



# 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](mailto:admin@torres.gld.gov.au)  
ABN 34 108 162 398

DATE: 15 March 2024

Our Ref: IDAS23/18  
Enquire to: Phil Turner  
Telephone: (07) 4083 1200

Christopher and Leigh Lemke  
c/ RPS AAP Consulting Pty Ltd  
PO Box 1949  
Cairns QLD 4870

Email: [Patrick.clifton@rpsgroup.com.au](mailto:Patrick.clifton@rpsgroup.com.au)

Dear Sir/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 12 March 2024.

### APPLICATION DETAILS

Application No: IDAS23/18  
Approval Sought: Development Permit for a Material Change of Use  
Description of the Development: Multiple Dwelling  
Planning Scheme: *Torres Shire Council Planning Scheme 2022*

### LOCATION DETAILS

Street Address: 143 Douglas Street, Thursday Island  
Real Property Description: Lot 3 RP700574

### DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Multiple Dwelling)

#### **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**

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)  Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214  Email: CairnsSARA@dasilgp.qld.gov.au MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a>	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4

Referral Agency response provided in Attachment 2.

#### **FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Plumbing and Drainage Work
- Development Permit for Building Work.
- Development Permit for Operational Works

#### **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 3)

#### **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 (Attachment 5).

## 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: Dalassa Yorkston

Signature:



Date: 15.03.2024

Enc. **Attachment 1** – Conditions imposed by the Assessment Manager  
**Attachment 2** – Conditions imposed by a Referral Agency  
**Attachment 3** – Approved Plans  
**Attachment 4** – Notice about a Decision Notice  
**Attachment 5** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *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 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.*

- 1.4 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.*

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

*Timing: At all times.*

- 1.6 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).

*Timing: At all times.*

- 1.7 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.

Sheet No	Document Name	Revision	Date	Drawn by
AU012239-1	Site Plan	A	14/11/2023	RPS
AU012239-2	Ground Floor Plan	A	14/11/2023	RPS
04	First Floor Plan	A	24/06/2017	Hassell Free Designs
-	Elevation	-	-	-

*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 EVIDENCE OF OTHER REQUIRED APPROVALS**

- 3.1 The applicant must provide written evidence to Council that all other relevant approvals have been obtained including the Building Approval, Certificate of Occupancy and Plumbing and Drainage Approval.

*Timing: Within four (4) months of the approval taking effect.*

### **4.0 PARKING AND ACCESS**

- 4.1 A minimum of three (3) car parking spaces must be provided on site. Car parking spaces and internal driveways must be generally in accordance with the approved plan of development and be concrete or bitumen sealed, comply with Australian Standard 2890 – Parking Facilities and be constructed to the requirements of the FNQROC Development Manual.

*Timing: Within six (6) months of the approval taking effect.*

- 4.2 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.*

- 4.3 Vehicle access to the site must be achieved via the existing access crossover from Douglas Street.

*Timing: At all times.*

- 4.4 The access driveway from the back of the kerb and channel to the front property boundary must be designed, constructed and sealed in accordance with the requirement of the FNQROC Development Manual.

*Timing: Within six (6) months of the approval taking effect.*

### **5.0 STORMWATER**

- 5.1 Stormwater drainage must be directed to a lawful point of discharge being Douglas Street.

*Timing: At all times.*

- 5.2 Site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

*Timing: At all times.*

- 5.3 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.*

### **6.0 WATER AND SEWERAGE**

- 6.1 Connect the development to Council's reticulated water network. Sufficient reticulated water capacity must be provided for domestic and firefighting purposes. The developer will be responsible for sub-metering.

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

- 6.2 Connect the development to Council's reticulated sewerage network.

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

- 6.3 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.*

- 6.4 All redundant sewerage and water infrastructure is to be removed, including but not limited to pipes and connection points.

*Timing: Prior to the commencement of the use.*

## **7.0 LANDSCAPING AND FENCING**

- 7.1 Existing landscaping and fencing must be maintained.

*Timing: At all times.*

## **8.0 WASTE STORAGE**

- 8.1 Store all waste within the designated waste storage area. The waste storage area must be:

- (i) Designed and located to not cause nuisance to neighbouring properties;
- (ii) Screened from any road frontage or adjoining property;
- (iii) Of a sufficient size to accommodate required number and type of bins

*Timing: At all times.*

## **9.0 ELECTRICITY & TELECOMMUNICATIONS**

- 9.1 Connect the development to reticulated electricity supply and telecommunications to the standard of the relevant service provider.

*Timing: At all times.*

## **10.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 10.1 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.*

## **11.0 FILLING AND EXCAVATION**

- 11.1 Any excavating and filling activities are to be carried out in accordance with the *FNQROC Development Manual*, ensuring works do not result in the ponding or permanent retention of surface water either on the site or on adjoining land.

*Timing: At all times.*

## **12.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL**

- 12.1 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.*

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

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

- 12.3 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 the commencement of any construction works required by this development.*

**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 commencement of use of the two (2) ground floor units, 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. The Infrastructure Charges are payable within four (4) months of the approval taking effect.
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 Protection 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*.
10. The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the EPBC Act can be obtained from the Department of Agricultural, Water and the Environment website <https://www.environment.gov.au/epbc/about>

## CONDITIONS IMPOSED BY A REFERRAL AGENCY

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



## APPROVED PLANS

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

## 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:	IDAS23/18
Applicant:	Christopher and Leigh Lemke
Proposal:	Development Permit for Material Change of Use
Description of the Development:	Multiple Dwelling
Street Address:	143 Douglas Street, Thursday Island
Real Property Description:	Lot 3 on RP700574
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>
Land Zoning:	Low-Medium Density Residential
Assessment Type:	Code

### DECISION DETAILS

---

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Multiple Dwelling
Date of Decision:	12 April 2024

### 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)**

##### **Transport Infrastructure**

- State-controlled road

##### **Natural Hazards Risk and Resilience**

- Flood hazard area – Local Government flood mapping area

- Erosion Prone area
- Medium storm tide inundation area

#### **Strategic Airports and Aviation Facilities**

- Aviation Facility
- Wildlife hazard buffer zone

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

##### Standard Outcomes

- Low-Medium Density Residential
- Accommodation Activities
- Landscaping
- Parking, Access and Transport
- Works, Services and Infrastructure
- Airport Environs
- Coastal Hazard
- Potential and Actual Acid Sulfate Soils 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 proposal seeking approval for the two (2) existing ground floor units will not result in any change to the existing built form.
- Multiple Dwelling units are an appropriate form of development to be located in the Low-Medium density residential zone.

#### **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, 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)



SARA reference: 2311-37678 SRA  
 Council reference: IDAS 23/18  
 Applicant reference: AU012239

6 February 2024

Chief Executive Officer  
 Torres Shire Council  
 PO Box 171  
 Thursday Island QLD 4875  
 admin@torres.qld.gov.au

Attention: Ed Kulpa

Dear Sir/Madam

## SARA referral agency response - 143 Douglas Street, Thursday Island

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 8 January 2024.

### Response

---

Outcome:	Referral agency response – with conditions
Date of response:	6 February 2024
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

---

Description:	Development permit	Material change of use for Multiple Dwelling (4 Units)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 (10.9.4.2.4.1) of the Planning Regulation 2017 - Material change of	

use of premises near a State transport corridor

SARA reference: 2311-37678 SRA

Assessment manager: Torres Shire Council

Street address: 143 Douglas Street, Thursday Island

Real property description: Lot 3 on RP700574

Applicant name: Christopher and Leigh Lemke C/-RPS AAP Consulting Pty Ltd

Applicant contact details: PO Box 1949  
Cairns QLD 4870  
[Patrick.Clifton@rpsgroup.com.au](mailto:Patrick.Clifton@rpsgroup.com.au)

*Human Rights Act 2019* considerations: A consideration of the 23 fundamental human rights protected under the *Human Right Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

## Representations

---

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Isley Peacey, Senior Planning Officer, on 4037 3202 or via email [CairnsSARA@dasilgp.qld.gov.au](mailto:CairnsSARA@dasilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Brett Nancarrow  
Manager (Planning)

cc Christopher and Leigh Lemke, [Patrick.Clifton@rpsgroup.com.au](mailto:Patrick.Clifton@rpsgroup.com.au)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 - Representations about a referral agency response provisions  
Attachment 5 - Documents referenced in conditions

## Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1 - Material change of use of premises near a State transport corridor —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	The road access location is to be located generally in accordance with TMR Layout Plan (669 – 3.89km), prepared by Queensland Government Transport and Main Roads, dated 05/02/2024, Reference TMR24-41462, Issue A.	At all times.



## Attachment 2—Advice to the applicant

---

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.0). If a word remains undefined it has its ordinary meaning.

## Attachment 3—Reasons for referral agency response

---

(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA's decision are:

The development complies with State code 1: Development in a state-controlled road environment (State code 1) of the State Development Assessment Provisions (SDAP) version 3.0. Specifically, the development:

- does not create a safety hazard for users of a state-controlled road
- does not compromise the structural integrity of state-controlled roads, road transport infrastructure or road works
- does not result in a worsening of the physical condition or operating performance of state-controlled roads and the surrounding road network
- does not compromise the state's ability to construct, or significantly increase the cost to construct state-controlled roads and future state-controlled roads
- does not compromise the state's ability to maintain and operate state-controlled roads, or significantly increase the cost to maintain and operate state-controlled roads
- does not compromise the structural integrity of public passenger transport infrastructure or compromise the operating performance of public passenger transport services
- avoids or mitigates significant adverse impacts resulting from environmental emissions generated by vehicles on the state-controlled road.

### Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.0), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

---

(page left intentionally blank)

## **Attachment 5—Documents referenced in conditions**

---

(page left intentionally blank)



**PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE**

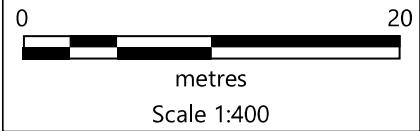
SARA ref: 2311-37678 SRA

Date: 6 February 2024

**Permitted Road Access Location**

Near the southern boundary of Lot 3RP700574 and approx  
55m north east of Pearl Street

GPS location x 142.213740, y -10.585810



Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

File ref: TMR24-41462

Land parcels Subject land

State-controlled road corridor

**TMR Layout Plan  
(669 - 3.89km)**

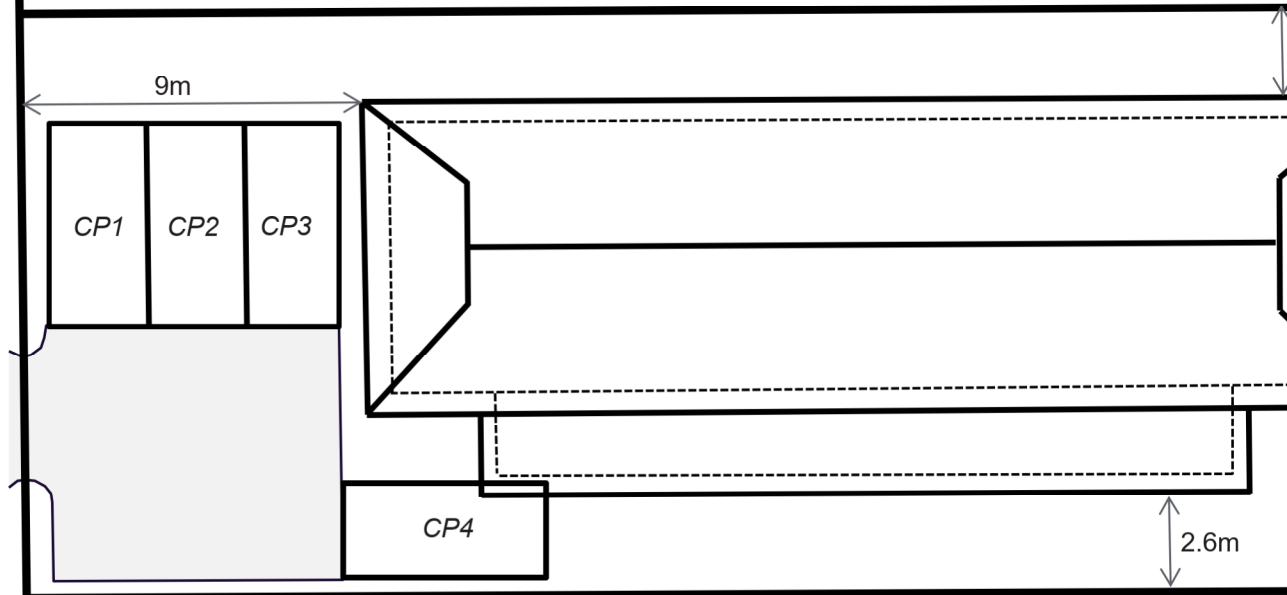
Disclaimer: While every care is taken to ensure the accuracy of this data, Pitney Bowes Software Pty Ltd and/or the State of Queensland and/or QR Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. Based on IDataset - State Digital Road Network (SDRN) permission of QR Limited and other state government data.

**AERIAL IMAGERY.**

The aerial photography used in this plan has not been rectified. The image has been overlaid as best fit on the boundaries shown and position is approximate only.  
Date of Capture:09/2022  
©StateofQueensland(DepartmentofResources)2023

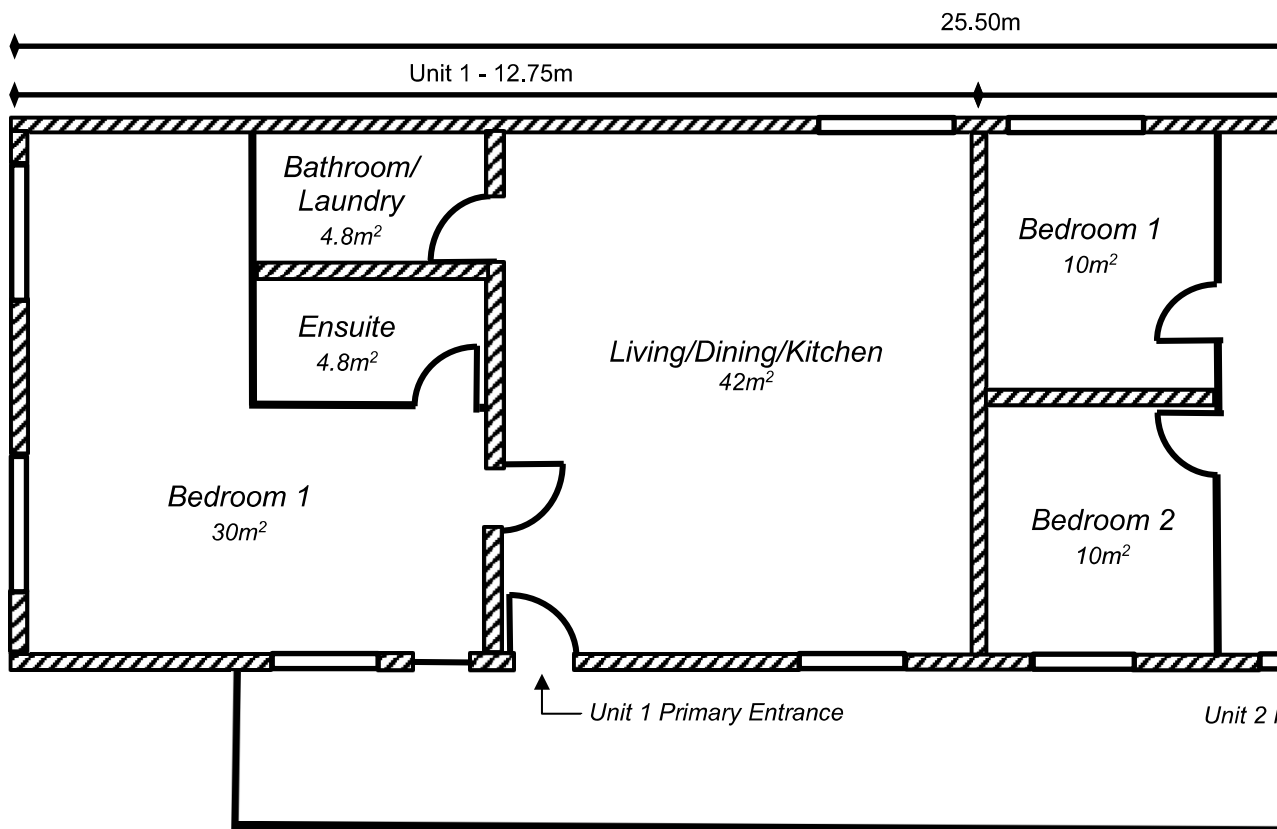
Douglas Street

Lot 2  
RP700574



Lot 108  
T2071

# Ground Floor Plan - 143 Douglas Street, Thursday Island



TORRES SHIRE COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

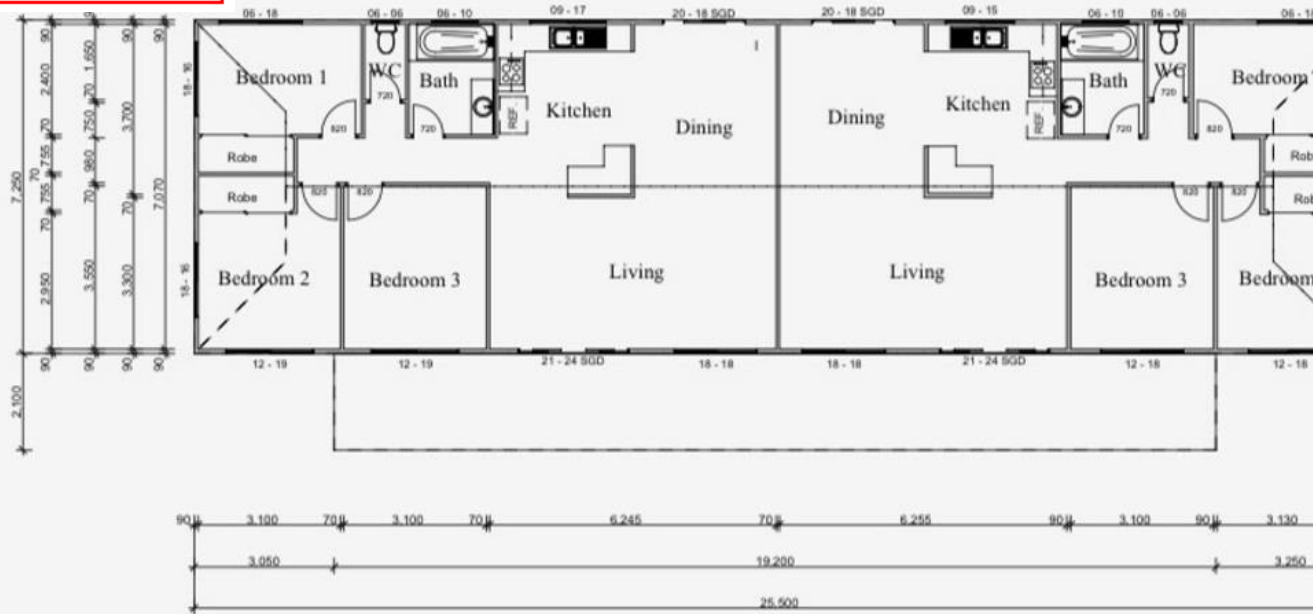
**Development Application:** Development Permit for Material Change of Use (Multiple Dwelling)

**RP Details:** Lot 3 on RP700574

Referred to in Council's Decision Notice

**Approval Date:** 12 March 2024

**Application Number:** IDAS 23/18



1 First Floor Plan

**Hassell Free Designs**  
"Designing for your needs"  
Design - Extensions - Renovations - Drafting

Kylie Hassell, Building Designer  
PO Box 138, Boddina NSW 4374  
NSW Licence No: 12272407

See (07) 8478 8742  
Phone (0412) 878 871  
hassellfree@optusnet.com.au



REVISIONS		DATE
#	DESCRIPTION	

Verify all dimensions on site prior to commencement of any works. These drawings are not to be used for scaling. Copyright for design & drawings remain the property of the authors.

<b>BUILDER:</b>	Project <b>PROPOSED</b>
	Location
	Client
	24/06/2017



1

Elevation 1

De  
Ch  
RP  
Ap  
Ap



---

## 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.

- 
- (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.

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>
1. Development applications For a development application other than an excluded application, an appeal may be made against— <ul style="list-style-type: none"><li>(a) the refusal of all or part of the development application; or</li><li>(b) the deemed refusal of the development application; or</li><li>(c) a provision of the development approval; or</li><li>(d) if a development permit was applied for—the decision to give a preliminary approval.</li></ul>



<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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	1 A concurrence agency that is not a co-respondent 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
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

<b>Table 1</b>			
<b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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>			

<b>Table 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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"> <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 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&amp;E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

<b>Table 1 Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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—                      (a) the refusal of a conversion application; or                      (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 1</b> <b>Appeals to the P&amp;E Court and, for certain matters, to a tribunal</b>			
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	—	—

<b>Table 2</b> <b>Appeals to the P&amp;E Court only</b>			
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.			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
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>			

<b>Table 2 Appeals to the P&amp;E Court only</b>			
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	—	—

<b>Table 2 Appeals to the P&amp;E Court only</b>			
<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>			



<b>Table 2 Appeals to the P&amp;E Court only</b>			
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 Appeals to a tribunal only</b>			
<p><b>1. Building advisory agency appeals</b></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>

<b>Table 3 Appeals to a tribunal only</b>			
<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>			

<b>Table 3 Appeals to a tribunal only</b>			
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)

<b>APPLICANT:</b>	Christopher and Leigh Lemke c/ RPS AAP Consulting Pty Ltd PO Box 1949											
<b>APPLICATION:</b>	Development Permit for Material of Use – Multiple Dwelling											
<b>FILE REFERENCE:</b>	IDAS23/18											
<b>DATE OF APPROVAL:</b>	12 March 2024											
<b>AMOUNT OF THE LEVIED CHARGE:</b> <i>(Details of how these charges were calculated are shown overleaf)</i>	<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>Residential</td> <td>\$105,180.50</td> <td>\$61,355.30</td> <td>\$43,825.20</td> </tr> </tbody> </table>				Development Type	Adopted Infrastructure Charge	Credits	Total Charge	Residential	\$105,180.50	\$61,355.30	\$43,825.20
Development Type	Adopted Infrastructure Charge	Credits	Total Charge									
Residential	\$105,180.50	\$61,355.30	\$43,825.20									
<b>AUTOMATIC INCREASE OF LEVIED CHARGE:</b>	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.											
<b>LAND TO WHICH CHARGE APPLIES:</b>	Lot 3 on RP700574											
<b>SITE ADDRESS</b>	143 Douglas Street, Thursday Island											
<b>PAYABLE TO:</b>	Torres Shire Council											
<b>WHEN PAYABLE:</b>	Material Change of Use – When the change of use occurs as stated in the Planning Act 2016											
<b>OFFSETS OR REFUNDS</b>	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
Residential	Dwelling with 2 or less bedrooms (2 units)	\$6,573.78	CR Table 2.1	\$13,147.56
Residential	Dwelling with 3 or more bedrooms (2 units)	\$9,203.30	CR Table 2.1	\$18,406.60

#### Sewerage

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential	Dwelling with 2 or less bedrooms (2 units)	\$5,478.15	CR Table 2.1	\$10,956.30
Residential	Dwelling with 3 or more bedrooms (2 units)	\$7,669.41	CR Table 2.1	\$15,338.82

#### Transport

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential	Dwelling with 2 or less bedrooms (2 units)	\$3,286.89	CR Table 2.1	\$6,573.78
Residential	Dwelling with 3 or more bedrooms (2 units)	\$4,601.65	CR Table 2.1	\$9,203.30

#### Community Facilities and Parks

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential	Dwelling with 2 or less bedrooms (2 units)	\$2,191.26	CR Table 2.1	\$4,382.52
Residential	Dwelling with 3 or more bedrooms (2 units)	\$3,067.77	CR Table 2.1	\$6,135.54

#### Stormwater

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential	Dwelling with 2 or less bedrooms (2 units)	\$4,382.52	CR Table 2.1	\$8,765.04
Residential	Dwelling with 3 or more bedrooms (2 units)	\$6,135.52	CR Table 2.1	\$12,271.04

<b>TOTAL ADOPTED CHARGE</b>	<b>\$105,180.50</b>
-----------------------------	---------------------

**CREDIT**

Adopted Charges Development Description	Water Supply	Sewerage	Transport	Community Facilities & Parks	Stormwater	Total
Dwelling with 3 or more bedrooms (2 units)	\$18,406.60	\$15,338.82	\$9,203.30	\$6,135.54	\$12,271.04	\$61,355.30
<b>CREDIT</b>						\$61,355.30

<b>FINAL CHARGE</b>	<b>\$43,825.20</b>
---------------------	--------------------

Name: Dalassa Yorkston

Signature: 

Date: 15 March 2024

## INFORMATION NOTICE

<b>Authority and Reasons for Charge</b>	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.
<b>Appeals</b>	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.
<b>Automatic Increase Provision of charge rate (\$)</b>	<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 average<sup>1</sup>. 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>
<b>GST</b>	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.
<b>To whom the charge must be paid</b>	<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>
<b>Payment</b>	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.

<sup>1</sup> 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](mailto:admin@torres.qld.gov.au)

---



---

## **Subdivision 5      Changing charges during relevant appeal period**

### **124      Application of this subdivision**

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

### **125      Representations about infrastructure charges notice**

- (1) During the appeal period for the infrastructure charges notice, the recipient may make representations to the local government about the infrastructure charges notice.
- (2) The local government must consider the representations.
- (3) If the local government—
  - (a) agrees with a representation; and
  - (b) decides to change the infrastructure charges notice;the local government must, within 10 business days after making the decision, give a new infrastructure charges notice (a *negotiated notice*) to the recipient.
- (4) The local government may give only 1 negotiated notice.
- (5) A negotiated notice—
  - (a) must be in the same form as the infrastructure charges notice; and
  - (b) must state the nature of the changes; and
  - (c) replaces the infrastructure charges notice.
- (6) If the local government does not agree with any of the representations, the local government must, within 10 business days after making the decision, give a decision notice about the decision to the recipient.
- (7) The appeal period for the infrastructure charges notice starts again when the local government gives the decision notice to the recipient.

## **126 Suspending relevant appeal period**

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

## **Division 3 Development approval conditions about trunk infrastructure**

### **Subdivision 1 Conditions for necessary trunk infrastructure**

#### **127 Application and operation of subdivision**

- (1) This subdivision applies if—
  - (a) trunk infrastructure—
    - (i) has not been provided; or
    - (ii) has been provided but is not adequate; and
  - (b) the trunk infrastructure is or will be located on—
    - (i) premises (the *subject premises*) that are the subject of a development application, whether or not the infrastructure is necessary to service the subject premises; or
    - (ii) other premises, but is necessary to service the subject premises.

---

## 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.

- 
- (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.