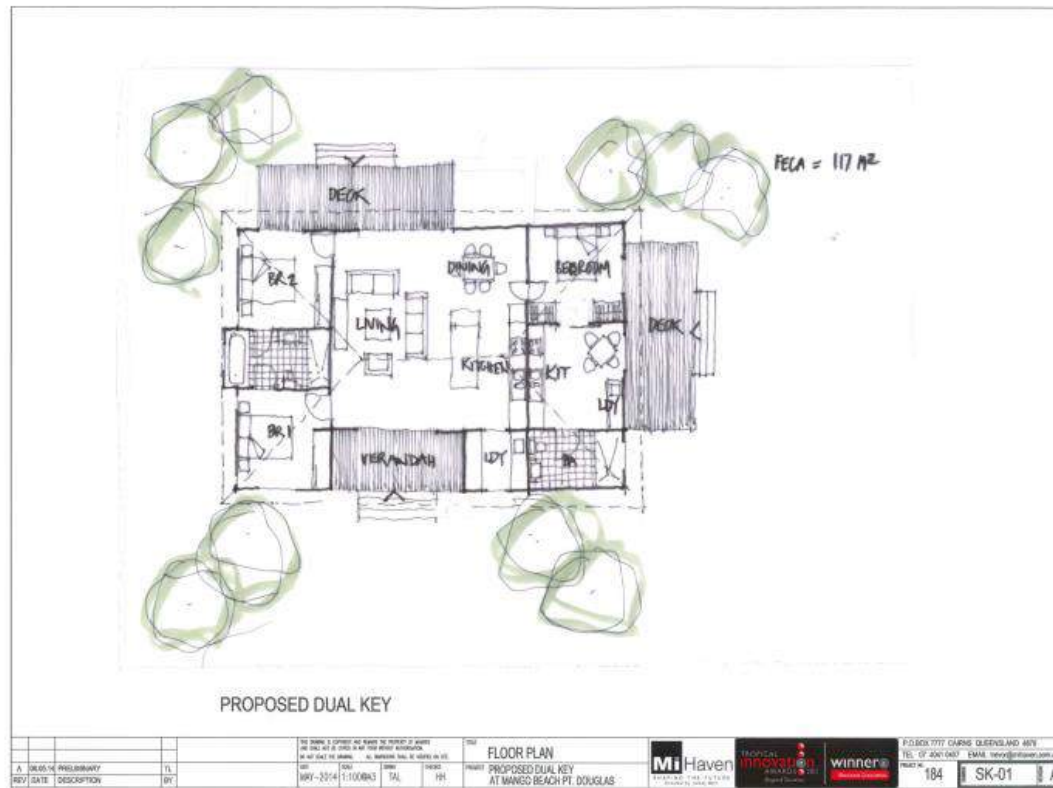
APPENDIX 2 APPROVED PLANS & DOCUMENTS FOR MATERIAL CHANGE OF USE COMPONENT



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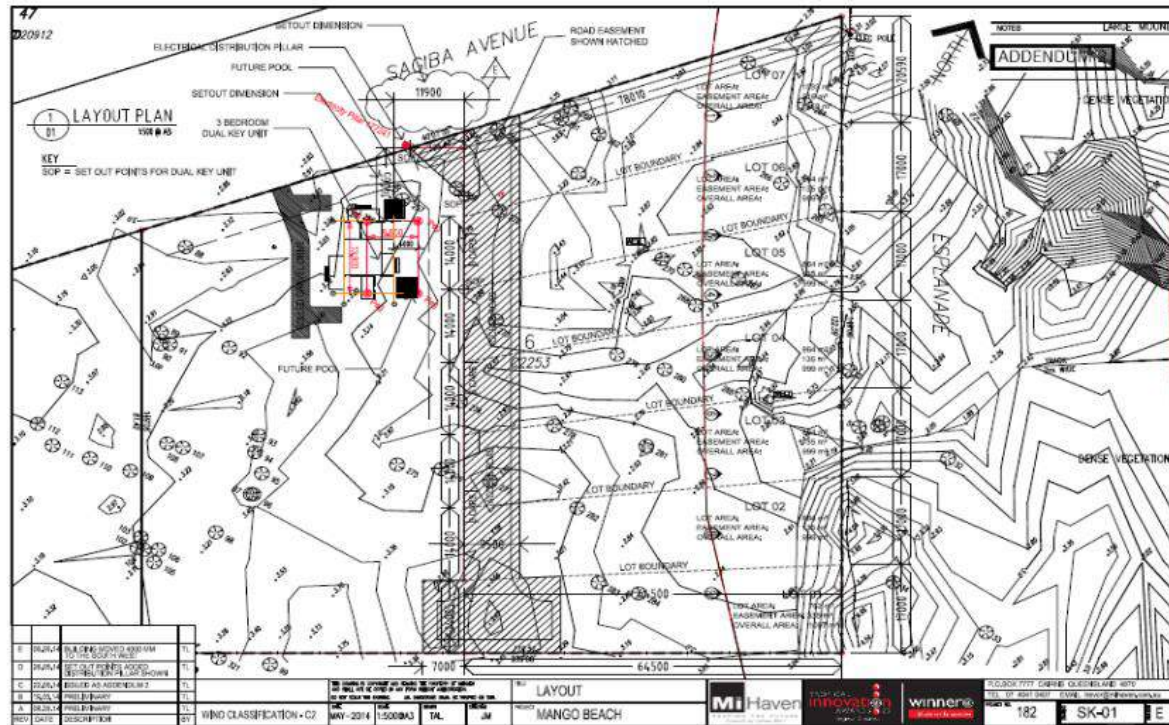


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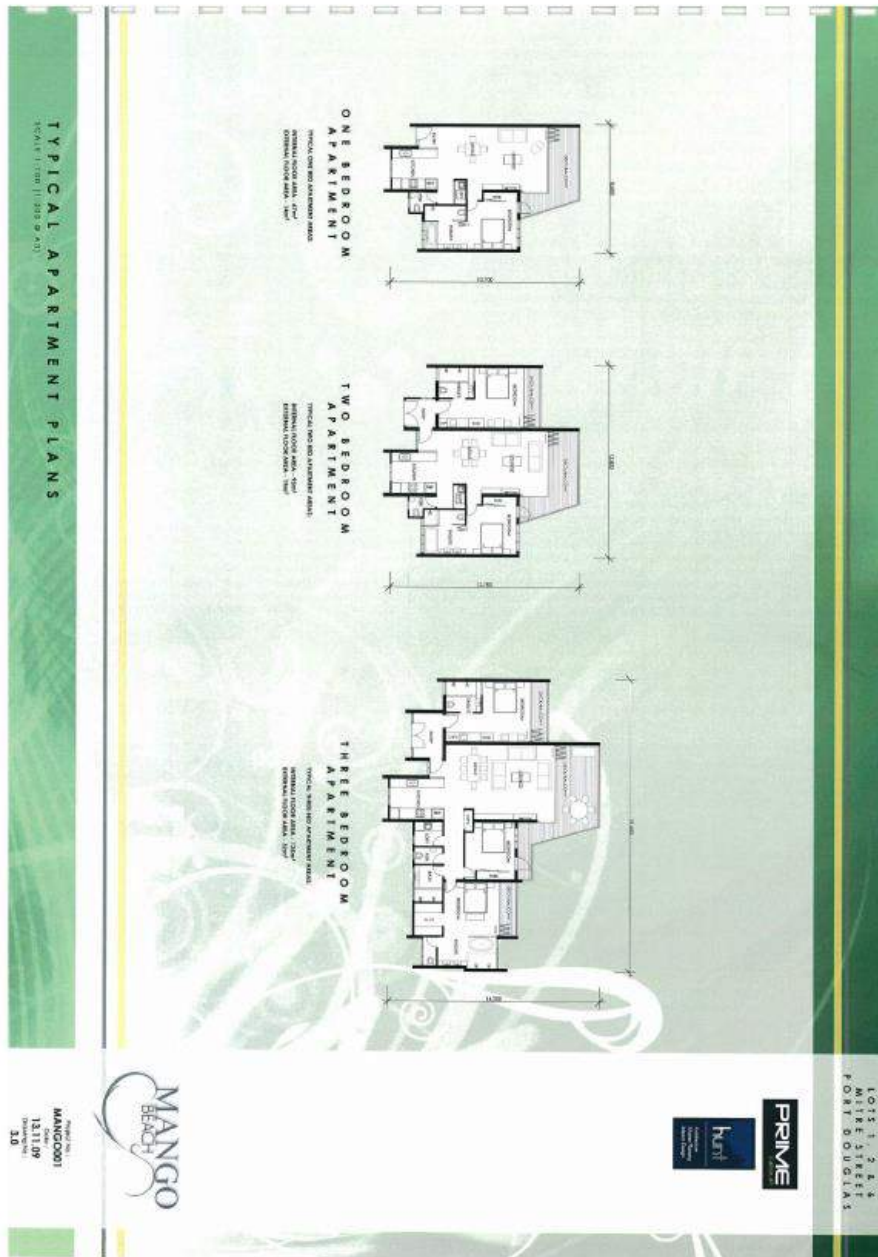


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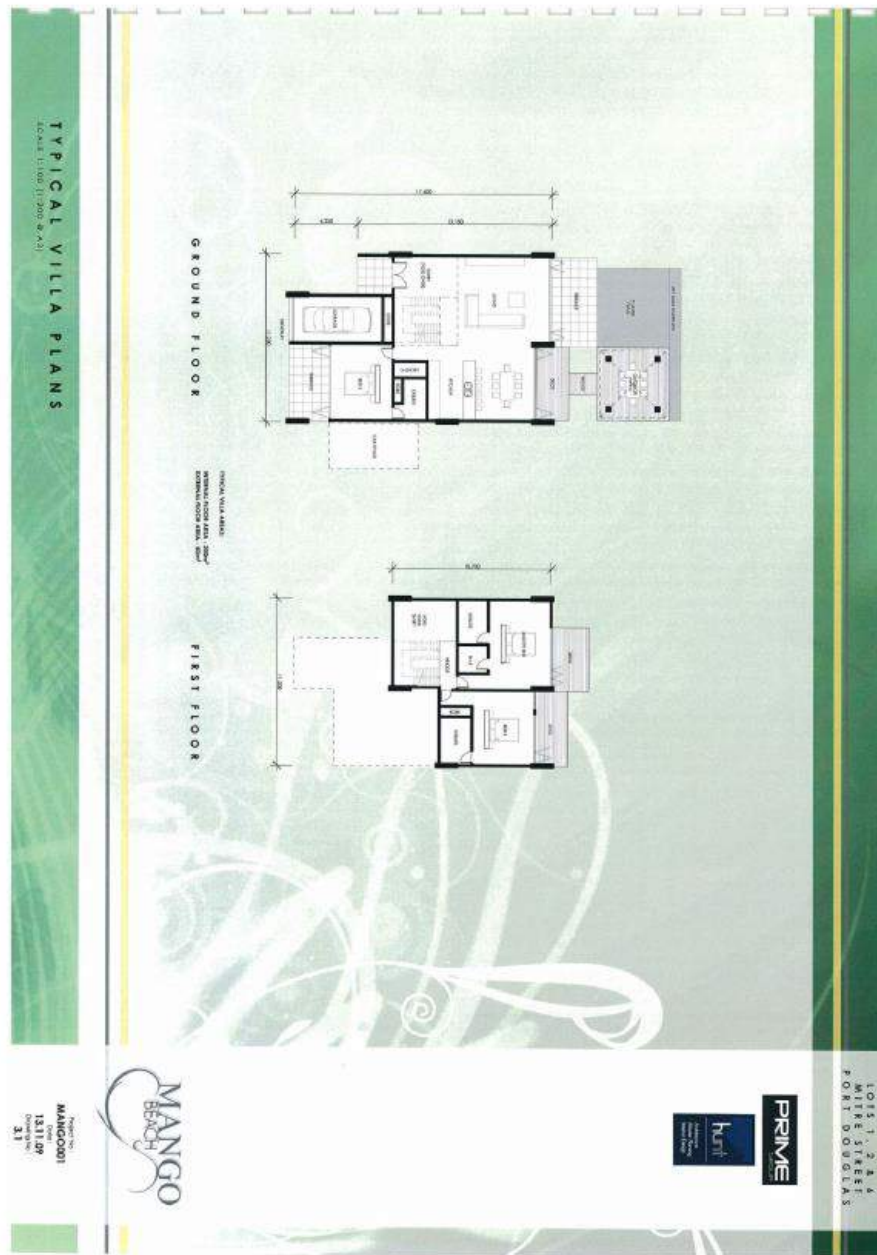
30 of 63 (D#829683)
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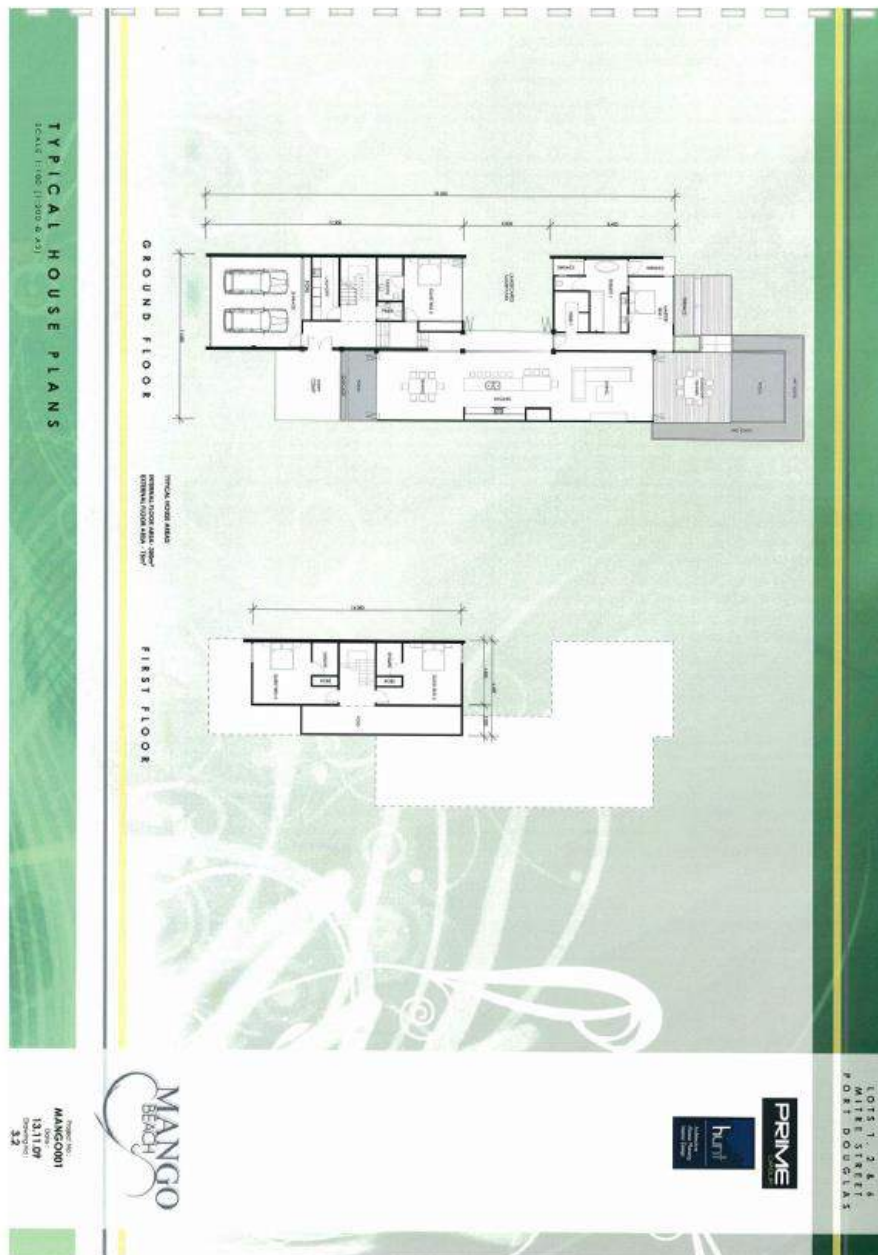
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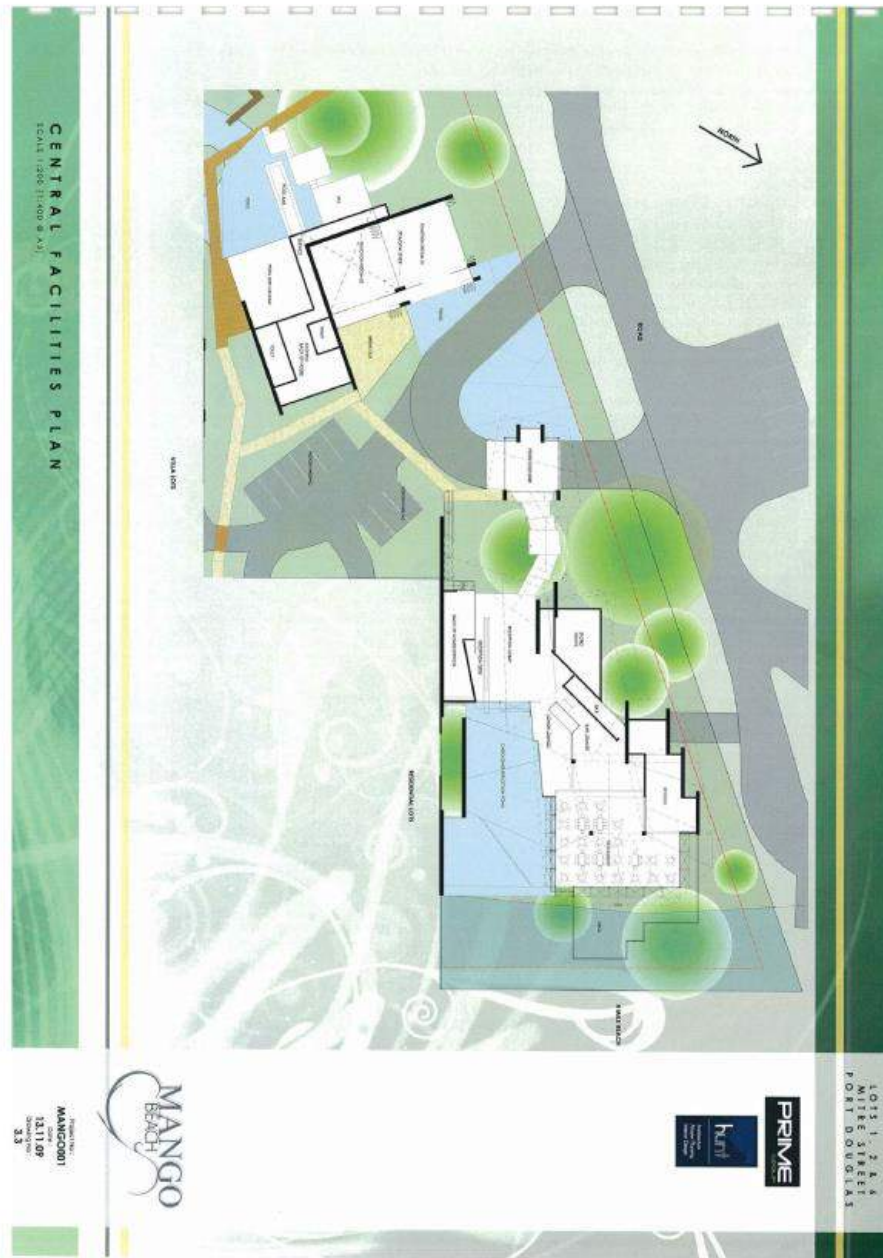
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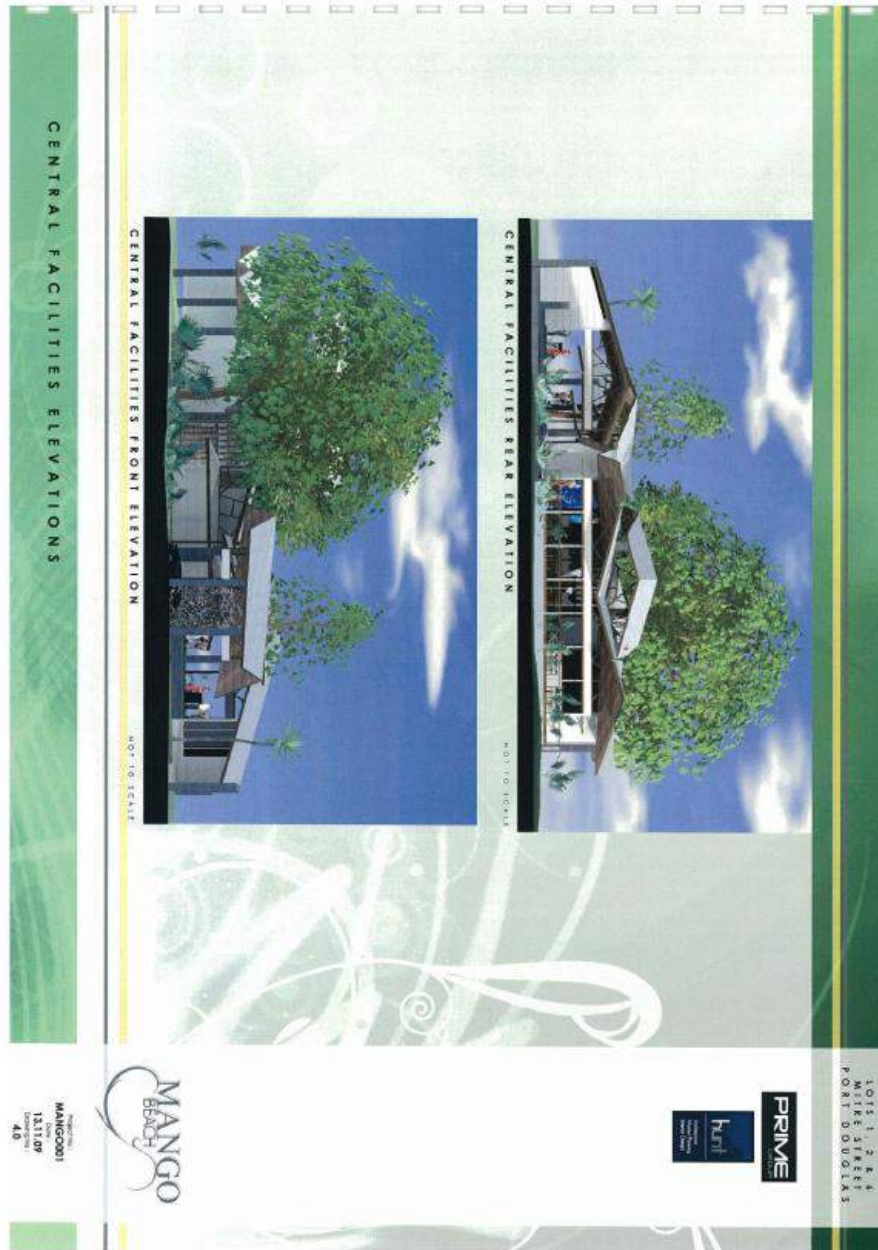
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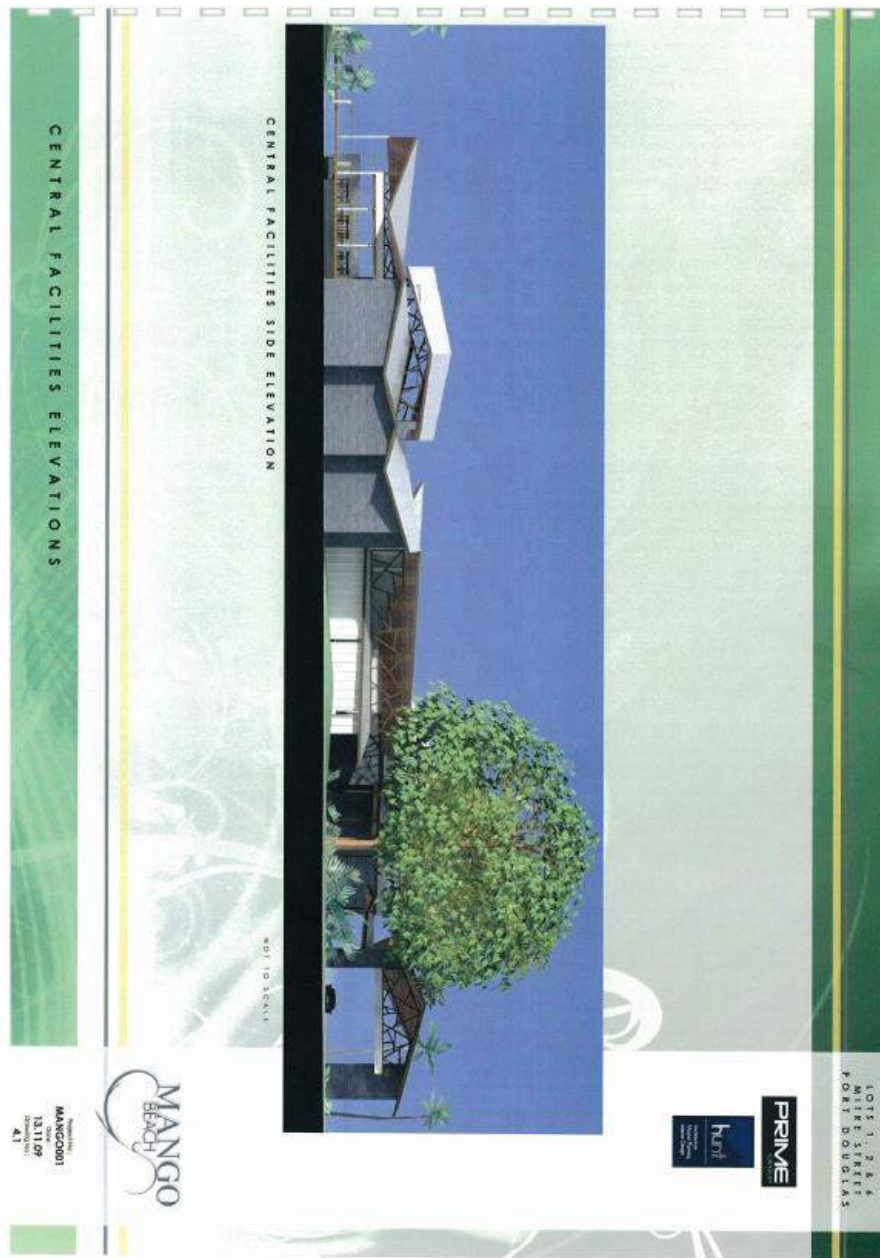
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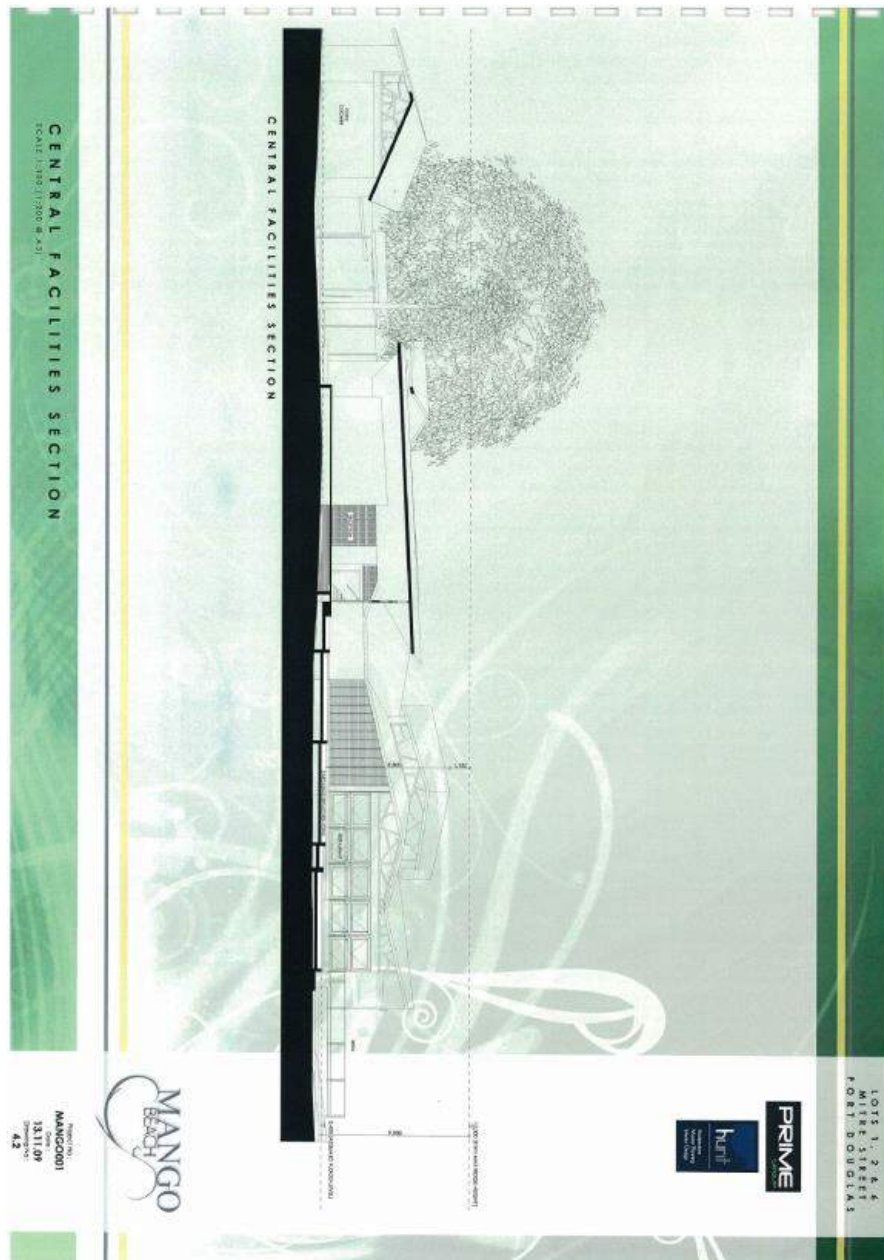
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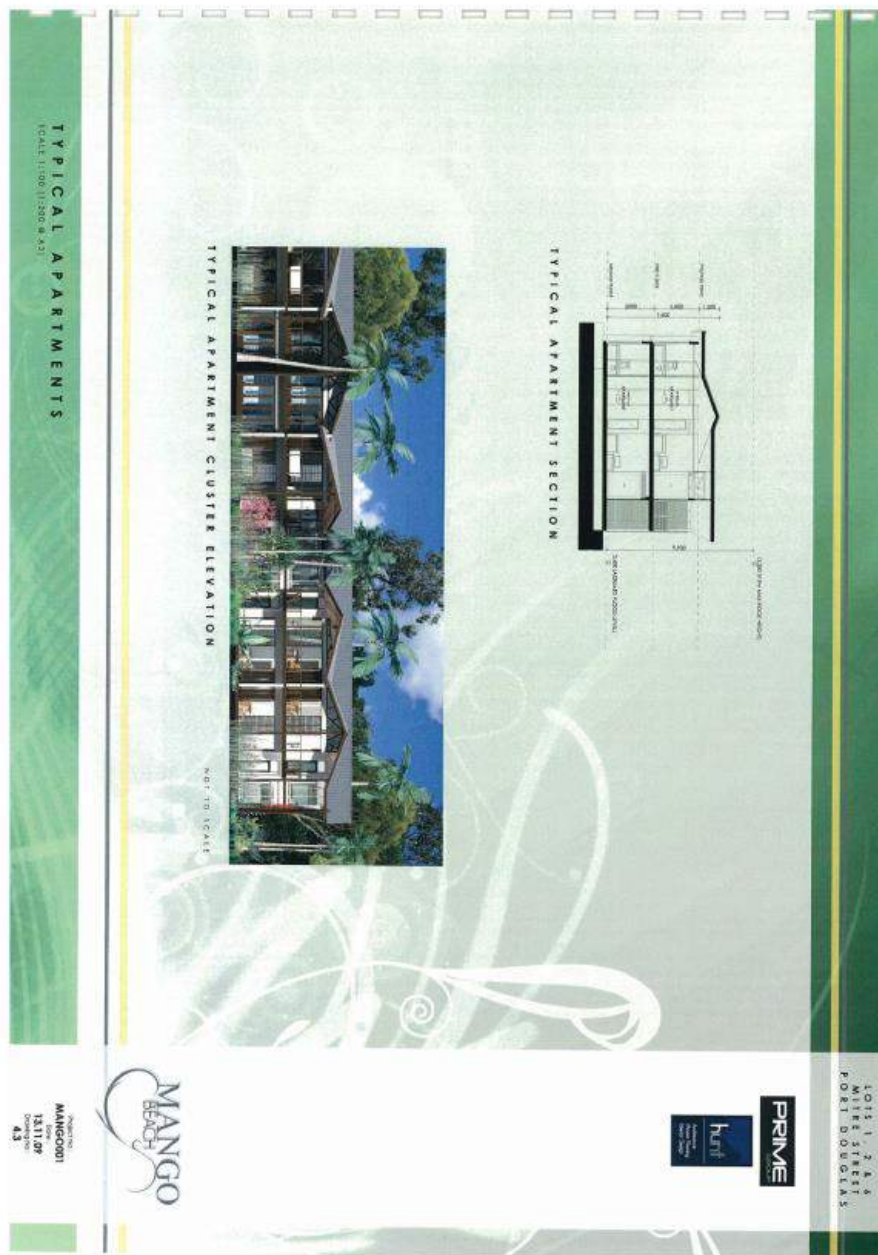
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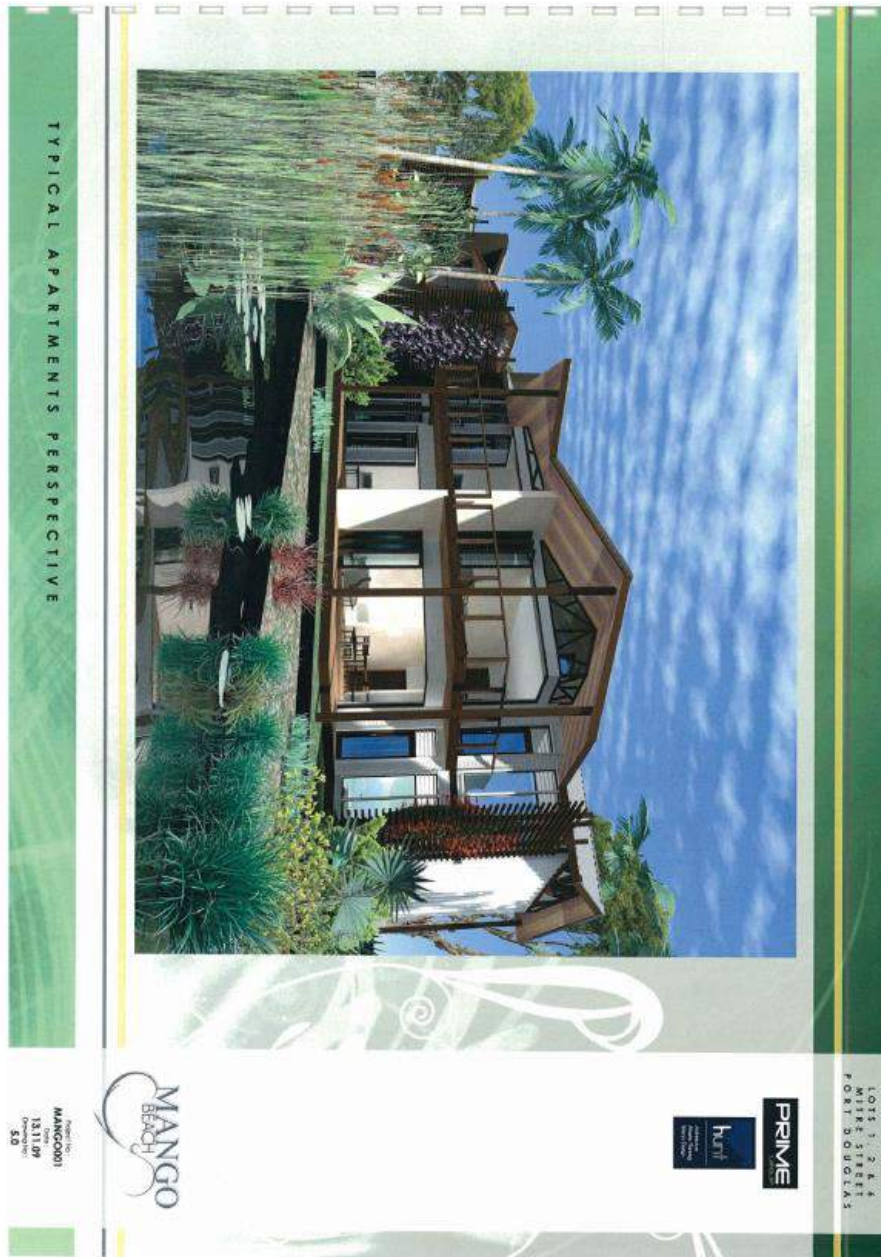
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APPENDIX 3 – CONCURRENCE AGENCY CONDITIONS AND REQUIREMENTS



Council Ref: 8/7/1815

31 May 2010

Department of Main Roads

Chief Executive Officer
Cairns Regional Council
PO Box 359
Cairns Qld 4870

Attention: Luke Jackson

Dear Mr Jackson



Sustainable Planning Act 2009 – Request to extend currency period

Applicant: Mango Beach Port Douglas Pty Ltd

Application: Material Change of Use (106 Multiple Dwellings (Tourist), Restaurant/bar & 4 Dwelling Houses) & Reconfiguration of Lot (5 Allotments & Common Property)

Location: Lots 12, 2 & 6 on C 2253, Parish of Salisbury
Mitre Street, Port Douglas

I refer to:

- the above application received on 18 August 2004 requesting consideration of the above development
- this department's referral agency response dated 27 August 2004 of no requirements,
- Council's decision notice of 18 April 2006,
- Council's amended decision notice 9 December 2009, and
- request to extend the currency period received on 28 May 2010.

This department has no objection to the request being granted.

The Department would appreciate a copy of Council's decision regarding the application.

A copy of this letter has been sent to the applicant.

Yours sincerely

Malcolm Hardy
Senior Planner (Road Assets & Operations) Far North

Road Assets & Operations
Far North Regional Office
Floor 4 Cairns Corporate Tower 15 Lake Street
PO Box 8185 CAIRNS Queensland 4870
ABN 39 407 690 291

Our ref: 214/20A/102 (1600)

Enquiries MALCOLM HARDY
Telephone +61 7 4050 5511
Facsimile +61 7 4050 5438

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Our Reference: IC0510CNS0007; CNS:022938
Contact: Graeme Masterman
Directorate / Unit: Planning and Assessment
Phone: 07 4039 8270

Department of
Environment and Resource
Management

10 June 2010

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870



Attention: Luke Jackson

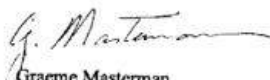
Dear Mr Jackson

Request for an Extension of Period of Approval - Multiple Dwellings (Tourist) and Ancillary Facilities Mango Beach, 40-52 Mitre Street, Craiglie described as Lots 1, 2 and 6 on C2253 - Concurrence agency response

I refer to the above request and advise that the Department of Environment and Resource Management in accordance with section 3.5.23 (5) (a) of the *Integrated Planning Act 1997* has no objection to an extension of the approval by four years to October 2014.

Should you have any questions about the above, please contact Graeme Masterman on telephone number 07 4039 8270, quoting the above reference number.

Yours sincerely



Graeme Masterman
Senior Project Officer
10/6/2010

Cc Belle Property Mango House Pty Ltd
C/o Planz Town Planning Pty Ltd
2 Crowley Close
CAIRNS QLD 4870

Department of Environmental
Resource Management
Level 3, 5b Sheridan Street
PO Box 837
Cairns Queensland 4870
Australia
Telephone + 617 4039 8270
Facsimile + 61 7 4057 3365
Website www.derm.qld.gov.au

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APPENDIX 4 – DEVELOPER HEADWORKS CONTRIBUTIONS ESTIMATES

 DEVELOPERS CONTRIBUTIONS	
2006 Planning Scheme (including 2008 Amendments)	
SUMMARY	
Preliminaries Developer: Mango Beach Pty Ltd Estate Name: #141425 Stage: 0 Street No. and Name: 40 -52 Mile Street Suburb: Google Parcel No: 1093 1094 1095 Lot and RP No: Lot 1, 2 & 6 on C2253 Development Permit No: 8771815	
Development Type District No: 4 Quarter Ending Effective: 2006 DSC Planning Scheme Application SKIDS No: 2638674 Version No: 1 Current RAG: 0.00 Current GRI: 178.00 Validity Period: 4 Current RAG: 0	
Water Supply Adjustment Index: CPI District No: 11 District Name: Port Douglas Receipt Code Existing: 05674 Receipt Code Proposed: 05680 Base Rate - existing: \$5,864.67 Current Rate (Indexed): \$8,006.04 Base Rate - proposed: \$580.03 Current Rate (Indexed): \$594.21 Base Rate - total: \$6,444.70 Current Rate (Indexed): \$8,600.25 Base Date: Jun-09 Base Index: 171.80 Proposed Demand 50 Multi-Unit Housing (1 bedroom unit): 20.00 EDC 36 Multi-Unit Housing (2 bedroom unit): 19.00 EDC 10 Retirement Facility (3 bedroom): 0.00 EDC 7.15 Restaurant: 14.30 EDC Total demand: 53.30 EDC Existing land use: 3 House: 3.00 EDC None: 0.00 EDC None: 0.00 EDC Nominal use credit: 3.00 EDC Lot 1, 2 & 6 use: Credit for long term water consumption removed from policy on 12.2.2002 as per minutes of meeting #402669 Previous contribution Historical amount: \$0.00 Date of payment: 0-Jan-00 Credit for previous payment: 0.00 EDC Credit for Works External Opening balance of works external: \$0.00 Opening balance of credits: \$0.00 Credit claimed: \$0.00 Net demand: 360 Net Charges: \$344,260.91 Net Charges: \$34,049.23 Contributions: \$378,309.14 Time of payment: 0	
Sewerage Adjustment Index: CPI District No: 4 District Name: Pt 2 Four Mile Area receipt Code Proposed: 05681 Base Rate - existing: \$3,933.62 Current Rate (Indexed): \$4,029.79 Base Rate - proposed: \$470.20 Current Rate (Indexed): \$481.76 Base Rate - total: \$4,403.82 Current Rate (Indexed): \$4,511.54 Base Date: Jun-03 Base Index: 171.80 Proposed Demand 50 Multi-Unit Housing (1 bedroom unit): 25.00 EDC 36 Multi-Unit Housing (2 bedroom unit): 25.20 EDC 10 Multi-Unit Housing (3 bedroom unit): 8.00 EDC 7.2 Restaurant: 14.30 EDC Total demand: 72.50 EDC Existing land use: 3 House: 3.00 EDC None: 0.00 EDC None: 0.00 EDC Nominal use credit: 3.00 EDC Lot 1, 2 & 6 use: Credit for long term sewer use removed from policy on 12.2.2002 as per minutes of meeting #402669 Previous contribution Historical amount: \$0.00 Date of payment: 0-Jan-00 Credit for previous payment: 0.00 EDC Credit for Works External Opening balance of works external: \$0.00 Opening balance of credits: \$0.00 Credit claimed: \$0.00 Net demand: 359 Net Charges Existing Works: \$280,070.08 Net Charges Proposed Works: \$33,482.07 Contributions: \$313,552.15 Time of payment: prior to commencement of use	
Road Network Adjustment Index: CPI District No: 0 District Name: No Policy Receipt Code: 0 Base Rate: \$0.00 ERA Base Index: 0.00 Base Date: Jan-00 Current Rate (Indexed): \$0.00 ERA Proposed Demand None: 0.00 ERA None: 0.00 ERA None: 0.00 ERA Total demand: 0.00 ERA Existing land use: None: 0.00 ERA None: 0.00 ERA None: 0.00 ERA Allowable credit: 0.00 ERA Net demand: 0.00 ERA Subtotal: \$0.00 Credit for Works External Works external: 0 Opening balance of credits: \$0.00 Credit for this work: \$0.00 Closing Balance for works external: \$0.00 Contributions: \$0.00 Time of payment:	
Drainage District No: 44 District Name: None Mitigation: No Policy in former DSC Area Unit: Ha Quantity: 0.00 Receipt Code: 0 Base Rate: \$0.00 Base Index: 0.00 Base Date: Jan-00 Current Rate (Indexed): \$0.00 Demand None: \$0.00 Sub-total: \$0.00 Credit for works external Works external: 0 Opening balance of credits: \$0.00 Credit for this work: \$0.00 Closing Balance for works external: \$0.00 Contributions (Mitigation): \$0.00 Water Quality Unit: Ha Quantity: 0 Receipt Code: 0 Base Rate: \$0.00 Base Index: 0.00 Base Date: Jan-00 Current Rate (Indexed): \$0.00 Demand None: \$0.00 Sub-total: \$0.00 Credit for works external Works external: 0 Opening balance of credits: \$0.00 Credit for this work: \$0.00 Closing Balance for works external: \$0.00 Contributions (Water Quality): \$0.00 Time of payment:	
Open Space Adjustment Index: Other Districts: 2 Name: Former DSC Area Receipt Code: 516 Contribution: \$0.00 Time of payment:	
Other Bonds and Contributions None: \$0.00 None: \$0.00 0: \$0.00 None: \$0.00 Subtotal: \$0.00 Time of payment: prior to commencing works for reconfiguration Adjustment Index: CPI	
Amendments Prepared: Luke Jackson Checked: Leon Doube TOTAL: \$691,861.30	

Base Master Document: 575334

Developer Contributions Project

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2006 Douglas Shire Planning Scheme Applications

DEVELOPERS HEADWORKS CONTRIBUTIONS

Mango Beach Pty Ltd		#VALUE!	0
<small>DEVELOPERS NAME</small>		<small>ESTATE NAME</small>	<small>STAGE</small>
40 -52 Mitre Street	Craiglie	Lot 1, 2 & 6 on C2253	1093 1094 1095
<small>STREET No. & NAME</small>	<small>SUBURB</small>	<small>LOT & RP No.s</small>	<small>PARCEL No.</small>
MCU - Multiple dwellings	8/7/1815	31-Mar-10	4
<small>DEVELOPMENT TYPE</small>	<small>COUNCIL FILE NO.</small>	<small>QUARTER ENDING</small>	<small>VALIDITY PERIOD</small>
2638674	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
<small>SKIDS No.</small>	<small>VERSION No.</small>		

	DIST.	\$ / ERA		NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER								
	EX	11	6,008.04	X	57.30	0.00	\$344,260.91	T 615/ 05674
	Pro	11	594.21	X	57.30	0.00	\$34,048.23	T 616/ 05660
Water sub - total						\$378,309.14		
SEWERAGE								
	Ex	4	4,029.79	X	69.50	0.00	\$280,070.08	T 617/ 05687
	Pro	4	481.76	X	69.50	0.00	\$33,482.07	T 618/ 05681
Sewerage sub - total						\$313,552.15		
Road	Not Applicable in Former DSC Area					0		
Network	District No. 0					\$0.00		000/ 0
DRAINAGE	Not Applicable in Former DSC Area					None		
	Stream Management					\$0.00		0
	Stormwater Quality					\$0.00		0
OPEN SPACE								
	Former DSC Area					\$0.00		T 614 / 546
BONDS								
	None					\$0.00		
	None					\$0.00		
OTHER								
	0.00					\$0.00		000/000
	None					\$0.00		
	TOTAL					\$691,861.30		

Prepared by	Luke Jackson	on	29-Jun-10	Amount Paid	
Checked by	Leon Doutre	on	29-Jun-10	Date Paid	
Amendments		Date		Receipt No.	
				Cashier	

1. The Developer should confirm these details with City Assessment prior to arranging payment
 2. City Assessment must update these details if the effective quarter is no longer current
 3. City Assessment must update these details in the event of policy change or variation to Development Approval
 4. These details must be presented at time of payment
 5. A photocopy of these details to be forwarded to City Assessment once payment is receipted
 6. The original of these details to be forwarded to Finance Department with receipt once payment is receipted
 7. Payment details to be entered into Developer Contributions Register by Finance Officer
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		DEVELOPERS CONTRIBUTIONS	
2006 Planning Scheme (including 2006 Amendments)		SUMMARY	
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Preliminaries</p> <p>Developer: Mango Beach Pty Ltd</p> <p>Estate Name: #VALUE1</p> <p>Stage: 0</p> <p>Street No. and Name: 40 - 52 Mile Street</p> <p>Suburb: Craigie</p> <p>Parcel No: 1093 1094 1095</p> <p>Lot and RP No: Lot 1, 2 & 6 on C2253</p> <p>Development Permit No: 8/71915</p> </div> <div style="width: 48%;"> <p>Development Type: RDI - 3 ybs 9 ybs</p> <p>Status: 2006 D&C Planning Scheme Applications</p> <p>Quarter Ending Effective: Max 10</p> <p>SKOS No: 2639127</p> <p>Version No: 1</p> <p>Current R&B: 0.00</p> <p>Current GPR: 176.00</p> <p>Current R&B: 0</p> </div> </div>			
<p>Water Supply</p> <p>Adjustment Index: CPI</p> <p>District No: 11</p> <p>District Name: Port Douglas</p> <p>Receipt Code Existing: 05874</p> <p>Receipt Code Proposed: 05880</p> <p>Base Rate - existing: \$5,864.57</p> <p>Base Rate - proposed: \$580.03</p> <p>Base Rate - total: \$6,444.70</p> <p>Base Date: Jun-09</p> <p>Current Rate (Indexed): \$6,008.04</p> <p>Current Rate (Indexed): \$594.21</p> <p>Current Rate (Indexed): \$6,602.25</p> <p>Base Index: 171.80</p> <p>Proposed Demand</p> <p>9 House: 9.00 EDC</p> <p>None: 0.00 EDC</p> <p>None: 0.00 EDC</p> <p>Total demand: 9.00 EDC</p> <p>Existing land use</p> <p>3 House: 3.00 EDC</p> <p>None: 0.00 EDC</p> <p>None: 0.00 EDC</p> <p>Nominal use credit: 3.00 EDC</p> <p>Long term water use</p> <p>Credit for long term water consumption removed from policy on 12.3.2002 as per minutes of meeting #403659</p> <p>Previous contribution</p> <p>Historical amount: \$0.00</p> <p>Date of payment: 0-Jan-00</p> <p>Credit for previous payment: 0.00 EDC</p> <p>Credit for Works External</p> <p>Opening balance of works external: \$0.00</p> <p>Opening balance of credits: \$0.00</p> <p>Credit claimed: 0.00 EDC</p> <p>Net demand: 9.00 EDC</p> <p>Net Charges: 360 \$36,048.28</p> <p>Net Charges: 357 \$3,565.28</p> <p>Contributions: \$39,613.52</p> <p>Time of payment: prior to approval of plan of survey</p>		<p>Sewerage</p> <p>Adjustment Index: CPI</p> <p>District No: 4</p> <p>District Name: Pt D Four Mile Area</p> <p>Receipt Code Existing: 05687</p> <p>Receipt Code Proposed: 05681</p> <p>Base Rate - existing: \$3,933.62</p> <p>Base Rate - proposed: \$470.26</p> <p>Base Rate - total: \$4,403.88</p> <p>Base Date: Jun-03</p> <p>Current Rate (Indexed): \$4,029.79</p> <p>Current Rate (Indexed): \$481.78</p> <p>Current Rate (Indexed): \$4,511.54</p> <p>Base Index: 171.80</p> <p>Proposed Demand</p> <p>9 House: 9.00 EDC</p> <p>None: 0.00 EDC</p> <p>None: 0.00 EDC</p> <p>Total demand: 9.00 EDC</p> <p>Existing land use</p> <p>3 House: 3.00 EDC</p> <p>None: 0.00 EDC</p> <p>None: 0.00 EDC</p> <p>Nominal use credit: 3.00 EDC</p> <p>Long term sewer use</p> <p>Credit for long term sewer use removed from policy on 12.3.2002 as per minutes of meeting #403659</p> <p>Previous contribution</p> <p>Historical amount: \$0.00</p> <p>Date of payment: 0-Jan-00</p> <p>Credit for previous payment: 0.00 EDC</p> <p>Credit for Works External</p> <p>Opening balance of works external: \$0.00</p> <p>Opening balance of credits: \$0.00</p> <p>Credit claimed: 0.00 EDC</p> <p>Net demand: 6.00 EDC</p> <p>Net Charges Existing Works: 359 \$24,178.71</p> <p>Net Charges Proposed Works: 358 \$2,890.54</p> <p>Contributions: \$27,069.25</p> <p>Time of payment:</p>	
<p>Road Network</p> <p>Adjustment Index: CPI</p> <p>District No: 0</p> <p>District Name: No Policy in Former D&C Area</p> <p>Receipt Code: 0</p> <p>Base Rate: \$0.00 /ERA</p> <p>Base Date: Jan-00</p> <p>Base Index: 0.00</p> <p>Current Rate (Indexed): \$0.00 /ERA</p> <p>Proposed Demand</p> <p>None: 0.00 ERA</p> <p>None: 0.00 ERA</p> <p>None: 0.00 ERA</p> <p>Total demand: 0.00 ERA</p> <p>Existing land use</p> <p>None: 0.00 ERA</p> <p>None: 0.00 ERA</p> <p>None: 0.00 ERA</p> <p>Allowable credit: 0.00 ERA</p> <p>Net demand: 0.00 ERA</p> <p>Subtotal: \$0.00</p> <p>Credit for Works External</p> <p>Works external: 0 \$0.00</p> <p>Opening balance of credits: \$0.00</p> <p>Credit for this work: \$0.00</p> <p>Closing Balance for works external: \$0.00</p> <p>Contributions: \$0.00</p> <p>Time of payment:</p>		<p>Drainage</p> <p>District No: 44</p> <p>District Name: No Policy in Former D&C Area</p> <p>Mitigation: Ha</p> <p>Unit: Ha</p> <p>Quantity: 0.00</p> <p>Receipt Code: 0</p> <p>Base Rate: \$0.00</p> <p>Base Date: Jan-00</p> <p>Base Index: 0.00</p> <p>Current Rate (Indexed): \$0.00</p> <p>Demand</p> <p>None: \$0.00</p> <p>Sub-total: \$0.00</p> <p>Credit for works external</p> <p>Works external: 0 \$0.00</p> <p>Opening balance of credits: \$0.00</p> <p>Credit for this work: \$0.00</p> <p>Closing Balance for works external: \$0.00</p> <p>Contributions (Mitigation): \$0.00</p> <p>Water Quality</p> <p>Unit: Ha</p> <p>Quantity: 0</p> <p>Receipt Code: 0</p> <p>Base Rate: \$0.00</p> <p>Base Date: Jan-00</p> <p>Base Index: 0.00</p> <p>Current Rate (Indexed): \$0.00</p> <p>Demand</p> <p>None: \$0.00</p> <p>Sub-total: \$0.00</p> <p>Credit for works external</p> <p>Works external: 0 \$0.00</p> <p>Opening balance of credits: \$0.00</p> <p>Credit for this work: \$0.00</p> <p>Closing Balance for works external: \$0.00</p> <p>Contributions (Water Quality): \$0.00</p> <p>Time of payment:</p>	
<p>Open Space</p> <p>Adjustment Index: Other</p> <p>Monetary Contribution</p> <p>No. of new allotments: 6</p> <p>Contribution rate: 10.00%</p> <p>UCV of subject land: ha</p> <p>Area of subject land: ha</p> <p>Area of new lots: ha</p> <p>Districts: 2</p> <p>Name: Former D&C Area</p> <p>Receipt Code: 516</p> <p>Contribution: \$0.00</p> <p>Time of payment:</p>		<p>Other Bonds and Contributions</p> <p>None: \$0.00</p> <p>None: \$0.00</p> <p>0: 000/000 \$0.00</p> <p>None: \$0.00</p> <p>Subtotal: \$0.00</p> <p>Time of payment: prior to commencing works for reconfiguration</p>	
<p>Amendments</p>		<p>Prepared: Luke Jackson 29-Jun-10</p> <p>Checked: Leon Doure 29-Jun-10</p> <p>TOTAL: \$68,682.77</p>	

Base Master Document: 575334

Developer Contributions Project

40.2009.3504
43/46



2006 Douglas Shire Planning Scheme Applications

DEVELOPERS HEADWORKS CONTRIBUTIONS

Mango Beach Pty Ltd		#VALUE!	0
DEVELOPERS NAME		ESTATE NAME	STAGE
40 - 52 Mitre Street	Craiglie	Lot 1, 2 & 6 on C2253	1093 1094 1095
STREET No. & NAME	SUBURB	LOT & RP No.s	PARCEL No.
ROL - 3 into 9 lots	8/7/1815	31-Mar-10	4
DEVELOPMENT TYPE	COUNCIL FILE NO.	QUARTER ENDING	VALIDITY PERIOD
2639127	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
SKIDS No.	VERSION No.		

	DIST.	\$ / ERA	NET ERA	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	RECEIPT TYPE
WATER							
EX	11	6,008.04	X	6.00	0.00	\$36,048.26	T 615/ 05674
Pro	11	594.21	X	6.00	0.00	\$3,565.26	T 616/ 05660
Water sub - total					\$39,613.52		
SEWERAGE							
Ex	4	4,029.79	X	6.00	0.00	\$24,178.71	T 617/ 05687
Pro	4	481.76	X	6.00	0.00	\$2,890.54	T 618/ 05681
Sewerage sub - total					\$27,069.25		
Road Network					0		
Not Applicable in Former DSC Area							
District No.					0		000/ 0
DRAINAGE					None		
Not Applicable in Former DSC Area							
Stream Management					\$0.00		0
Stormwater Quality					\$0.00		0
OPEN SPACE							
Former DSC Area					\$0.00		T 614 / 546
BONDS							
None					\$0.00		
None					\$0.00		
OTHER							
0.00					\$0.00		000/000
None					\$0.00		
TOTAL					\$66,682.77		

Prepared by	Luke Jackson	on	29-Jun-10	Amount Paid	
Checked by	Leon Dautre	on	29-Jun-10	Date Paid	
Amendments		Date		Receipt No.	
				Cashier	

1. The Developer should confirm these details with City Assessment prior to arranging payment
2. City Assessment must update these details if the effective quarter is no longer current
3. City Assessment must update these details in the event of policy change or variation to Development Approval
4. These details must be presented at time of payment
5. A photocopy of these details to be forwarded to City Assessment once payment is receipted
6. The original of these details to be forwarded to Finance Department with receipt once payment is receipted
7. Payment details to be entered into Developer Contributions Register by Finance Officer

40.2009.3504
44/46

UPDATED ADOPTED INFRASTRUCTURE CHARGES



2006 & 2008 Douglas Shire Planning Schemes Applications

INFRASTRUCTURE CHARGES NOTICE

Dr Lucas & J Lucas		Mango Beach	0
DEVELOPERS NAME		ESTATE NAME	STAGE
40-52, 42-44 & 46-52 Mitre Street		Port Douglas	L1, 2 & 6 on C2253
STREET No. & NAME		SUBURB	LOT & RP No.s
ROL		CA 3504/2009	31-Mar-14
DEVELOPMENT TYPE		COUNCIL FILE NO.	QUARTER ENDING
422807		1	VALIDITY PERIOD
This logsheet is indexed appropriately only for payments made within the quarter noted above.			

DSC Reference Doc. No.	VERSION No.						
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code
WATER							
Existing	11	6,641.15	X	8.00	0.00	\$53,129.24	861
Proposed	11	856.83	X	8.00	0.00	\$5,254.61	875
Port Douglas	Water sub - total				\$58,383.85		
SEWERAGE							
Existing	4	4,453.04	X	8.00	0.00	\$35,624.29	884
Proposed	4	532.45	X	8.00	0.00	\$4,259.60	890
Pt D Four Mile	Sewerage sub - total				\$39,883.88		
OPEN SPACE							
DSC Area					\$0.00		894
Off-Site Car Parking	None				\$0.00		
TOTAL					\$98,267.73		

Prepared by	J Elphinstone	on	18-Jun-14	Amount Paid	
Checked by	N Beck	on	18-Jun-14	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*.

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. 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

40.2009.3504
45/46

INFRASTRUCTURE CHARGES NOTICE

Dr Lucas & J Lucas		Mango Beach		0			
DEVELOPERS NAME		ESTATE NAME		STAGE			
40-52, 42-44 & 46-52 Mitre Street		Port Douglas		L1, 2 & 6 on C2253			
STREET No. & NAME		SUBURB		LOT & RP No.s			
MCU		CA 3504/2009		31-Mar-14			
DEVELOPMENT TYPE		COUNCIL FILE NO.		QUARTER ENDING			
422808		1		This logsheet is indexed appropriately only for payments made within the quarter noted above.			
DSC Reference Doc. No.		VERSION No.					
	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code
WATER							
Existing	11	6,641.15	X 53.15	0.00	\$352,977.38		861
Proposed	11	856.83	X 53.15	0.00	\$34,910.31		875
Port Douglas	Water sub - total				\$387,887.69		
SEWERAGE							
Existing	4	4,453.04	X 58.20	0.00	\$259,166.68		884
Proposed	4	532.45	X 58.20	0.00	\$30,988.58		890
Pt D Four Mile	Sewerage sub - total				\$290,155.26		
OPEN SPACE							
DSC Area					\$0.00		894
Off-Site Car Parking					\$0.00		
TOTAL					\$678,042.95		
Prepared by	J Elphinstone		on	18-Jun-14	Amount Paid		
Checked by	N Beck		on	18-Jun-14	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*.

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

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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

SCHEDULE 2 - ADOPTED INFRASTRUCTURE CHARGES

		2008 Douglas Shire Planning Schemes Applications	
ADOPTED INFRASTRUCTURE CHARGES NOTICE			

David and Jane Lucas DEVELOPERS NAME	0 ESTATE NAME	ROL STAGE
42-44, 46-52 and 40-52 Mitre Street STREET No. & NAME	Craiglie SUBURB	Lots 1, 2 and 6 on CPLN 2253 LOT & RP No.s
ROL (1 into 8 Lots) DEVELOPMENT TYPE	CA 3504/2009 COUNCIL FILE NO.	157270 PARCEL No.
D#828201 DSC Reference Doc. No.	1 VERSION No.	4 VALIDITY PERIOD (year)

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
Proposed House Lots	7	14,342.13	100,394.91		
	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
Total			100,394.91		
TOTAL			\$100,394.91		

Prepared by	J Elphinstone	25-Sep-17	Amount Paid	
Checked by	Simon Clarke	25-Sep-17	Date Paid	
Date Payable			Receipt No.	
Amendments			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 Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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

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

SCHEDULE 2 – PLANNING ACT EXTRACT ON APPEAL RIGHTS

Planning Act 2016
Chapter 6 Dispute resolution

[s 229]

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

Current as at 13 September 2017

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Authorised by the Parliamentary Counsel

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The **service period** is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

- (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.

10 October 2017

Enquiries: Jenny Elphinstone
Phone: (07) 4099 9482
Reference: CA 3504/2009 (D#829683)

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

David and Jane Lucas
PO BOX 329
PORT DOUGLAS QLD 4877

davidlucas88@gmail.com

Dear Sir & Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR
40-52 MITRE STREET CRAIGLIE LAND DESCRIBED AS LOTS 1, 2 AND 6 ON CPLN2253;**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with sections 119-122 of the *Planning Act 2016* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution. The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Sustainable Communities at Council for review of the charge amount prior to payment. These charges are payable prior to the issue of the Plan of Subdivision.

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: CA 3504/2009 in all subsequent correspondence relating to this development application. Should you require any clarification regarding this, please contact Jenny Elphinstone on telephone 07 4099 9482.

Yours faithfully

TRACEY CROUCH
A/Manager Sustainable Communities

encl. Adopted Infrastructure Charges Notice

ADOPTED INFRASTRUCTURE CHARGES NOTICE

David and Jane Lucas DEVELOPERS NAME		0 ESTATE NAME		ROL STAGE	
42-44, 46-52 and 40-52 Mitre Street		Craiglie		Lots 1, 2 and 6 on CPLN 2253	
STREET No. & NAME		SUBURB		LOT & RP No.s	
ROL (1 into 8 Lots)				CA 3504/2009	
DEVELOPMENT TYPE				COUNCIL FILE NO.	
D#828201		1		VALIDITY PERIOD (year)	
DSC Reference Doc . No.		VERSION No.			

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water only					
proposed	0	0.00	0.00		
	0	0.00	0.00		
existing	0	0.00	0.00		
Total			0.00		
Urban Areas - Water & Sewer					
Proposed House Lots	7	14,342.13	100,394.91		
	0	0.00	0.00		
	0	0.00	0.00		
	0	0.00	0.00		
Total			100,394.91		
TOTAL			\$100,394.91		

Code 895
GL 07500.0135.0825

Prepared by	J Elphinstone	25-Sep-17	Amount Paid	
Checked by	Simon Clarke	25-Sep-17	Date Paid	
Date Payable				Receipt No.
Amendments				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 Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

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

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

- (a) whether the levied charge under the notice may be paid other than as required under section 122 including whether the charge may be paid by instalments;
 - (b) whether infrastructure may be provided instead of paying all or part of the levied charge.
- (2) If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

Subdivision 5 Changing charges during relevant appeal period

124 Application of this subdivision

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

125 Representations about infrastructure charges notice

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
 - (a) agrees with a representation; and
 - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
 - (a) must be in the same form as the infrastructure charges notice; and

- (b) must state the nature of the changes; and
 - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

126 Suspending relevant appeal period

- (1) If the recipient needs more time to make representations, the recipient may give a notice suspending the relevant appeal period to the local government.
- (2) The recipient may give only 1 notice.
- (3) If the representations are not made within 20 business days after the notice is given, the balance of the relevant appeal period restarts.
- (4) If representations are made within the 20 business days and the recipient gives the local government a notice withdrawing the notice of suspension, the balance of the relevant appeal period restarts the day after the local government receives the notice of withdrawal.

Division 3 Development approval conditions about trunk infrastructure

Subdivision 1 Conditions for necessary trunk infrastructure

127 Application and operation of subdivision

- (1) This subdivision applies if—

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.
- (3) In this section—
 - conduct* means an act or omission.
 - representative* means—
 - (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
 - state of mind*, of a person, includes the person's—
 - (a) knowledge, intention, opinion, belief or purpose; and
 - (b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.

- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
 - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
 - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and

- (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—

- (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.