



# TORRES SHIRE COUNCIL

*To lead, provide & facilitate a sustainable,  
safe & culturally vibrant community*

P O Box 171  
THURSDAY ISLAND 4875

Telephone (07) 4069 1336  
Facsimile (07) 4069 1845

Our Reference: IDAS 21/03  
Your Reference: PR149179

23 March 2021

Torres Shire Council  
C/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
Email: [ian.doust@rpsgroup.com.au](mailto:ian.doust@rpsgroup.com.au)

Dear Ian,

## **Decision Notice** *Given under section 63 of the Planning Act 2016*

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined by Torres Shire Council at the Special Council Meeting dated 22 March 2021.

Details of the decision are as follows:

### **APPLICATION DETAILS**

Application No: IDAS 21/03  
Street Address: Airport Road, Horn Island (Horn Island Airport)  
Real Property Description: Lot 1 SP142709  
Planning Scheme: *Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)*

### **DECISION DETAILS**

Council, on 22 March 2021, decided to issue the following type of approval:

Development Permit for Reconfiguration of a Lot – Subdivision of Land by Lease (Creation of 11 Leasehold Lots)

### **CURRENCY PERIOD OF APPROVAL**

The currency period for this development approval is four (4) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

### **ASSESSMENT MANAGER CONDITIONS**

This approval is subject to the conditions in Attachment 1.

## REFERRAL AGENCIES

Not applicable.

## FURTHER DEVELOPMENT PERMITS REQUIRED

Please be advised that the following development permits are to be obtained before the development can be carried out:

1. Development Permit for Building Works (if necessary)

## PROPERLY MADE SUBMISSIONS

Not applicable

## REASONS FOR THE DECISION

There is a community and economic need for the development, having regard to the following:

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007.
- The leases will facilitate ongoing aviation activities associated with the airport.
- The lease areas are not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions.
- The lease areas ensure the safe operation of the airport and its activities.

## OTHER REQUIREMENTS UNDER SECTION 43 OF THE *PLANNING REGULATION 2017*

Not applicable

## APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice.

## RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

For further information, please contact Torres Shire Council on (07) 4069 1336.

Yours faithfully



Dalassa Yorkston  
Chief Executive Officer

Enc. **Attachment 1** – Conditions imposed by the Assessment Manager  
**Attachment 2** – Approved Plans  
**Attachment 3** – Notice about a Decision Notice  
**Attachment 4** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

**ATTACHMENT 1 – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER**

**Airport Road, Horn Island (Horn Island Airport)**

<b>CONDITION</b>	<b>TIMING FOR COMPLIANCE</b>															
<p>1. The Plans of Development, as noted below are approved subject to any alterations. The applicant/owner must at all times during development of the land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with:</p> <ul style="list-style-type: none"> <li>a. The plans, specifications, facts and circumstances as set out in the application submitted to Council;</li> <li>b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and</li> <li>c. Any alterations found necessary by Council at the time of examination of Engineering Plans or during construction of the development because of particular engineering requirements.</li> </ul> <p>Except for any variation required to comply with these conditions of approval.</p>	<p>Prior to survey plan endorsement</p>															
<b>Approved Plans</b>																
<p>2. The approved Plans of Development are as follows:</p>																
<table border="1"> <thead> <tr> <th data-bbox="161 1229 580 1296"><b>Plan Description</b></th> <th data-bbox="580 1229 863 1296"><b>Reference</b></th> <th data-bbox="863 1229 1203 1296"><b>Date</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="161 1296 580 1420">Survey plan</td> <td data-bbox="580 1296 863 1420">Plan of leases F, G, J, K and M-W in Lot 1 on SP142709</td> <td data-bbox="863 1296 1203 1420">18/05/2008</td> </tr> <tr> <td data-bbox="161 1420 580 1547">Survey plan</td> <td data-bbox="580 1420 863 1547">Plan of leases AC &amp; AD in Lot 1 on SP142709</td> <td data-bbox="863 1420 1203 1547">05/09/2020</td> </tr> <tr> <td data-bbox="161 1547 580 1671">Survey Plan</td> <td data-bbox="580 1547 863 1671">Plan of leases AA &amp; AB in Lot 1 on SP142709</td> <td data-bbox="863 1547 1203 1671">24/09/2020</td> </tr> <tr> <td data-bbox="161 1671 580 1771">Survey Plan</td> <td data-bbox="580 1671 863 1771">Plan of leases AE in Lot 1 on SP142709</td> <td data-bbox="863 1671 1203 1771">09/12/2020</td> </tr> </tbody> </table>		<b>Plan Description</b>	<b>Reference</b>	<b>Date</b>	Survey plan	Plan of leases F, G, J, K and M-W in Lot 1 on SP142709	18/05/2008	Survey plan	Plan of leases AC & AD in Lot 1 on SP142709	05/09/2020	Survey Plan	Plan of leases AA & AB in Lot 1 on SP142709	24/09/2020	Survey Plan	Plan of leases AE in Lot 1 on SP142709	09/12/2020
<b>Plan Description</b>	<b>Reference</b>	<b>Date</b>														
Survey plan	Plan of leases F, G, J, K and M-W in Lot 1 on SP142709	18/05/2008														
Survey plan	Plan of leases AC & AD in Lot 1 on SP142709	05/09/2020														
Survey Plan	Plan of leases AA & AB in Lot 1 on SP142709	24/09/2020														
Survey Plan	Plan of leases AE in Lot 1 on SP142709	09/12/2020														
<p>As indicated.</p>																
<b>Heritage</b>																
<p>3. Horn Island Airport land contains several heritage places as identified on the Cultural Heritage Map. This development approval</p>	<p>At all times</p>															

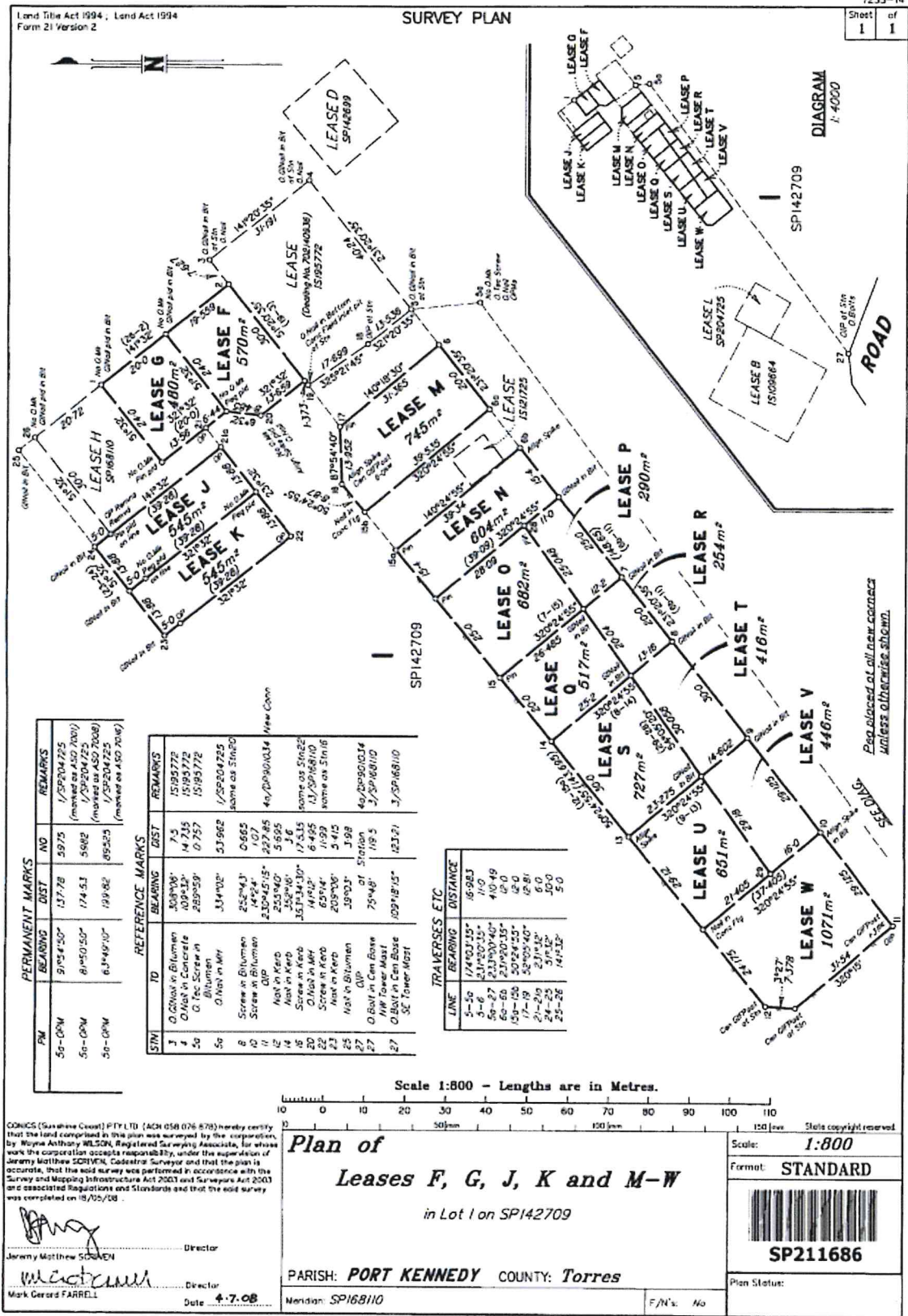


<u>CONDITION</u>	<u>TIMING FOR COMPLIANCE</u>
<p>does not permit any works that remove or impact on the heritage items within the subject site.</p> <p>No works are permitted that will disturb, alter, impact or destroy any local heritage significance.</p>	

<u>ADVICE</u>
<p>This approval, granted under the provisions of the Planning Act 2016, shall lapse six (4) years from the day the approval takes effect in accordance with the relevant provision s85 of the Planning Act 2016</p>
<p>No infrastructure charges notice is issued under the Adopted infrastructure Charges resolution for this development permit.</p>
<p>In accordance with the Environmental Protection (Water) Policy 2009, all sand, silt, mud, paint, cement, concrete, builders waste or rubbish shall not be permitted to enter or be placed where it could reasonably be expected to more into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.</p>
<p>Aboriginal cultural heritage is protected under the Aboriginal Cultural Heritage Act 2003 This Act establishes a cultural heritage duty of care and in section 23(1) mandates that a person who carries out an activity must take all reasonable and practicable measures for ensuring activities are managed to avoid or minimise harm to Aboriginal cultural heritage. The Duty of Care Guidelines gazetted pursuant to the Aboriginal Cultural Heritage Act 2003 provide guidance on identifying and protecting Aboriginal cultural heritage to fulfil the duty of care.</p> <p>If you are unsure of your obligations contact the relevant Queensland State Government Department (Department of Aboriginal and Torres Strait Islander Partnerships).</p>
<p>Horn Island Airport land is a Local Heritage place, any construction activity, alteration, or other works may require further and separate development permit subject to assessment under the Torres Shire Planning Scheme.</p>

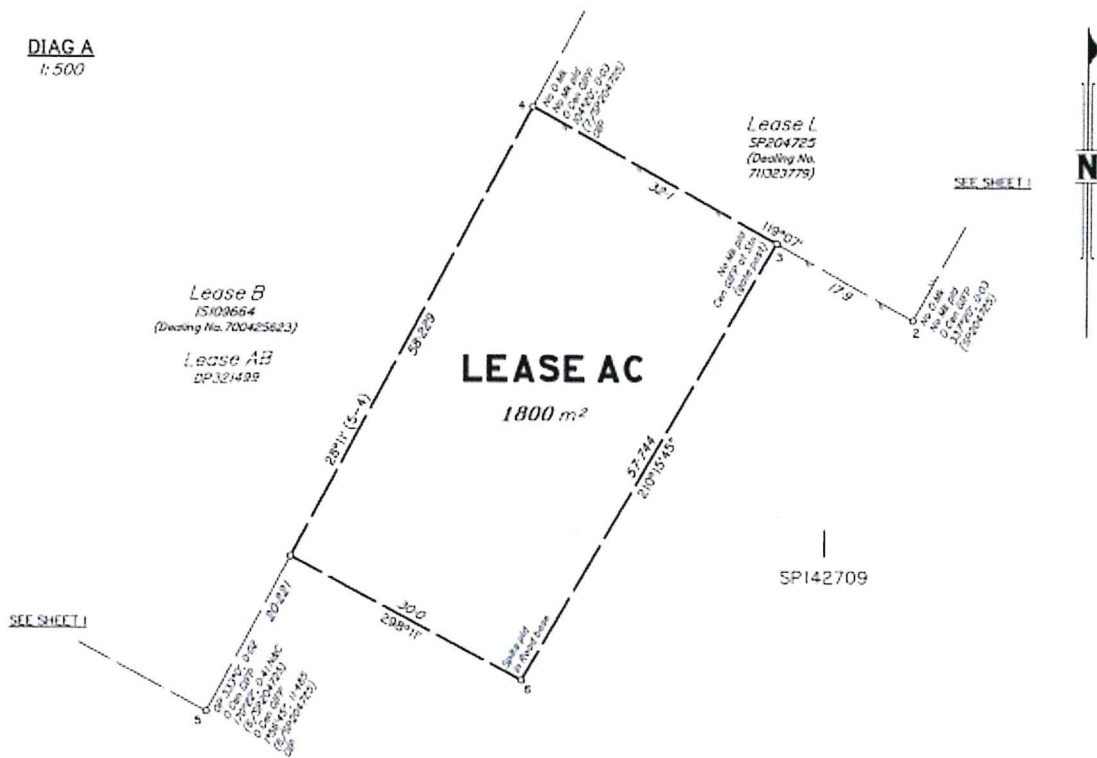
**ATTACHMENT 2 – APPROVED PLANS**

SP211686 V0 REGISTERED Recorded Date 15/10/2015 14:45 Page 1 of 2 Not To Scale



Copyright protects the plan/s being ordered by you. Unauthorised reproduction or amendments are not permitted

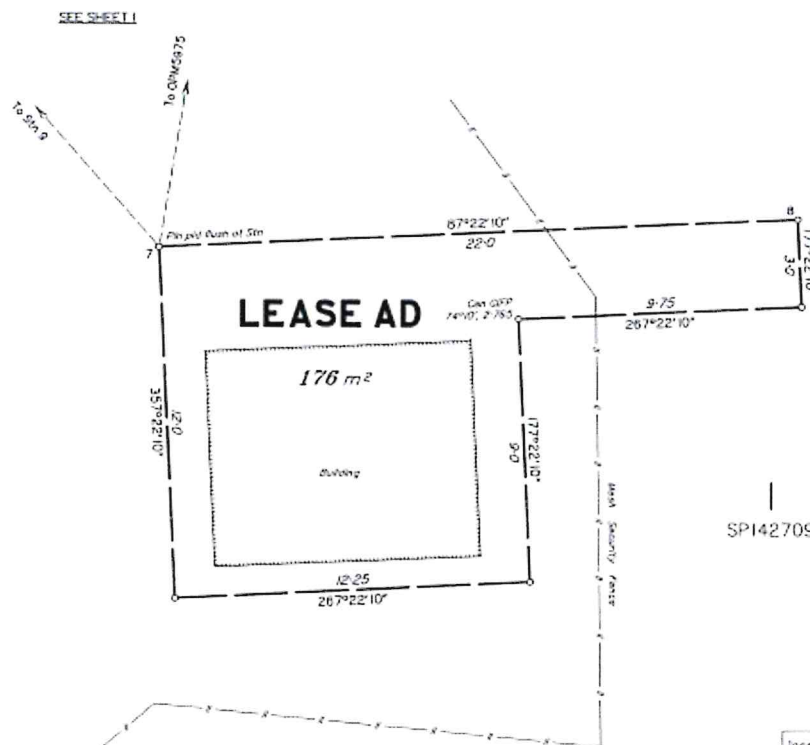
**DIAG A**  
1:500



*Peg placed at all new corners, unless otherwise stated.*

*See Sheet 1 for Reference Mark Tables.*

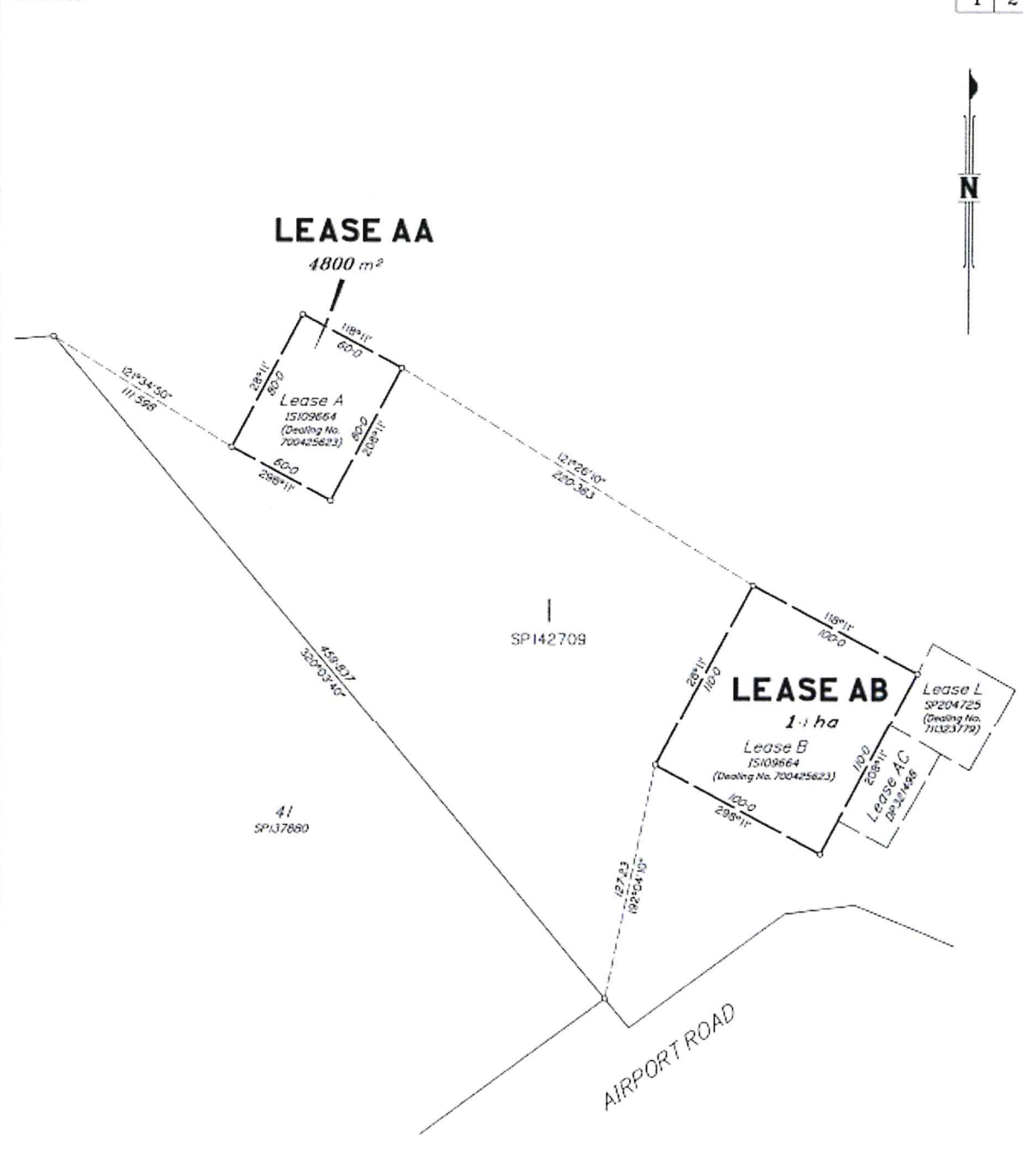
**DIAG B**  
1:150



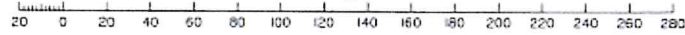
State copyright reserved.

Insert Plan Number **SP321498**

50m 100m 150m



Scale 1:2000 - Lengths are in Metres.



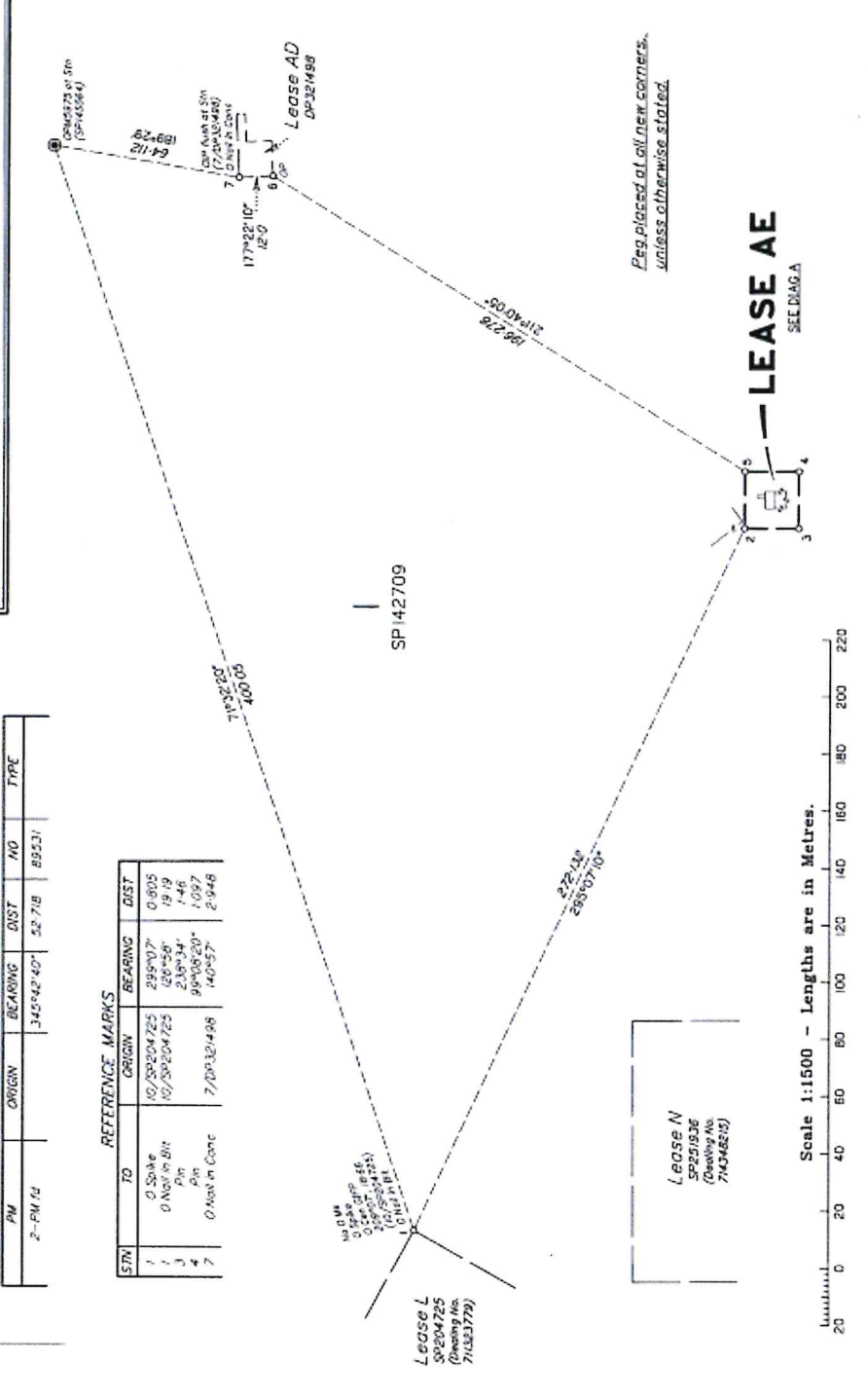
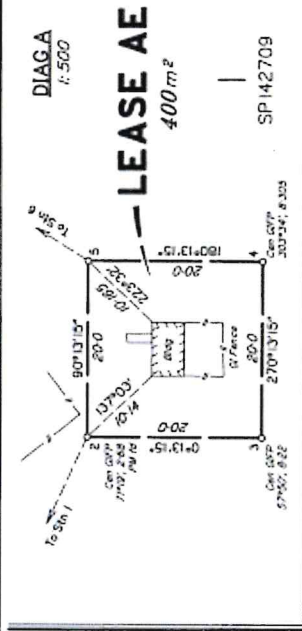
SPS Australia East Pty Ltd (ACN 140 292 792) hereby certify that the corporation, by Adrian Edward SULLIVAN, cadastral surveyor, for whose work the corporation accepts responsibility, has made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Statutes and that the plan is accurate, and compiled from 05109664 in the Department of Natural Resources, Mines and Energy.

*Adrian Edward Sullivan*  
Authorized Delegate  
24/09/2020  
Date

<p>Plan of Leases AA &amp; AB in Lot 1 on SPI42709</p>		<p>Scale: 1:2000</p>
<p>LOCAL GOVERNMENT: TORRES SHIRE</p>		<p>Format: STANDARD</p>
<p>LOCALITY: HORN</p>		<p>SP321499</p>
<p>Meridian: SPI42709</p>	<p>Survey Records: No</p>	<p>State copyright reserved</p>



SURVEY PLAN



Peg placed at all new corners, unless otherwise stated.

Reinstatement Report

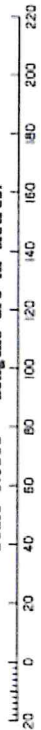
- Plans searched - SP204725, SP251936, SP166110, IS109664, IS269413, SP211686, DP901034 & DP321498.
- Lease AE does not immediately abut existing cadastral and has been connected to registered lease 711323779 and Lease AD on DP321498.
- All observed bearing and distances on this plan agree with DP321498.

PM	TO	ORIGIN	BEARING	DIST	NO	TYPE
2	PM 13		345° 42' 40"	52.718	85531	

STN	TO	ORIGIN	BEARING	DIST
1	0 Stake	10/30204725	299° 07'	0.905
2	0 Nail in Bit	10/30204725	126° 58'	19.19
3	0 Pin	10/30204725	238° 34'	1.46
4	0 Pin	10/30204725	99° 06' 20"	0.097
7	0 Nail in Conc	7/03321498	140° 57'	2.946

Lease N  
SP251936  
(Bearing No. 71036815)

Scale 1:1500 - Lengths are in Metres.



RPS Australia Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Darren Kenneth CERTEL, surveying associate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SCLIMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 09/12/2020.

*Polomow*  
Authorised Delegate  
14/01/21  
Date

Plan of Lease AE  
in Lot 1 on SPI42709

LOCAL GOVERNMENT: TORRES SHIRE LOCALITY: HORN

Meridian: SP204725 Survey Records: No

Scale: 1:1500  
Format: STANDARD

SP323469



## ATTACHMENT 3 – NOTICE ABOUT A DECISION NOTICE

### NOTICE ABOUT A DECISION NOTICE

In accordance with section 63(4) and (5) of the *Planning Act*

#### DESCRIPTION OF THE DEVELOPMENT

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<b>Application number:</b>	IDAS 21/03
<b>Property description:</b>	Airport Road, Horn Island (Horn Island Airport) (Lot 1 SP142709)
<b>Approval sought:</b>	Development Permit for Reconfiguration of a Lot
<b>Description of the development:</b>	Subdivision of Land by Lease (Creation of 11 Leasehold Lots)
<b>Decision:</b>	Approved with conditions
<b>Decision date:</b>	22 March 2021

#### APPLICABLE ASSESSMENT BENCHMARKS

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<b>Planning Scheme:</b>	Torres Shire IPA Planning Scheme (17 July 2007) <ul style="list-style-type: none"><li>• Special Purpose Zone Code</li><li>• Cultural Heritage Overlay Code</li><li>• Natural Areas Overlay Code</li></ul>
<b>State Planning Policy (SPP):</b>	None applicable
<b>Planning Regulation 2017:</b>	The application did not trigger any matters prescribed by the regulation.

#### PUBLIC NOTIFICATION

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The application is code assessable therefore public notification was not required.

#### REASONS FOR THE DECISION

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The application is **approved** on the following grounds:

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007.
- The leases will facilitate ongoing aviation activities associated with the airport.
- The lease areas are not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions.
- The lease areas ensure the safe operation of the airport and its activities.

**ATTACHMENT 4 – EXTRACT OF APPEAL PROVISIONS**

Attached under separate cover. This page has been intentionally left blank.

SURVEY PLAN

Torres Shire Council

Land Title Act 1994 : Land Act 1994  
 Form 21 Version 2  
 PO Box 171  
 THURSDAY ISLAND QLD 4875

APPROVED PLANS OF DEVELOPMENT

Ref No: 1 DAS 2021-03  
 Date: 25/02/2021  
 Signed: [Signature]  
 Position: [Signature]

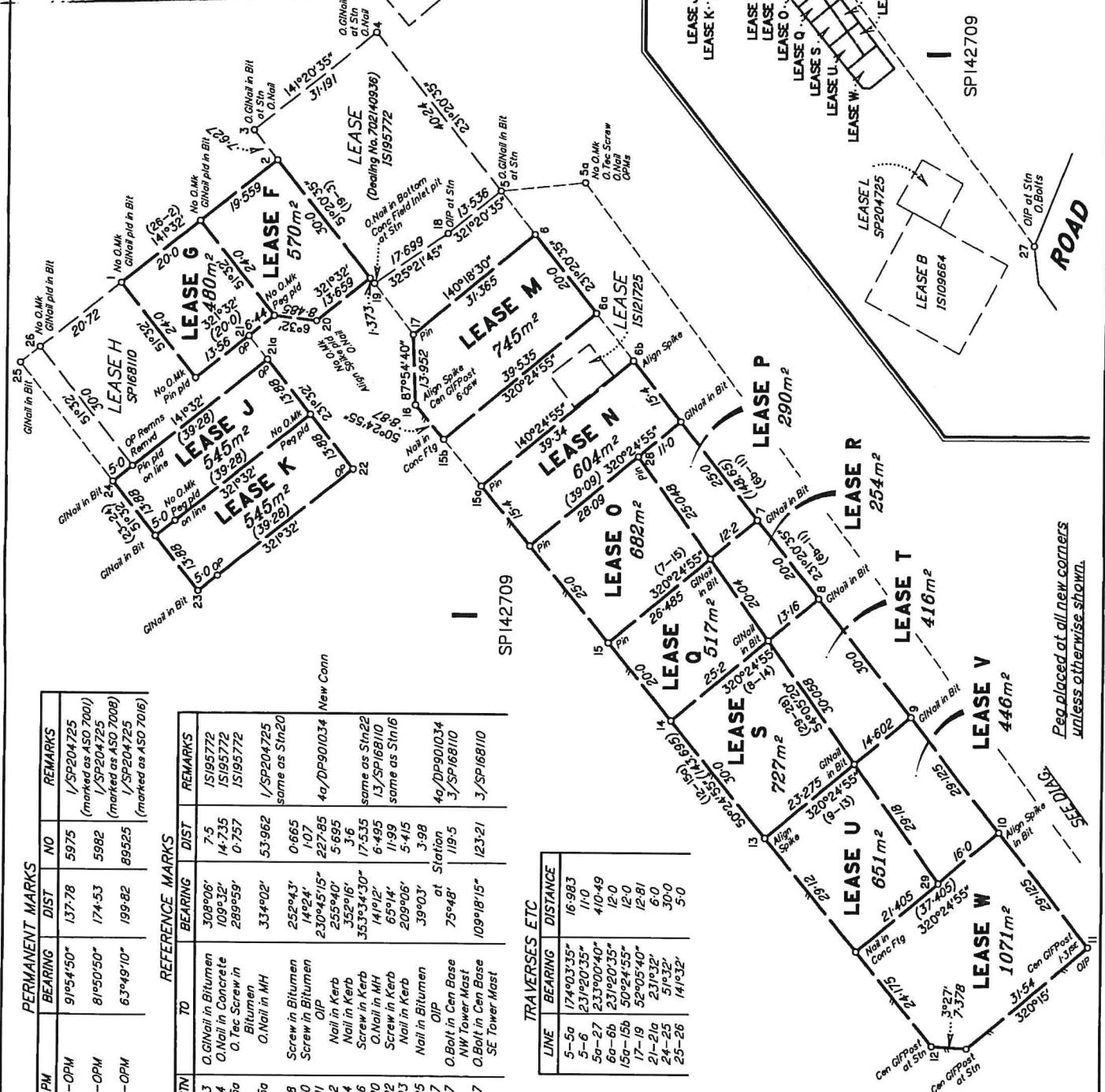


DIAGRAM  
 1:4000

Peg placed at all new corners unless otherwise shown.

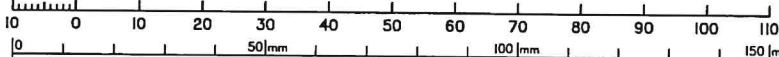
SEE DIAG

PM	BEARING	DIST	REMARKS
5a-OPM	91°54'50"	137.78	1/SP204725 (marked as ASO 7001)
5a-OPM	81°50'50"	174.53	1/SP204725 (marked as ASO 7008)
5a-OPM	63°49'10"	199.82	1/SP204725 (marked as ASO 7016)

STN	BEARING	DIST	REMARKS
3	308°06'	7.5	IS195772
4	109°32'	14.735	IS195772
5a	289°59'	0.757	IS195772
5a	334°02'	53.962	1/SP204725 same as Strm20
8	252°43'	0.665	same as Strm20
10	14°24'	227.85	4a/DP901034 New Conn
11	255°40'	5.695	same as Strm22
12	352°16'	3.6	same as Strm16
16	17°53'	6.495	same as Strm16
20	141°12'	11.99	same as Strm16
22	65°14'	5.415	same as Strm16
23	209°06'	3.98	4a/DP901034
25	39°03'	119.5	3/SP168110
27	75°48'	123.21	3/SP168110
27	109°18'15"		

LINE	BEARING	DISTANCE
5-5a	174°03'35"	16.983
5-6	231°20'35"	11.0
5a-27	233°00'40"	410.49
6a-6b	21°20'35"	12.0
15a-15b	50°24'55"	12.81
17-19	52°05'40"	6.0
21-21a	231°32'	30.0
24-25	51°32'	30.0
25-26	141°32'	5.0

Scale 1:800 - Lengths are in Metres.



CONICS (Sunshine Coast) PTY LTD (ACN 058 076 878) hereby certify that the land comprised in this plan was surveyed by the corporation, by Wayne Anthony WILSON, Registered Surveying Associate, for whose work the corporation accepts responsibility, under the supervision of Jeremy Matthew SCRIVEN, Cadastral Surveyor and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 18/05/08.

[Signature] Director  
 Jeremy Matthew SCRIVEN  
[Signature] Director  
 Mark Gerard FARRELL  
 Date 4.7.08

**Plan of**  
**Leases F, G, J, K and M-W**  
 in Lot 1 on SPI42709

PARISH: **PORT KENNEDY** COUNTY: **Torres**  
 Meridian: **SP168110**

Scale: **1:800**  
 Format: **STANDARD**

**SP211686**

Plan Status:

716822336

WARNING : Folded or Mutilated Plans will not be accepted. Plans may be rolled. Information may not be placed in the outer margins.

CS 403

\$691.10  
15/10/2015 14:45

Registered

5. Lodged by  
Preston Law  
Level 1, 5A McLeod Street  
CAIRNS QLD 4870  
Tel: 07 4052 0700  
Ref: MRS: 131417  
Email: info@prestonlaw.com.au  
Lodger Code: 789  
(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

1/We TORRES SHIRE COUNCIL

NAPAU PEDRO STEPHEN

JALASSA YORKSTON

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan.

TORRES SHIRE COUNCIL  
J. Yorkston

Signature of \*Registered Owners \*Lessees  
Mayor Chief Executive Officer

Existing			Created		
Title Reference	Lot	Plan	Lots	Leases	Road
50449504	1	SP142709		F,G,J,K & M-W	

Leases F,G,J,K & M-W do not affect any of the Leases lodged or registered against CT 50449504 as at 04/07/08.

**Torres Shire Council**  
PO Box 171  
THURSDAY ISLAND QLD 4875

**APPROVED PLAN (S) OF DEVELOPMENT**

Ref No: 1DAS 2021-03  
Date: 25/03/2021  
Signed: [Signature]  
Position: DAPS

\* Rule out whichever is inapplicable

2. Local Government Approval.

\* TORRES SHIRE COUNCIL

hereby approves this plan in accordance with the:

% INTEGRATED PLANNING ACT 1997

Dated this Eighteenth day of May 2015

[Signature]  
MAYOR  
J. Yorkston  
CHIEF EXECUTIVE OFFICER

\* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

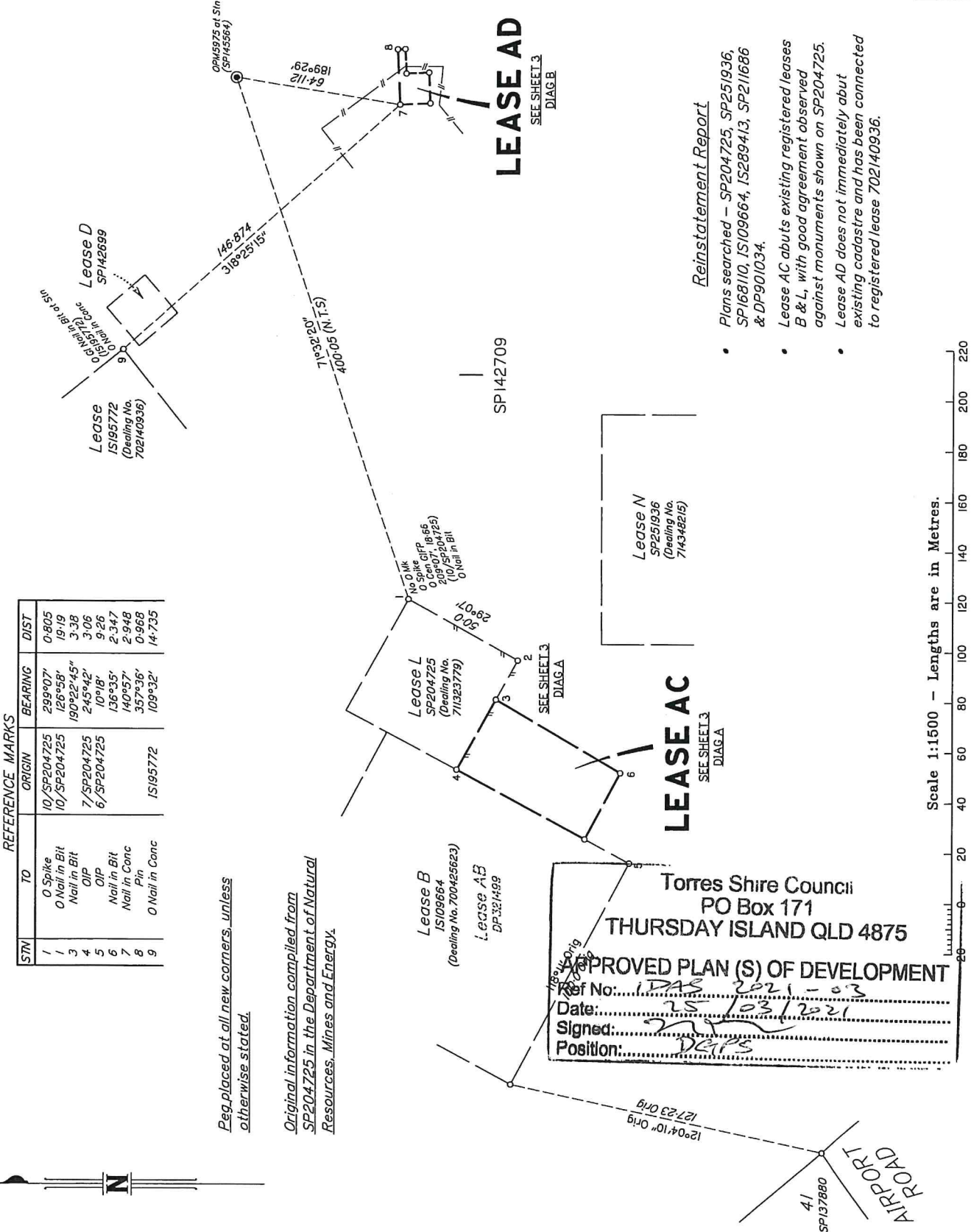
Dept File :

Local Govt :

Surveyor : 7235/9442

Lots	Orig
7. Portion Allocation :	
a. Map Reference : 7376-14313	
9. Locality : HORN	
10. Local Government : Torres Shire	
11. Passed & Endorsed : By: CONICS (Sunshine Coast) PTY LTD Date: 4-7-08 Signed: [Signature] Designation: Cadastral Surveyor	
12. Building Format Plans only. I certify that: * As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road; * Part of the building shown on this plan encroaches onto adjoining * lots and road Cadastral Surveyor/Director * Date * delete words not required	
13. Lodgement Fees : Survey Deposit \$ ..... Lodgement \$ ..... ..... New Titles \$ ..... Photocopy \$ ..... Postage \$ ..... TOTAL \$ .....	
14. Insert Plan Number SP211686	





REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	O Spike	10/SP204725	298°07'	0.805
1	O Nail in Bit	10/SP204725	126°56'	19.19
3	Nail in Bit	10/SP204725	190°22'-45"	3.38
4	OIP	7/SP204725	245°42'	3.06
5	OIP	6/SP204725	10°18'	9.26
6	Nail in Bit	IS195772	136°35'	2.347
7	Nail in Conc	IS195772	140°57'	2.948
8	Pin	IS195772	357°36'	0.968
9	O Nail in Conc	IS195772	109°32'	14.735

*Peg placed at all new corners, unless otherwise stated.*

*Original information compiled from SP204725 in the Department of Natural Resources, Mines and Energy.*

Reinstatement Report

- Plans searched – SP204725, SP251936, SP168110, IS109664, IS289413, SP211686 & DP901034.
- Lease AC abuts existing registered leases B & L, with good agreement observed against monuments shown on SP204725.
- Lease AD does not immediately abut existing cadastre and has been connected to registered lease 702140936.

Torres Shire Council  
PO Box 171  
THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: IDAS 2021-03

Date: 25/03/2021

Signed: [Signature]

Position: DEPS

RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Darren Kenneth OERTEL, surveying associate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 05/09/2020.

*[Signature]*  
Authorised Delegate  
24/09/2020  
Date

0 50mm 100mm 150mm State copyright reserved.

**Plan of Leases AC & AD**  
in Lot 1 on SPI42709

LOCAL GOVERNMENT: TORRES SHIRE LOCALITY: HORN

Meridian: SP204725 Survey Records: No

Scale: 1:1500  
Format: STANDARD

SP321498

**WARNING : Folded or Mutilated Plans will not be accepted.**  
Plans may be rolled.  
Information may not be placed in the outer margins.

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
50449504	Lot 1 on SPI42709			Leases AC & AD

*Leases AC & AD do not affect any of the leases lodged or registered against CT 50449504 as at 23/09/2020.*

**Torres Shire Council**  
PO Box 171  
THURSDAY ISLAND QLD 4875

**APPROVED PLAN (S) OF DEVELOPMENT**  
Ref No:..... 10AS 2021-03 .....  
Date:..... 25/03/2021 .....  
Signed:..... [Signature] .....  
Position:..... DCPS .....

6. Building Format Plans only.  
I certify that:  
\* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;  
\* Part of the building shown on this plan encroaches onto adjoining \* lots and road

.....  
Cadastral Surveyor/Director \* Date  
\* delete words not required

7. Lodgement Fees :

Survey Deposit	\$ .....
Lodgement	\$ .....
..... New Titles	\$ .....
Photocopy	\$ .....
Postage	\$ .....
TOTAL	\$ .....

Lots	Orig

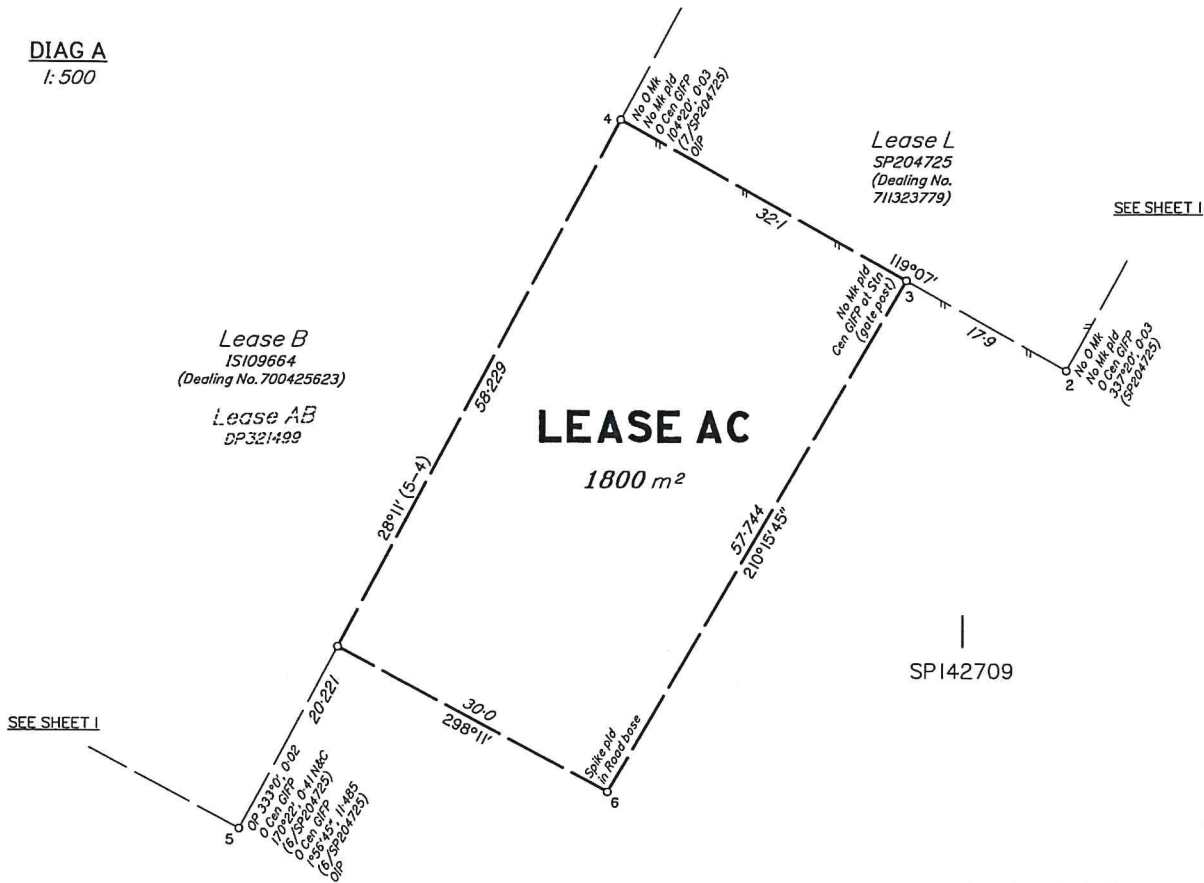
2. Orig Grant Allocation :

3. References :  
Dept File :  
Local Govt :  
Surveyor : PRI22920

5. Passed & Endorsed :  
By: RPS Australia East Pty Ltd  
Date: 24/09/2020  
Signed: [Signature]  
Designation: Cadastral Surveyor

8. Insert Plan Number **SP321498**

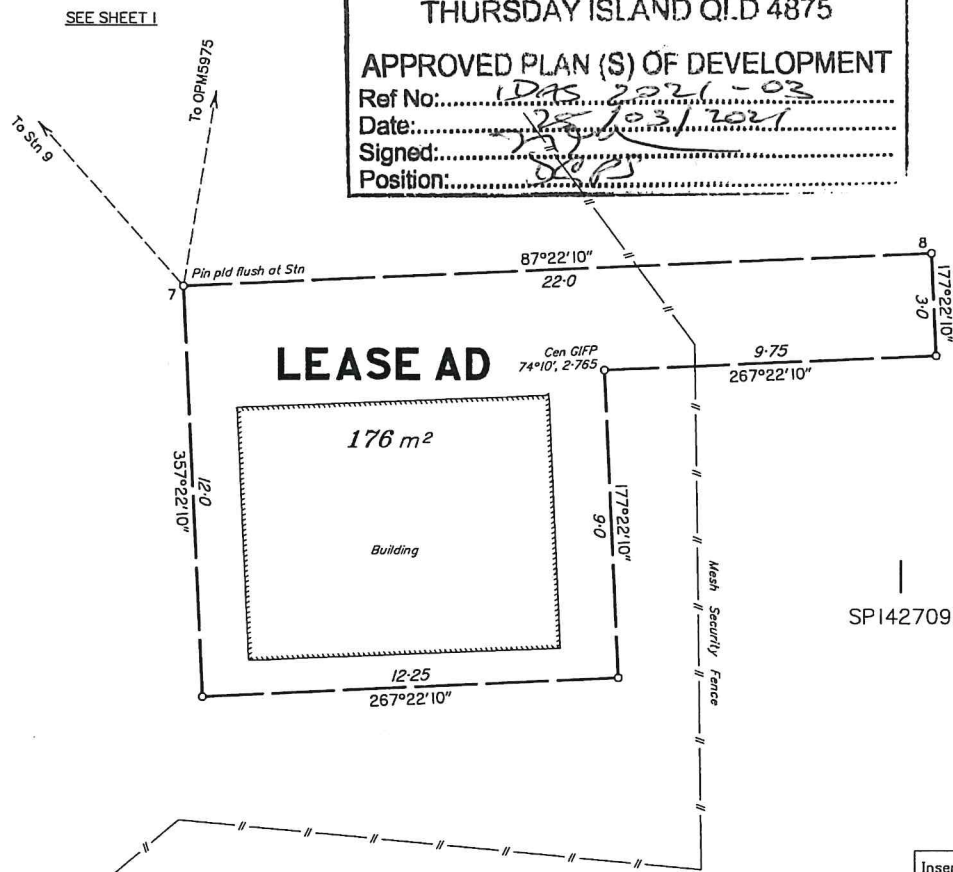
**DIAG A**  
1:500



*Peg placed at all new corners, unless otherwise stated.*

*See Sheet 1 for Reference Mark Tables.*

**DIAG B**  
1:150



Torres Shire Council  
PO Box 171  
THURSDAY ISLAND Q.L.D 4875

**APPROVED PLAN (S) OF DEVELOPMENT**

Ref No: LDAS 2021-02

Date: 28/03/2021

Signed: [Signature]

Position: [Signature]



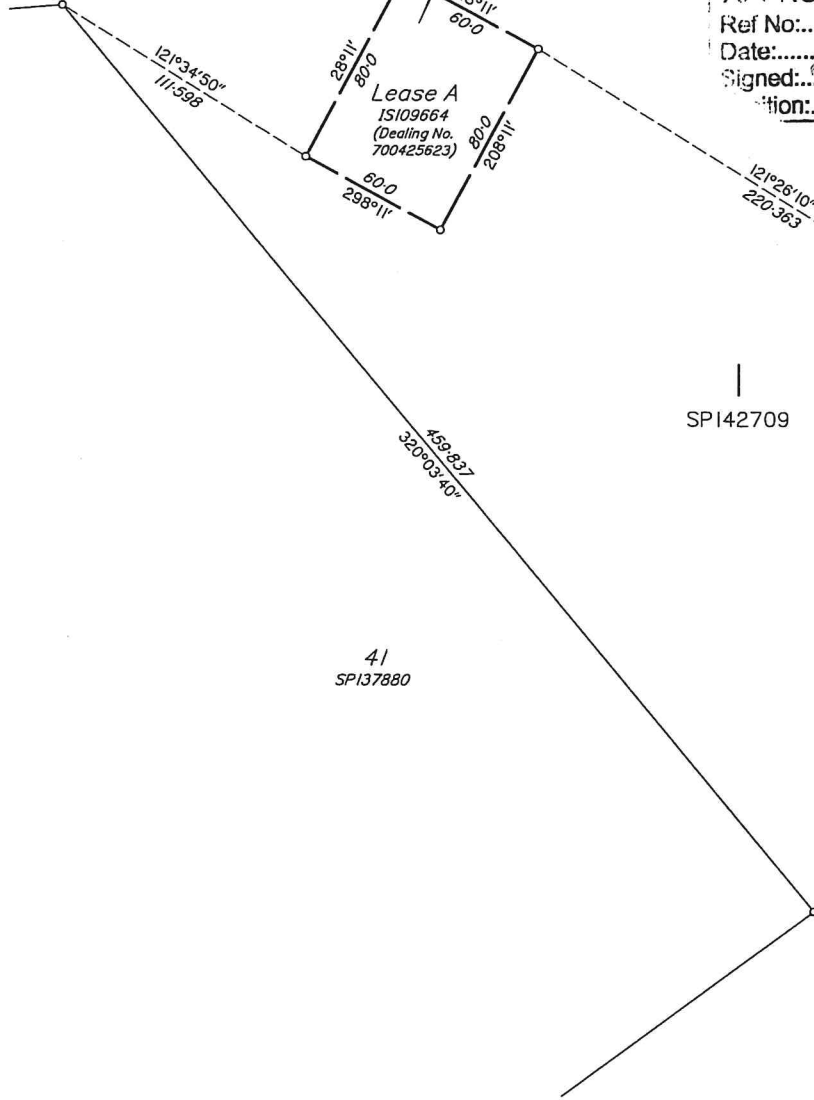
**LEASE AA**

4800 m<sup>2</sup>

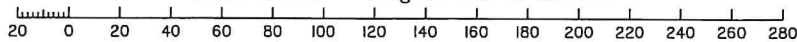


Torres Shire Council  
PO Box 171  
THURSDAY ISLAND QLD 4870

APPROVED PLAN (S) OF DEVELOPMENT  
Ref No: DA 2021-08  
Date: 25/03/2021  
Signed: [Signature]  
Position: [Signature]




Scale 1:2000 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the corporation, by Adrian Edward SOLOMON, cadastral surveyor, for whose work the corporation accepts responsibility, has made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SI109664 in the Department of Natural Resources, Mines and Energy.

*[Signature]*  
Authorised Delegate

24/09/2020  
Date

0 50/mm 100/mm 150/mm State copyright reserved.	
<b>Plan of Leases AA &amp; AB</b>	
in Lot 1 on SPI42709	
LOCAL GOVERNMENT: <i>TORRES SHIRE</i>	LOCALITY: <i>HORN</i>
Meridian: <i>SPI42709</i>	Survey Records: <i>No</i>
Scale: <b>1:2000</b>	Format: <b>STANDARD</b>
 <b>SP321499</b>	



**WARNING : Folded or Mutilated Plans will not be accepted.**  
Plans may be rolled.  
Information may not be placed in the outer margins.

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

I. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
50449504	Lot 1 on SP142709			Leases AA & AB

*Leases AA & AB do affect Leases A & B on ISI09664 (Dealing No. 700425623) but do not affect any other leases lodged or registered against CT 50449504 as at 23/09/2020.*

**Torres Shire Council**  
PO Box 171  
THURSDAY ISLAND QLD 4875

**APPROVED PLAN (S) OF DEVELOPMENT**

Ref No: IDA 2021-03  
Date: 25/03/2021  
Signed: [Signature]  
Position: DSP

**6. Building Format Plans only.**

I certify that :  
\* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.  
\* Part of the building shown on this plan encroaches onto adjoining \* lots and road

Cadastral Surveyor/Director\* Date  
\* delete words not required

**7. Lodgement Fees :**

Survey Deposit \$ .....  
Lodgement \$ .....  
.....New Titles \$ .....  
Photocopy \$ .....  
Postage \$ .....  
TOTAL \$ .....

8. Insert Plan Number **SP321499**

Lots	Orig

2. Orig Grant Allocation :

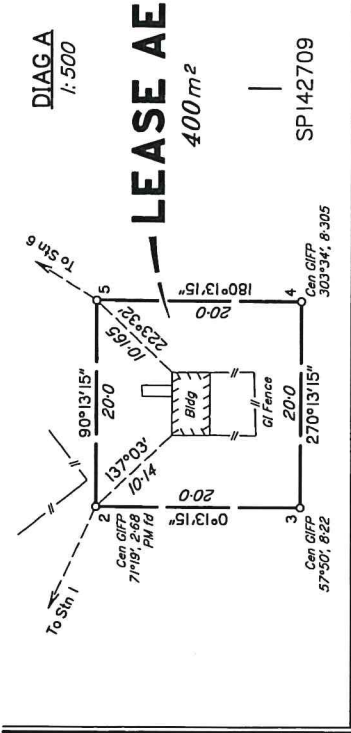
3. References :

Dept File :  
Local Govt :  
Surveyor : **PRI22920**

5. Passed & Endorsed :

By: **RPS Australia East Pty Ltd**  
Date: 24/09/2020  
Signed: [Signature]  
Designation: **Cadastral Surveyor**

SURVEY PLAN



Reinstatement Report

- Plans searched – SP204725, SP251936, SP168110, IS109664, IS289413, SP211686, DP901034 & DP321498.
- Lease AE does not immediately abut existing cadastre and has been connected to registered lease 71323779 and Lease AD on DP321498.
- All observed bearing and distances on this plan agree with DP321498.

PM	ORIGIN	BEARING	DIST	NO	TYPE
2-PM fd		345°42'40"	52.718	89531	

STN	TO	ORIGIN	BEARING	DIST
1	O Spike	10/SP204725	299°07'	0.805
1	O Nail in Bit	10/SP204725	126°58'	19.19
3	Pin		238°34'	1.46
4	Pin		99°08'20"	1.097
7	O Nail in Conc	7/DP321498	140°57'	2.948

Torres Shire Council  
PO Box 171  
THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: 17/AS 2021/13/10

Date: 25/03/2021

Signed: [Signature]

Position: [Signature]

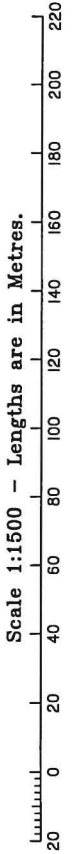
Lease N  
SP251936  
(Dealing No. 714348215)

Lease L  
SP204725  
(Dealing No. 71323779)

No O.M.K.  
O Spike  
O Nail in Bit  
O Nail in Conc  
O Nail in Bit  
O Nail in Bit  
O Nail in Bit

Peg placed at all new corners, unless otherwise stated.

LEASE AE  
SEE DIAG



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Darren Kenneth OERTEL, surveying associate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 09/12/2020.

[Signature]  
Authorised Delegate  
14/01/21  
Date

Scale: 1:1500  
Format: STANDARD

**Plan of Lease AE**  
in Lot 1 on SPI42709

LOCAL GOVERNMENT: TORRES SHIRE LOCALITY: HORN

Meridian: SP204725 Survey Records: No

Barcode: SP323469

**WARNING : Folded or Mutilated Plans will not be accepted.  
Plans may be rolled.  
Information may not be placed in the outer margins.**

(Dealing No.)

4. Lodged by

(Include address, phone number, email, reference, and Lodger Code)

Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
50449504	Lot 1 on SPI42709			Lease AE

*Lease AE does not affect any of the leases lodged or registered against CT 50449504 as at 23/12/2020.*

**Torres Shire Council**  
PO Box 171  
THURSDAY ISLAND QLD 4875

**APPROVED PLAN (S) OF DEVELOPMENT**

Ref No: IDAS 2021-03  
 Date: 25/03/2021  
 Signed: [Signature]  
 Position: [Signature]

6. Building Format Plans only.  
I certify that :  
 \* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.  
 \* Part of the building shown on this plan encroaches onto adjoining \* lots and road

.....  
 Cadastral Surveyor/Director \* Date  
 \*delete words not required

7. Lodgement Fees :

Survey Deposit	\$ .....
Lodgement	\$ .....
.....New Titles	\$ .....
Photocopy	\$ .....
Postage	\$ .....
TOTAL	\$ .....

8. Insert Plan Number **SP323469**

Lots	Orig

2. Orig Grant Allocation :

3. References :  
 Dept File :  
 Local Govt :  
 Surveyor : **PRI22920**

5. Passed & Endorsed :

By: **RPS Australia East Pty Ltd**  
 Date: **14/01/21**  
 Signed: [Signature]  
 Designation: **Cadastral Surveyor**



Attachment 2 – Appeal Rights Planning Act 2016

**Schedule 1**

**Appeals section 229**

**1 Appeal rights and parties to appeals**

- (1) Table 1 states the matters that may be appealed to—(a) the P&E court; or (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
- (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to—
    - (i) the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
    - (ii) the Plumbing and Drainage Act, part 4 or 5; or
  - (h) a decision to give an enforcement notice in relation to a matter under paragraphs (a) to (g); or
  - (i) a decision to give an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (k) a matter that, under another Act, may be appealed to the tribunal; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
- (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
1. Development applications An appeal may be made against— (a) the refusal of all or part of the development application; or (b) the deemed refusal of the development application; or (c) a provision of the development approval; or (d) if a development permit was applied for—the decision to give a preliminary approval.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence	1 A concurrence agency that is not a co-respondent



<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
		agency's referral response—the concurrence agency	2 If a chosen Assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
<b>2. Change applications</b> An appeal may be made against— (a) a responsible entity's decision for a change application, other than a decision made by the P&E court; or (b) a deemed refusal of a change application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
<b>3. Extension applications</b> An appeal may be made against— (a) the assessment manager's decision about an extension application; or (b) a deemed refusal of an extension application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application – a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal – the applicant	If a chosen assessment manager is the respondent – the prescribed assessment manager

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
<p><b>4. Infrastructure charges notices</b> An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds</p> <p>a) The notice involved an error relating to –</p> <p>(i) The application of the relevant adopted charge; or</p> <p>Examples of errors in applying an adopted charge –</p> <ul style="list-style-type: none"> <li>• The incorrect application of gross floor area for a non-residential development</li> <li>• Applying an incorrect 'use category', under a regulation, to the development</li> </ul> <p>(i) The working out of extra demands, for section 120; or</p> <p>(ii) An offset or refund; or</p> <p>b) There was no decision about an offset or refund; or</p> <p>c) If the infrastructure charges notice states a refund will be given – the timing for giving the refund; or</p> <p>d) The amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the Infrastructure charges notice	The local government that gave the infrastructure charges notice	-	-
<p><b>5. Conversion applications</b> An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	-	-
<p><b>6. Enforcement notices</b> An appeal may be made against the decision to give an enforcement notice.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	-	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
<p><b>1. Appeals from tribunal</b> An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	-	-

**Table 2  
Appeals to the P&E Court only**

<p><b>2. Eligible submitter appeals</b>                  An appeal may be made against the decision to give a development approval, or an approval for a change application, to the extent that the decision relates to—                  (a) any part of the development application for the development approval that required impact assessment; or                  (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p><b>3. Eligible submitter and eligible advice agency appeals</b>                  An appeal may be made against a provision of a development approval, or failure to include a provision in the development approval, to the extent the matter relates to—                  (a) any part of the development application or the change application, for the development approval, that required impact assessment; or                  (b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 For a development application—an eligible submitter for the development application 2 For a change application—an eligible submitter for the change application 3 An eligible advice agency for the development application or change application	1 For a development application—the assessment manager 2 For a change application—the responsible entity	1 The applicant 2 If the appeal is about a concurrence agency's referral response—the concurrence agency	Another eligible submitter for the application
<p><b>4. Compensation claims</b>                  An appeal may be made against—                  (a) a decision under section 32 about a compensation claim; or                  (b) a decision under section 265 about a claim for compensation; or                  (c) a deemed refusal of a claim under paragraph (a) or (b).</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	-	-
<p><b>5. Registered premises</b></p>			



<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	-	If an owner or occupier starts the appeal – the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	-	-

<b>Table 3</b> <b>Appeals to the tribunal only</b>			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval
3. Certain decisions under the Building Act and the Plumbing and Drainage Act An appeal may be made against a decision under— (a) the Building Act, other than a decision made by the Queensland Building and Construction Commission; or (b) the Plumbing and Drainage Act, part 4 or 5.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)



<b>Table 3</b> <b>Appeals to the tribunal only</b>			
A person who received, or was entitled to receive, notice of the decision	The person who made the decision	-	-
<p>4. Local government failure to decide application under the Building Act</p> <p>An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive, notice of the decision	The local government to which the application was made	-	-