

**851907YOUR REF:** ET15-027  
**OUR REF:** CA 1685/2016 (805576))

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

20 February 2017

The Reef Marina Pty Ltd  
C/- Elizabeth Taylor Town Planner  
23 Vallyly Street  
**FRESHWATER QLD 4870**

Dear Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
COMBINED DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF  
USE AND LOT RECONFIGURATION AT WHARF STREET, PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (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 Development and Environment at Council for review of the charge amount prior to payment.

These charges are payable in stages. The attached sheet will need to be reissued specific to each development stage.

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.

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 4099 9444.

Yours faithfully

  
Paul Hoyer | Manager  
**Sustainable Communities | Douglas Shire Council**

## INFRASTRUCTURE CHARGES NOTICE

The Reef Marina DEVELOPERS NAME		0 ESTATE NAME		0 STAGE	
Wharf Street STREET N. & NAME		Port Douglas SUBURB	Lot 146 SR061 LOT & RP No.s		2614 PARCEL No.
Combined; ROL & MCU		CA188529 16	6-Feb-17		Four (4)
DEVELOPMENT TYPE		COUNCIL FL		VALIDITY PERIOD (years)	
503841		1			
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	0.00	0.00		
	existing		0.00		
	Total				
Urban Areas - Water only	proposed	0	0.00		
	0	0.00	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer	proposed	65	8,356.50	710,329.06	
	500		153.00	76,500.00	
	540		50.10	47,094.00	
	existing	2693	50.10	144,953.30	
	382		153	58448	
	Total		630,547.75		
TOTAL					

Prepared by	N Beck	6-Feb-17	Amount Paid	
Checked by	S Clarke	6-Feb-17	Date Paid	
Date Payable				Receipt No.
Amendments	Date			Cashier

## Note:

The Infrastructure Charges in this Notice are payable in accordance with Part 2 Division 1 of the Sustainable Planning Act 2009 (SPA)

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 9144 or by email on enquiries@douglas.qld.gov.au

- (3) An appeal under subsection (1)(b) may be started at any time after the last day a decision on the matter should have been made.

#### **478 Appeals about infrastructure charges notice**

- (1) The recipient of an infrastructure charges notice may appeal to the court about the decision to give the notice.
- (2) However, the appeal may be made only on 1 or more of the following grounds—
- (a) the charge in the notice is so unreasonable that no reasonable relevant local government could have imposed it;
  - (b) the decision involved an error relating to—
    - (i) the application of the relevant adopted charge; or
    - (ii) the working out, for section 636, of additional demand; or
    - (iii) an offset or refund;
  - (c) there was no decision about an offset or refund;
- Examples of possible errors in applying an adopted charge—*
- the incorrect application of gross floor area for a non-residential development
  - applying an incorrect ‘use category’ under an SPRP (adopted charges) to the development
- (d) if the infrastructure charges notice states a refund will be given—the timing for giving the refund.
- (3) To remove any doubt, it is declared that the appeal must not be about—
- (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of infrastructure identified in an LGIP; or

- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.
- (4) The appeal must be started within 20 business days after the day the recipient is given the relevant infrastructure charges notice.

#### **478A Appeals against refusal of conversion application**

- (1) The applicant for a conversion application may appeal to the court against a refusal, or deemed refusal, of the application.
- (2) The appeal must be started within the following period—
  - (a) if the applicant is given written notice of the refusal—20 business days after the day the applicant is given the notice;
  - (b) otherwise—20 business days after the end of the required period under section 660(5) for the application.

#### **479 Appeals from building and development committees**

- (1) A party to a proceeding decided by a building and development committee may appeal to the court against the committee's decision, but only on the ground—
  - (a) of an error or mistake in law on the part of the committee; or
  - (b) that the committee had no jurisdiction to make the decision or exceeded its jurisdiction in making the decision.
- (2) An appeal against a building and development committee's decision must be started within 20 business days after the day notice of the committee's decision is given to the party.