



TORRES SHIRE COUNCIL

To lead, provide and facilitate a sustainable, safe
and culturally vibrant community

P.O Box 171
THURSDAY ISLAND 4875

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

Email: admin@torres.gld.gov.au
ABN 34 108 162 398

DATE: 18 August 2023

Our Ref: IDAS 23/12
Your Ref: J001584
Enquire to: Ed Kulpa
Telephone: (07) 4069 1336

Torres Strait Kaziw Meta Inc.
c/- Gilvear Planning Pty Ltd
PO Box 228
Babinda QLD 4861

E-mail: kristy@gilvearplanning.com.au

Dear Madam

Decision Notice – Approval

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 approved by Torres Shire Council in full, subject to conditions.

Details of the decision are as follows:

DATE OF DECISION

Council approved the Development Application at the Council meeting on 15 August 2023.

APPLICATION DETAILS

Application No:	IDAS23/12
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development	Rooming Accommodation
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>

LOCATION DETAILS

Street Address:	1 Nazeer Street, Thursday Island
Real Property Description:	Lot 1 on RP748818

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Rooming Accommodation)

CURRENCY PERIOD

The use of the subject land must be commenced within a period of six (6) years from the date, unless otherwise stated, the approval takes effect in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

Not applicable – no part of the application required public notification.

REFERRAL AGENCIES

There were no referral agencies as part of this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Building Work.
- Development Permit for Plumbing and Drainage Work
- Development Permit for Operational Work (if required)

OTHER REQUIRMENTS UNDER SECTION 43 OF THE PLANNING REGULATION 2017

Not Applicable

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice (*Attachment 2*)

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the Planning Act 2016 are attached to this Decision Notice (*Attachment 4*).

OTHER DETAILS

You are further advised that the truth and accuracy of the information provided in the application form and accompanying information is relied on when assessing and deciding this application. If you find an inaccuracy in any of the information provided above or have a query or need to seek clarification about any of these details, please contact Torres Shire Council on (07) 4069 1336.

DELEGATED PERSON

Name: Ed Kulpa (Acting CEO) Signature:



Date: 18 August 2023

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 (*Planning Act 2016*).

CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

1.0 PARAMETERS OF APPROVAL

1.1 The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer at all times unless otherwise stated.

Timing: *At all times.*

1.2 Where these conditions refer to “TSC” in relation to requiring Torres Shire Council to approve or be satisfied as to any matter, or conferring on the TSC a function, power or discretion, that role of the TSC may be fulfilled in whole or in part by a delegate appointed for that purpose by TSC.

Timing: *At all times.*

1.3 The developer is required to have repaired any damage to existing infrastructure that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

Timing: *At all times.*

1.4 Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant TSC policies, guidelines, standards, and the FNQROC Development Manual.

Timing: *At all times.*

1.5 The cost of all works associated with the development and construction of the development including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.

Timing: *At all times.*

1.6 All development conditions contained in this development approval about *infrastructure* under Chapter 4 of the *Planning Act 2016* (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.

Timing: *At all times*

2.0 APPROVED PLANS AND DOCUMENTS

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit.

Plan/Document Name	Drawing Number	Date
Cover Sheet	1589_SD_DA100	21/06/23
Existing Site Plan	1589_SD_DA101	21/06/23
Proposed Site Plan & Street Elevations	1589_SD_DA102	21/06/23
Floor Plans	1589_SD_DA102	21/06/23

Timing: *At all times.*

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

Timing: At all times

3.0 ACCESS AND PARKING

- 3.1 Existing carparking spaces must be retained onsite.

Timing: At all times.

- 3.2 The parking spaces must be kept available for use and must not be used for the storage of goods at any time.

Timing: At all times.

- 3.3 Vehicle access to the site must be achieved via the existing access driveways from Nazeer Street and Clark Street.

Timing: At all times.

- 3.4 Minor realignment of the access driveway within the Nazeer Street road reserve, excluding any work on the existing culvert, headwall or wingwalls must be designed and constructed in accordance with the FNQROC Development Manual. Prior to the commencement of works, plans of the proposed work must be submitted for approval by Council's delegated officer.

Timing: Prior to the commencement of any works and at all times.

- 3.5 If any works are proposed on the Nazeer Street culvert, headwall or wingwalls, the works must be designed and constructed in accordance with the FNQROC Development Manual and the provisions of a Development Permit for Operational Work (Engineering Work – Roadworks).

Timing: Prior to the commencement of any works on the existing culvert located in the Nazeer Street road reserve.

4.0 STORMWATER DRAINAGE

- 4.1 All stormwater drainage must be discharged to an approved legal point of discharge.

Timing: At all times.

- 4.2 Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site.

Timing: At all times.

- 4.3 All stormwater infrastructure must be designed, constructed, and maintained in accordance with the *FNQROC Development Manual* and the *Queensland Urban Drainage Manual*.

Timing: At all times.

5.0 SEWERAGE AND WATER

- 5.1 Connect the development to Council's reticulated sewerage and water network. Sufficient reticulated water capacity must be provided for domestic and firefighting purposes.

Timing: Prior to the commencement of the use and at all times thereafter.

- 5.2 Design and construct all sewerage and water works in accordance with the approved plans, *FNQROC Development Manual*, *Water Supply (Safety and Reliability) Act* and the *Plumbing and Drainage Act*.

Timing: Prior to the commencement of the use and at all times thereafter.

- 5.3 Remove all redundant sewerage and water infrastructure, including but not limited to pipes and connection points.

Timing: Prior to the commencement of the use and at all times thereafter.

6.0 LANDSCAPING AND FENCING

- 6.1 The existing screen fence along the western side boundary from the Nazeer Street frontage to the rear of subject building must be retained. The fence can be replaced with a suitable screen fence a minimum 1.8 metres in height.

Timing: Prior to the commencement of use and at all times thereafter.

- 6.2 Landscaped gardens a minimum width of 1 metre must be provided along the Nazeer Street frontage of the subject building, excluding pathways. The landscaping must include suitable native tree and plant species. The landscaping must be subject to ongoing maintenance and replanting programme (if necessary).

Timing: Prior to the commencement of use and at all times thereafter.

7.0 AMENITY – GENERAL

- 7.1 Install and maintain suitable screening to all air conditioning and plant and service facilities located on the top or external face of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the façade of the building.

Timing: At all times.

8.0 AMENITY - LIGHTING

- 8.1 Maintain outdoor lighting to comply with AS4282 - Control of the obtrusive effects of outdoor lighting.

Timing: At all times.

9.0 AMENITY AND ENVIRONMENTAL HEALTH

- 9.1 Undertake the approved development so there is no environmental nuisance or detrimental effect on any surrounding land uses and activities by reason of the emission of noise, vibration, odour, fumes, smoke, vapour, steam soot, ash, wastewater, waste products, oil or otherwise.

Timing: At all times.

10.0 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

- 10.1 The applicant must submit a Construction and Environmental Management Plan (CEMP) to Council for review and approval. The CEMP must be prepared by a suitably qualified professional and adequately demonstrate how the development will:

- (i) Traffic and parking generated during construction activities and works will be managed to minimise impacts on the surrounding area;
- (ii) Best practice waste management strategies during the construction phase; and
- (iii) Mitigate potential adverse impacts associated with dust, noise and lighting emissions, sediment and stormwater run-off.

Timing: Prior to the commencement of construction and at all times during construction and earthworks.

11.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 11.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair, or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

Timing: Prior to the commencement of any construction works required by this development.

- 11.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the *FNQROC Development Manual* as it relates to the construction phase. The ESCS must be available for inspection by TSC officers during the construction phase.

Timing: Prior to commencement of the use.

- 11.3 Implement the ESCS for the duration of the construction phase and until such time all exposed soils areas are permanently stabilised (for example, turfed, hydro mulched, concreted, or landscaped).

Timing: Prior to commencement of the use.

12.0 ASSET MANAGEMENT

- 12.1 Any alteration necessary to electricity, telephone, water mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to TSC.

Timing: At all times.

B. ASSESSMENT MANAGER (COUNCIL) ADVISORY NOTES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the Planning Act 2016.
2. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
3. Infrastructure Charges must be paid to Council as indicated on the Infrastructure Charges Notice at the rate applicable at the time of payment.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. No building materials or the like are to be stored on the footpath unless an appropriate approval from Council is obtained, including the payment of associated fees.
6. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to Commencement of Works.
7. The Environmental Protections Act 1994 states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities, involved in civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
8. Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an

environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke vapour, steam, soot, ash, dust, wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council.

9. This development approval does not authorise any activity that may harm Aboriginal and Torres Strait Islander cultural heritage. It is also advised that any land use activities must comply with the Aboriginal Cultural Heritage Act 2003 or the Torres Strait Islander Heritage Act 2003.

APPROVED PLANS

Attached under separate cover (this page has been intentionally left blank)

PROPOSED BOARDING FACILITY ALTERATIONS & ADDITIONS

KAZIW META TORRES STRAIT
NAZEER STREET, THURSDAY ISLAND

DRAWING LIST

1589-SD-DA100 COVER SHEET
1589-SD-DA101 EXISTING SITE PLAN
1589-SD-DA102 PROPOSED SITE PLAN & STREET ELEVATIONS

TORRES SHIRE COUNCIL

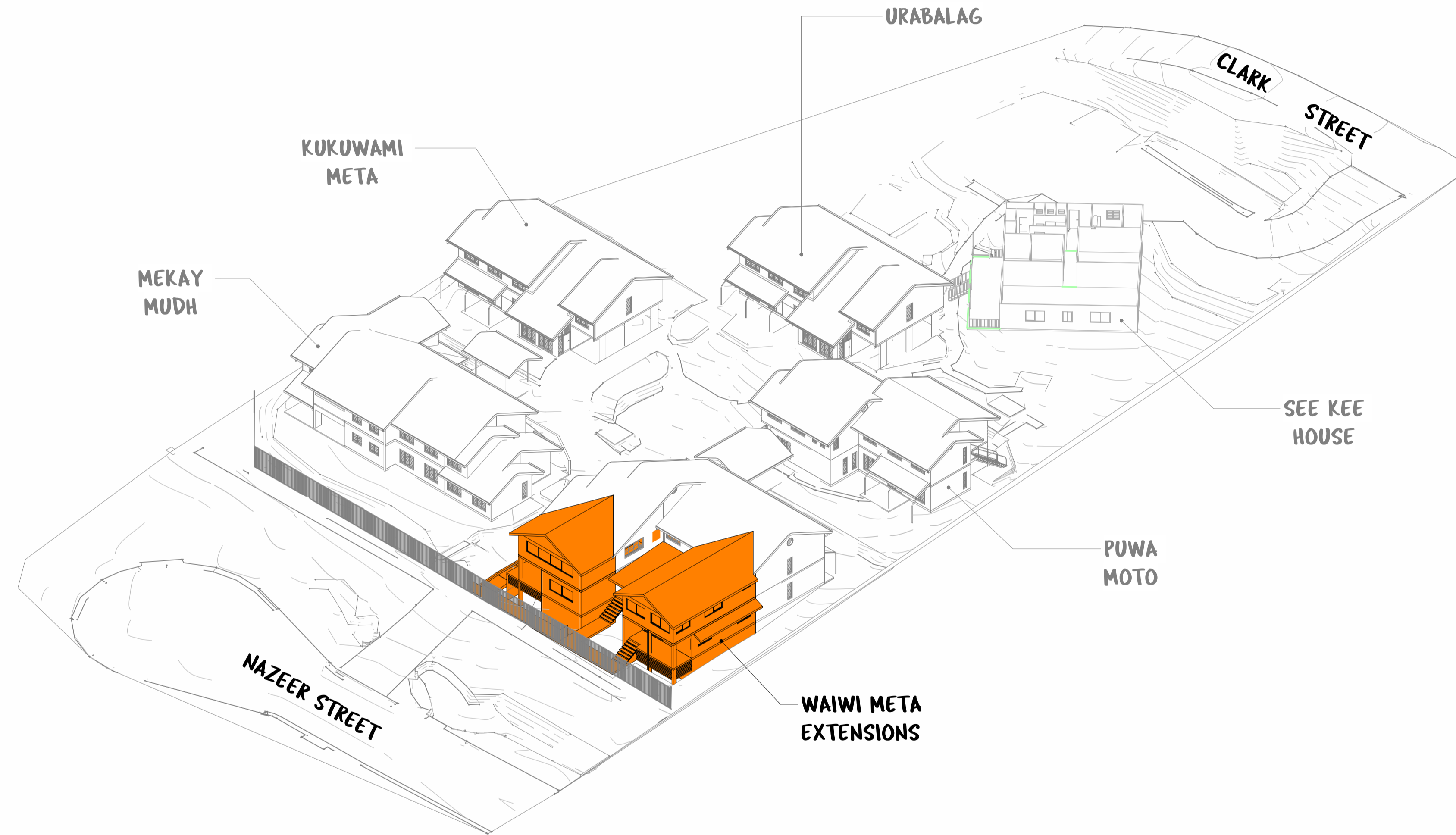
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Rooming Accommodation).

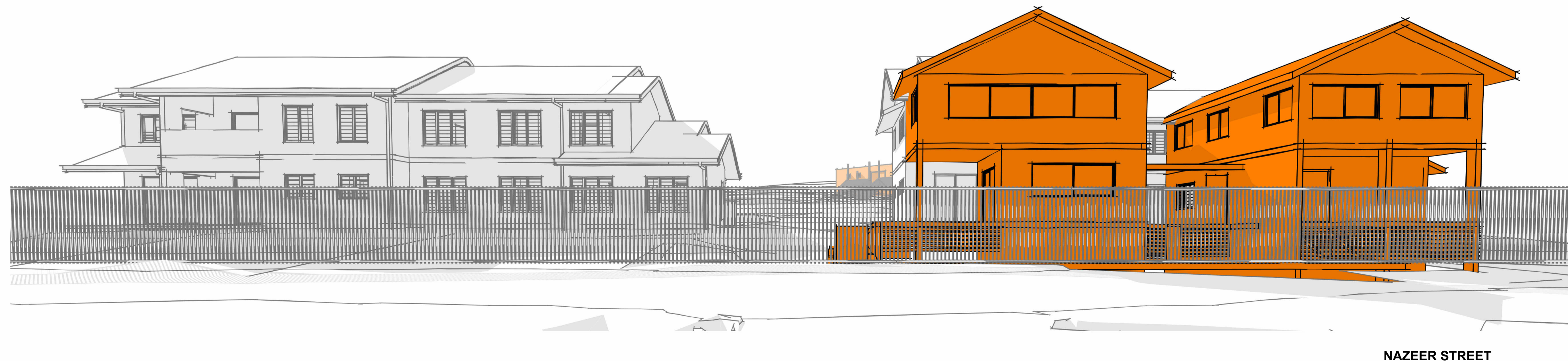
RP Details: Lot 1 on RP748818

Referred to in Council's Decision Notice

Approval Date: 15 August 2023
Application Number: IDAS 23/12



3D SITE



NAZEER STREET

AMENDMENTS	DATE
P1 PRELIMINARY	30/05/23
P2 PLANNING APPROVAL	21/06/23



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3 Scott Street | CAIRNS | QLD 4870
p. 07 4051 4088 | f. 07 4051 1080
e. cp@clarkeandprince.com.au
www.clarkeandprince.com.au

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DRAWN	SCALE	SIZE
JB		A1
APPROVED		
SC		

PROJECT
PROPOSED BOARDING FACILITY
NAZEER STREET, THURSDAY ISLAND
FOR
KAZIW META TORRES STRAIT
DWG
COVER SHEET

DWG No.	ISSUE
1589-SD-DA100	
PRELIMINARY	P2

TORRES SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

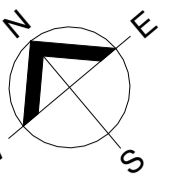
Development Application: Development Permit for Material Change of Use (Rooming Accommodation).

RP Details: Lot 1 on RP748818

Referred to in Council's Decision Notice

Approval Date: 15 August 2023

Application Number: IDAS 23/12



PROPERTY INFORMATION

LOT NUMBER 1
PLAN NUMBER RP748818
COUNTY TORRES
SITE AREA 4531 m2



AMENDMENTS	DATE
P1 PRELIMINARY	30/05/23
P2 PLANNING APPROVAL	21/06/23



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1 SITE PLAN - EXISTING
SCALE - 1 : 200

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DRAWN	SCALE	SIZE
JB	1:200	A1
APPROVED		
SC		

PROJECT
PROPOSED BOARDING FACILITY

NAZEER STREET, THURSDAY ISLAND

FOR
KAZIW META TORRES STRAIT

DWG
EXISTING SITE PLAN

DWG No: 1589-SD- DA101	ISSUE
PRELIMINARY	P2

TORRES SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Rooming Accommodation).

RP Details: Lot 1 on RP748818

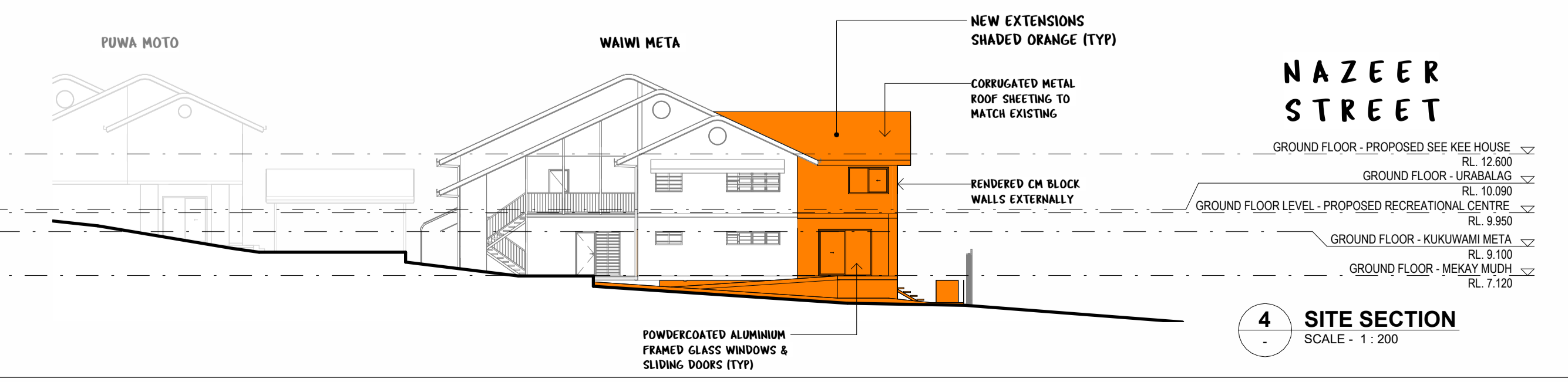
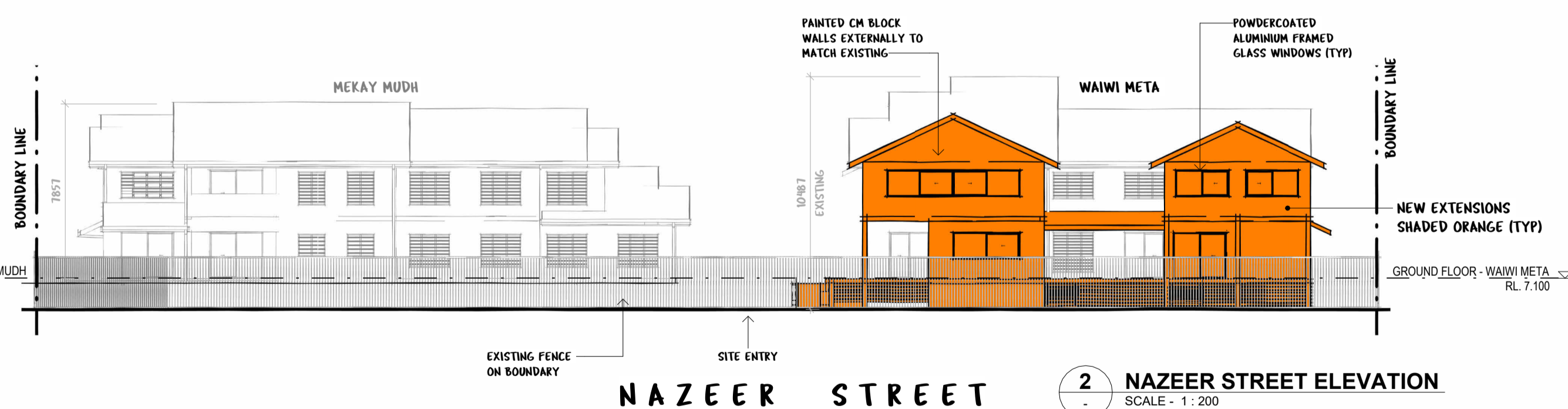
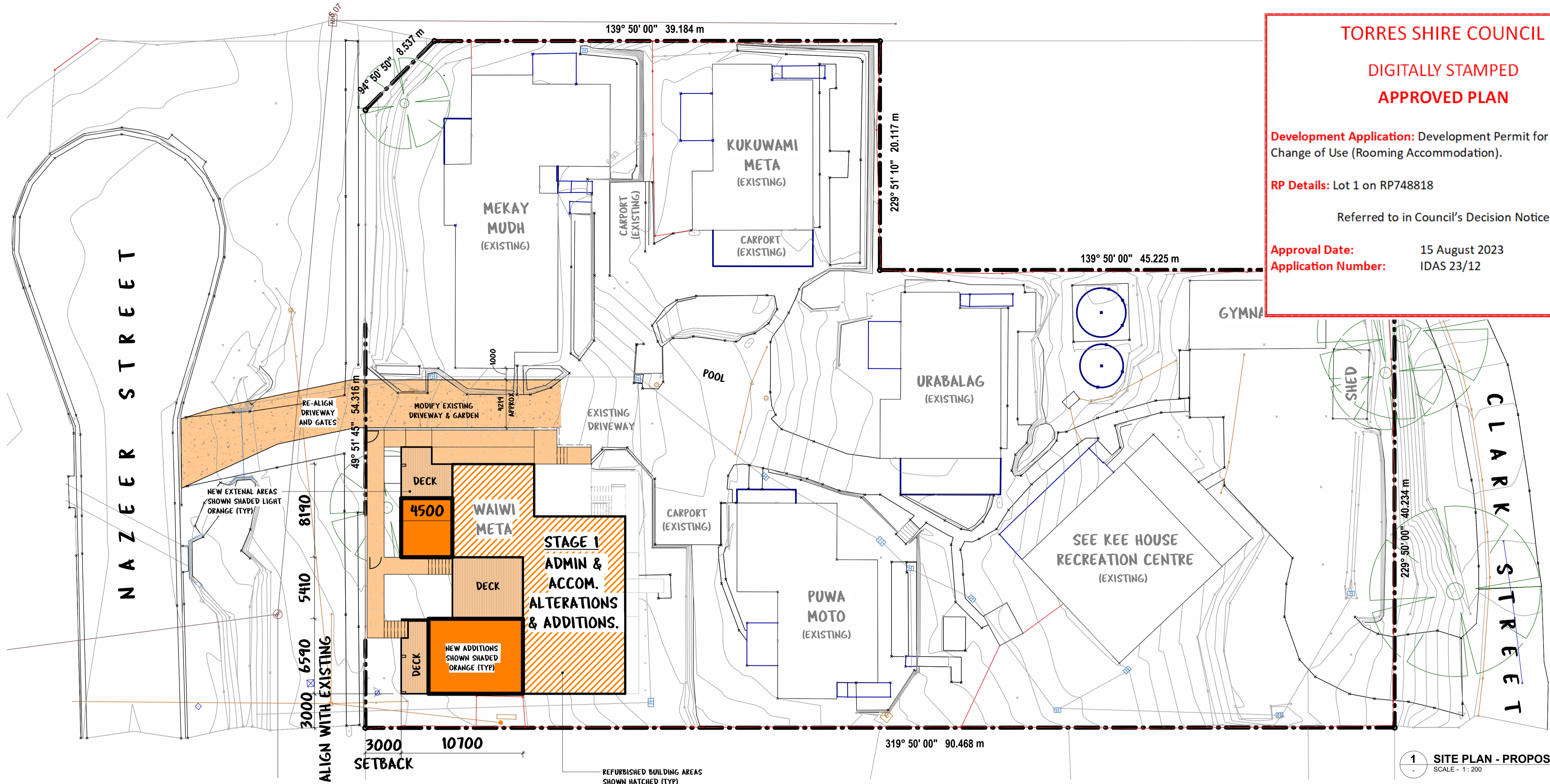
Referred to in Council's Decision Notice

Approval Date: 15 August 2023
Application Number: IDAS 23/12

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S
W

PROPERTY INFORMATION

LOT NUMBER 1
 PLAN NUMBER RP748818
 COUNTY TORRES
 SITE AREA 4531 m²



SITE COVER 1

NAME	AREA	PERCENTAGE
EXISTING		
CARPURT 1	25 m ²	0.56%
CARPURT 2	40 m ²	0.88%
GYMNASIUM	72 m ²	1.60%
KUKUWAMI META	162 m ²	3.58%
MEKAY MUDAH	263 m ²	5.80%
PUWA MOTO	168 m ²	3.72%
SEE KEE HOUSE	242 m ²	5.35%
SHED	19 m ²	0.41%
URABALAG	161 m ²	3.55%
WAIWI META	357 m ²	7.89%
SITE COVER	1510 m²	33.33%

GFA

Name	Area
WAIWI META	
WAIWI META - FIRST FLOOR (EXISTING)	199 m ²
WAIWI META - FIRST FLOOR (PROPOSED)	107 m ²
WAIWI META - GROUND FLOOR (EXISTING)	219 m ²
WAIWI META - GROUND FLOOR (PROPOSED)	78 m ²
TOTAL	603 m²

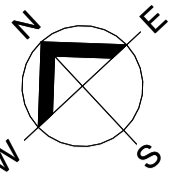
AMENDMENTS

AMENDMENTS	DATE
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PROJECT: PROPOSED BOARDING FACILITY
NAZEER STREET, THURSDAY ISLAND
 FOR: KAZIW META TORRES STRAIT
 DWG: PROPOSED SITE PLAN & STREET ELEVATIONS
 DWG No: 1589-SD-DA102
 STAMP: PRELIMINARY
 ISSUE: P2



TORRES SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

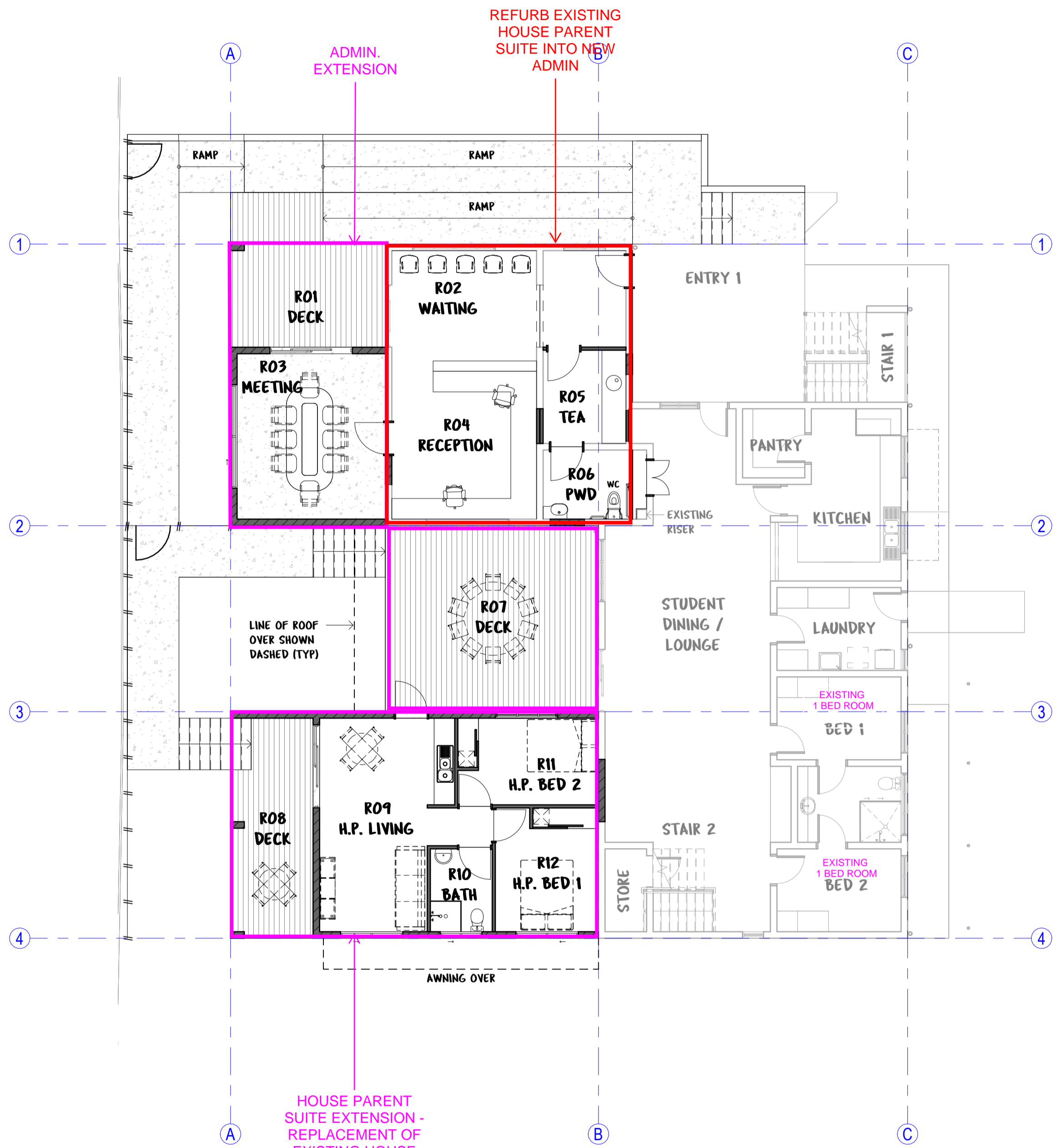
Development Application: Development Permit for Material Change of Use (Rooming Accommodation).

RP Details: Lot 1 on RP748818

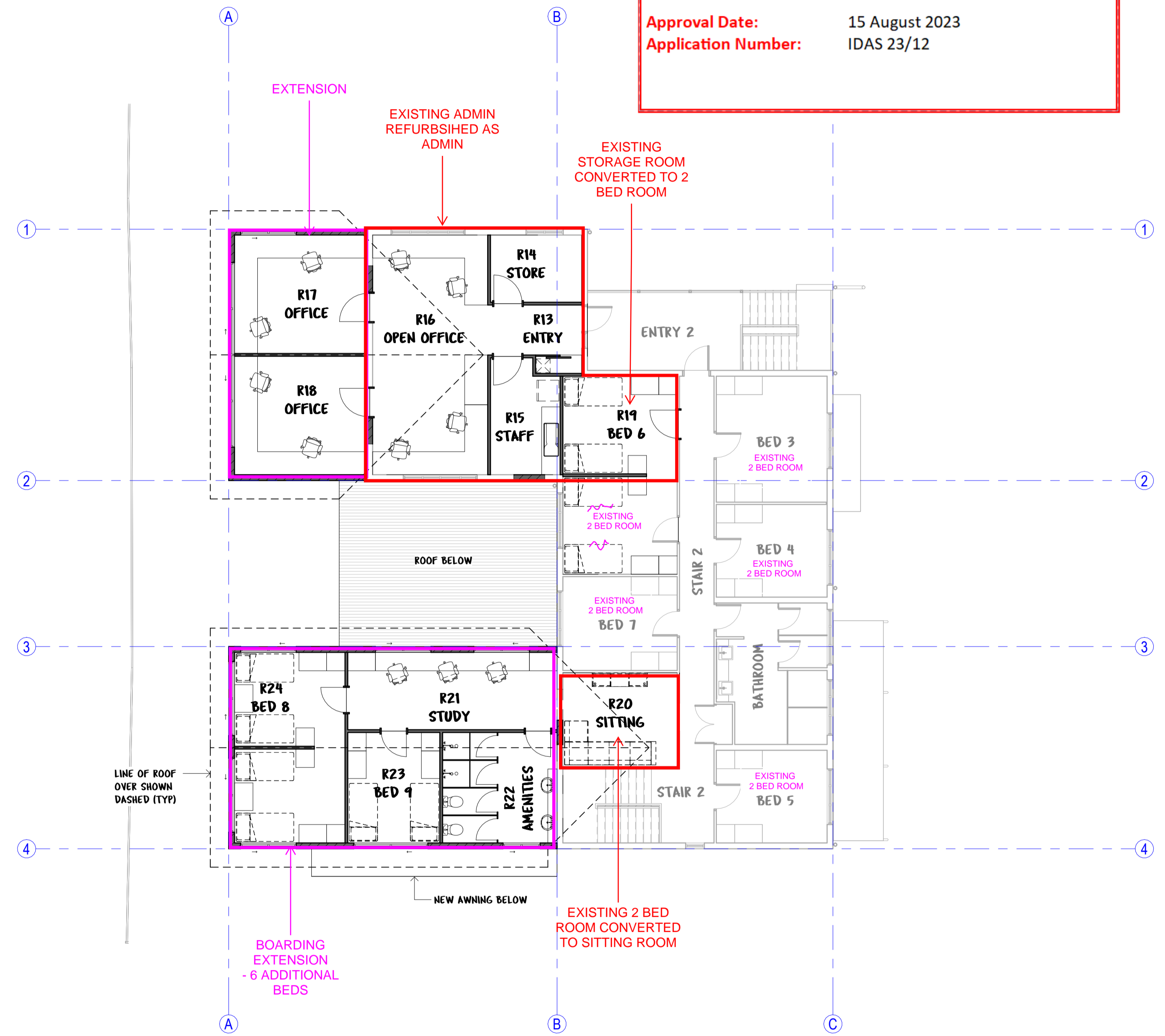
Referred to in Council's Decision Notice

Approval Date: 15 August 2023

Application Number: IDAS 23/12



1 GROUND FLOOR PLAN - PROPOSED
SCALE - 1 : 100



2 FIRST FLOOR PLAN - PROPOSED
SCALE - 1 : 100

AMENDMENTS	DATE



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DRAWN	SCALE	SIZE
Author	1 : 100	A1
Checked		

PROJECT TITLE

ADDRESS

FOR CLIENT

DWG FLOOR PLANS

DWG No. 1589-SD- A5-102

STAMP	ISSUE
PRELIMINARY	

NOTICE ABOUT DECISION – STATEMENT OF REASONS

This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:

- *the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- *any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.

APPLICATION DETAILS

Application No:	IDAS23/12
Applicant:	Torres Strait Kaziw Meta Inc c/- Gilvear Planning Pty Ltd
Proposal:	Development Permit for Material Change of Use
Description of the Development:	Rooming Accommodation
Street Address:	1 Nazeer Street, Thursday Island
Real Property Description:	Lot 1 on RP748818
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>
Land Zoning:	Low-Medium Density Residential
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use (Rooming Accommodation)
Date of Decision:	15 August 2023

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

Categorising Instrument (*Planning Regulation 2017*)

This application did not trigger any matters prescribed by the regulation

Categorising Instrument (*State Planning Policy - July 2017*)

Local Categorising Instrument (*Torres Shire Council Planning Scheme 2022*):

Standard Outcomes

- 6.1.6 Low-Medium Density Residential Zone

- 6.2.1 Accommodation Activities
- 6.3.1 Landscaping
- 6.3.2 Parking, Access and Transport
- 6.3.5 Works, Services and Infrastructure
- 6.4.2 Airport Environs Overlay
- 6.4.3 Bushfire Hazard Overlay
- 6.4.6 Flood Hazard Overlay
- 6.4.8 Potential and Actual Acid Sulfate Soils Overlay
- 6.4.9 Slope Stability Overlay

Merit Outcomes

- General
- Built Form and Development Design
- Natural Hazards including Climate Change
- Parking, Access and Transport

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

Not applicable – no part of the application required public notification.

REASONS FOR THE DECISION

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 2022.
- The proposed development is consistent with the established built form and character and will not have an adverse impact on the amenity of the surrounding area.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not applicable.

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

Not applicable.

OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017

Not applicable.

OTHER DETAILS

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice or any conditions or plans relating to the development, please refer to Council's webpage at <https://www.torres.qld.gov.au/development-applications-1>.

APPEAL RIGHTS

(Planning Act 2016 & Planning Regulation 2017)

Attached under separate cover (this page has been intentionally left blank)

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

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

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

-
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
 - (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

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

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department’s website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

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- (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.

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 the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; 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.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal
<p>1. Development applications</p> <p>For a development application other than an excluded application, an appeal may be made against—</p> <ul style="list-style-type: none">(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.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
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 agency's referral response—the concurrence agency	<p>1 A concurrence agency that is not a co-respondent</p> <p>2 If a chosen assessment manager is the respondent—the prescribed assessment manager</p> <p>3 Any eligible advice agency for the application</p> <p>4 Any eligible submitter for the application</p>
<p>2. Change applications</p> <p>For a change application other than an excluded application, an appeal may be made against—</p> <p>(a) the responsible entity's decision on the change application; or</p> <p>(b) a deemed refusal of the change application.</p>			

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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p>	<p>The assessment manager</p>	<p>If a concurrence agency starts the appeal—the applicant</p>	<p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p>
<p>4. Infrastructure charges notices</p> <p>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 style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) 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) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1			
Appeals to the P&E Court and, for certain matters, to a tribunal			
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>5. Conversion applications</p> <p>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>6. Enforcement notices</p> <p>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

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice.			
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 local government that gave the enforcement notice	—	—

Table 2 Appeals to the P&E Court only			
1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error.			
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	—	—
2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(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	—	—

Table 2 Appeals to the P&E Court only			
<p>5. Registered premises</p> <p>An appeal may be made against a decision of the Minister under chapter 7, part 4.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 A person given a decision notice about the decision</p> <p>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</p>	<p>The Minister</p>	<p>—</p>	<p>If an owner or occupier starts the appeal—the owner of the registered premises</p>
<p>6. Local laws</p> <p>An appeal may be made against a decision of a local government, or conditions applied, under a local law about—</p> <p>(a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or</p> <p>(b) the erection of a building or other structure.</p>			

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

Table 3 Appeals to a tribunal only			
<p>1. Building advisory agency appeals</p> <p>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.</p>			
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	<p>1 A concurrence agency for the development application related to the approval</p> <p>2 A private certifier for the development application related to the approval</p>

Table 3 Appeals to a tribunal only			
<p>2. Inspection of building work</p> <p>An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
<p>3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against—</p> <p>(a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or</p> <p>(b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given 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 received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
<p>4. Failure to decide an application or other matter under the Building Act</p> <p>An appeal may be made against a failure to make a decision under the Building Act within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given under that Act.</p>			

Table 3 Appeals to a tribunal only			
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 entity that failed to make the decision	—	—
<p>5. Failure to decide an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i> within the period required under that Act, other than a failure by the Queensland Building and Construction Commission to make a decision, if an information notice about the decision was required to be given 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 an information notice about the decision	The entity that failed to make the decision	—	—



Torres Shire Council

INFRASTRUCTURE CHARGES NOTICE (Section 52 and Schedule 16 of Planning Act 2016)

APPLICANT:	Torres Strait Kaziw Meta Inc c/ Gilvear Planning Pty Ltd											
APPLICATION:	Development Permit for Material Change of Use 0 Rooming Accommodation											
LOT DESCRIPTION:	Lot 1 on RP748818											
FILE REFERENCE:	IDAS 23/12											
DATE OF APPROVAL:	15 August 2023											
AMOUNT OF THE LEVIED CHARGE: (Details of how these charges were calculated are shown overleaf)	<table border="1"> <thead> <tr> <th>Development Type</th> <th>Adopted Infrastructure Charge</th> <th>Credits</th> <th>Total Charge</th> </tr> </thead> <tbody> <tr> <td>Extension to existing Rooming Accommodation</td> <td>\$21,912.60</td> <td>n/a</td> <td>\$21,912.60</td> </tr> </tbody> </table>	Development Type	Adopted Infrastructure Charge	Credits	Total Charge	Extension to existing Rooming Accommodation	\$21,912.60	n/a	\$21,912.60			
Development Type	Adopted Infrastructure Charge	Credits	Total Charge									
Extension to existing Rooming Accommodation	\$21,912.60	n/a	\$21,912.60									
AUTOMATIC INCREASE OF LEVIED CHARGE:	The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.											
LAND TO WHICH CHARGE APPLIES:	Lot 1 on RP748818											
SITE ADDRESS	1 Nazeer Street, Thursday Island											
PAYABLE TO:	Torres Shire Council											
WHEN PAYABLE:	Material Change of Use – When the change of use occurs as stated in the Planning Act 2016											
OFFSETS OR REFUNDS	Nil											

This charge is made in accordance with *Council's Charges Resolution (No.1) 2022* and section 52 and *Schedule 16 of the Planning Regulation 2017*.

DETAILS OF CALCULATION

ADOPTED CHARGES

Water Supply

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Long Term)	One (1) additional suite with 2 or less bedrooms	\$6,573.78	CR Table 2.1	\$6,573.78

Sewerage

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Long Term)	One (1) additional suite with 2 or less bedrooms	\$5,478.15	CR Table 2.1	\$5,478.15

Transport

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Long Term)	One (1) additional suite with 2 or less bedrooms	\$3,286.89	CR Table 2.1	\$3,286.89

Community Facilities and Parks

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Long Term)	One (1) additional suite with 2 or less bedrooms	\$2,191.26	CR Table 2.1	\$2,191.26

Stormwater

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Accommodation (Long Term)	One (1) additional suite with 2 or less bedrooms	\$4,382.52	CR Table 2.1	\$4,382.52

TOTAL ADOPTED CHARGE	\$21,912.60
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CREDIT

Note: Adopted charge is for additional six (6) additional beds provided in one (1) new suite.

FINAL CHARGE	\$21,912.60
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Name: Ed Kulpa (Acting CEO)

Signature: 

Date: 18 August 2023

68 Douglas Street Thursday Island
PO Box 171 Thursday Island 4875

Phone (07) 4069 1336
Fax (07) 4069 1845

Email admin@torres.qld.gov.au
ABN 34106162398

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119-123 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section Chapter 6 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
To whom the charge must be paid	<p>Payment of the Charge must be made payable to TORRES SHIRE COUNCIL, PO Box 171, Thursday Island, Qld 4875.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p> <p>It is requested that you contact Council's Planning and Development Department to confirm that amount payable prior to making payment.</p>
Payment	This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to TORRES SHIRE COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Overseas Payees

Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

Method of Payment**PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Planning and Development Department.

Mail this updated payment notice immediately with your payment to: TORRES SHIRE COUNCIL, PO Box 171, Thursday Island, Qld 4875.

NOTE: Cheques must be made payable to TORRES SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Torres Shire Council Chambers, 68 Douglas Street, Thursday Island.

NOTE: Cheques must be made payable to TORRES SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries

Enquiries regarding this Infrastructure Charges Notice should be directed to the TORRES SHIRE COUNCIL, Planning and Development Department, during office hours 9am to 4pm Monday to Friday by phoning (07) 4069 1336 or email at admin@torres.qld.gov.au
