



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

DATE: 26 April 2024

Our Ref: IDAS23/15
Enquire to: Phil Turner
Telephone: (07) 4069 1336

Zenadth Kes Fisheries Ltd
c/- Gilvear Planning
PO Box 228
Babinda QLD 4861

E-mail: kristy@gilvearplanning.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 23 April 2024.

APPLICATION DETAILS

Application No:	IDAS23/15
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development	Medium Impact Industry (Seafood Processing) and Caretaker's Accommodation
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>

LOCATION DETAILS

Street Address:	27 Douglas Street, Thursday Island
Real Property Description:	Lot 84 on SP116895

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use – Medium Impact Industry (Seafood Processing) and Caretaker's 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 Plumbing and Drainage Work
- Development Permit for Building Work.

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* is attached (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: Dalassa Yorkston

Signature:



Date: 26 April 2024

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

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 The use must not commence until all conditions of the approval relevant to each stage have been complied with. Stages to be developed in chronological order of each stage as identified on the approved plans. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

Timing: Prior to the commencement of the use.

- 1.8 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
1598a-SD – A-0.01	Site Plan – existing/demolition	D	June 2023	Clarke and Prince Architects
1598a-SD – A-0.02	Site Plan – proposed	E	June 2023	Clarke and Prince Architects
1598a-SD – A-0.03	Floor Plans & Elevations	C	07/11/23	Clarke and Prince Architects
235079/SK001 (P3)	Hydraulic Plans – Sanitary/Water Demolition Plan	-	14.02.2024	Gilboy Hydraulic Solutions Clarke and Prince Architects
235079/SK002 (P3)	Hydraulic Plans – Proposed Sanitary Drainage	-	14.02.2024	Gilboy Hydraulic Solutions Clarke and Prince Architects
235079/SK002 (P3)	Hydraulic Plans – Proposed Water Service	-	14.02.2024	Gilboy Hydraulic Solutions Clarke and Prince Architects
	Stormwater Assessment	-	30/01/2024	Langtree Consulting Engineers
1114-001	Stormwater Management Plan – Proposed layout plan	1	29.01.2024	Langtree Consulting Engineers

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.

3.0 LIMITATION OF USE – STAGE 2

- 3.1 The Caretaker's Accommodation must only be occupied by a person or persons directly associated with the Industry use occurring at the premises.

Timing: At all times.

4.0 PARKING AND ACCESS – DESIGN CONSTRUCTION & MAINTENANCE – STAGE 1 ONLY

- 4.1 A minimum of three (3) car parking spaces must be provided onsite. Car parking spaces and internal driveways must be located 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: At all times.

- 4.2 The car 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 Access to the proposed development must be provided in accordance with the approved plans of development.

Timing: At all times.

- 4.4 The access driveway from the extent of the Douglas Street bitumen seal to the front property boundary must be designed, constructed and sealed in accordance with the requirements of the FNQROC Development Manual.

Timing: At all times.

- 4.5 A minimum of three (3) bicycle parking spaces and end of trip facilities must be provided.

Timing: At all times.

5.0 PARKING AND ACCESS – DESIGN CONSTRUCTION & MAINTENANCE – STAGE 2 ONLY

- 5.1 The access driveway from the extent of the Douglas Street bitumen seal to the front property boundary must be designed, constructed and sealed in accordance with the requirements of the FNQROC Development Manual.

- 5.2 A minimum of one (1) carparking space must be provided for the Caretaker's Accommodation and must be kept available for use and must not be used for the storage of goods at any time.

Timing: At all times.

6.0 ENGINEERING WORK – STORMWATER DRAINAGE WORKS – FOR ALL STAGES

- 6.1 Stormwater drainage must be directed to a lawful point of discharge.

Timing: At all times.

- 6.2 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.

- 6.3 Design and construct all stormwater drainage works for the development generally in accordance with the approved stormwater management plan, FNQROC Development Manual and the Queensland Urban Drainage Manual (QUDM).

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

- 6.4 Stormwater drainage works must not result in the removal of existing vegetation external to the site.

Timing: At all times.

7.0 WATER AND SEWERAGE – FOR ALL STAGES

- 7.1 Connect the development to Council's reticulated 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.

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

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

- 7.3 Design and construct all sewerage and water works in accordance with the approved plans, FNQROC Development Manual, Water Supply (Safety and Reliability) Act 2008, the Plumbing and Drainage Act 2018.

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

- 7.4 All redundant sewerage (including existing septic tank and land application area in Stage 2) and water infrastructure is to be removed, including but not limited to pipes and connection points.

Timing: Prior to the commencement of the use for each applicable stage.

8.0 COASTAL HAZARD SIGNAGE – STAGE 1

- 8.1 Signage must be installed at the entrance to each building identifying that the building is located within a coastal hazard area.

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

9.0 FINISHED FLOOR LEVEL

- 9.1 Stage 1 – The Medium Industry building must achieve a minimum finished floor level of 2.5m AHD.

- 9.2 Stage 2 - The Caretaker's Accommodation must achieve a minimum finished floor level of 2.8m AHD.

Timing: At all times.

10.0 LANDSCAPING– STAGE 1

- 10.1 Landscaping within the designated landscaped areas on the approved plan of development 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 the use and at all times thereafter.

11.0 LANDSCAPING– STAGE 2

- 11.1 Landscaping must be provided within a landscaped garden a minimum width of one (1) metre along the Caretaker's Accommodation frontage of the site, excluding the access driveway, consistent with the landscaping provided in Stage 1. The landscaping must include suitable native tree and plant species and subject to ongoing maintenance and replanting programme (if necessary).

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

12.0 WASTE COLLECTION AND STORAGE

- 12.1 All by-product waste material from Live Tanks, processing benches and floor waste must be collected and stored to ensure no discharge of waste material external to the site.

Timing: At all times.

- 12.2 All waste generated on site must be collected and stored within the designated holding freezer to ensure no odour emissions or attraction to vermin or animals. No external waste storage is permitted.

Timing: At all times.

- 12.3 Waste storage bins collected through Council's kerb-side collection service, must be placed on the kerb at a time as close as possible to the scheduled collection time and returned to the holding freezer for storage as soon as emptied. Bins must not be stored on the kerb for an extended period of time.

Timing: At all times.

13.0 ELECTRICITY & TELECOMMUNICATIONS

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

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

14.0 BUILDING FINISHES – STAGE 1

- 14.1 The north-eastern elevation of the containers must be finished in decal signage generally in accordance with the approved plan of development.

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

15.0 AMENITY - LIGHTING

- 15.1 Maintain outdoor lighting to comply with AS4282:1997 - Control of the obtrusive effects of outdoor lighting.

Timing: At all times.

16.0 AMENITY AND ENVIRONMENTAL HEALTH

- 16.1 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.

17.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 17.1 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.

- 17.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the FNQROC Development Manual. The ESCS must consider erosion control and slope stability measures to be implemented during all stages of construction. 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.

- 17.3 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.

18.0 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

- 18.1 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:

- (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.






B. ASSESSMENT MANAGER (COUNCIL) ADVISORY NOTES

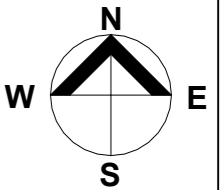
1. This approval, granted under the provisions of *the Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the *Planning Act 2016*.
2. Prior to commencing any construction activities, the applicant/developer will be 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 have been calculated based on a proposed two (2) bedroom Caretaker's Accommodation. Should the existing two (2) bedroom residence be refurbished into three (3) bedrooms, the Infrastructure Charges will be required to be recalculated.
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>

APPROVED PLANS

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

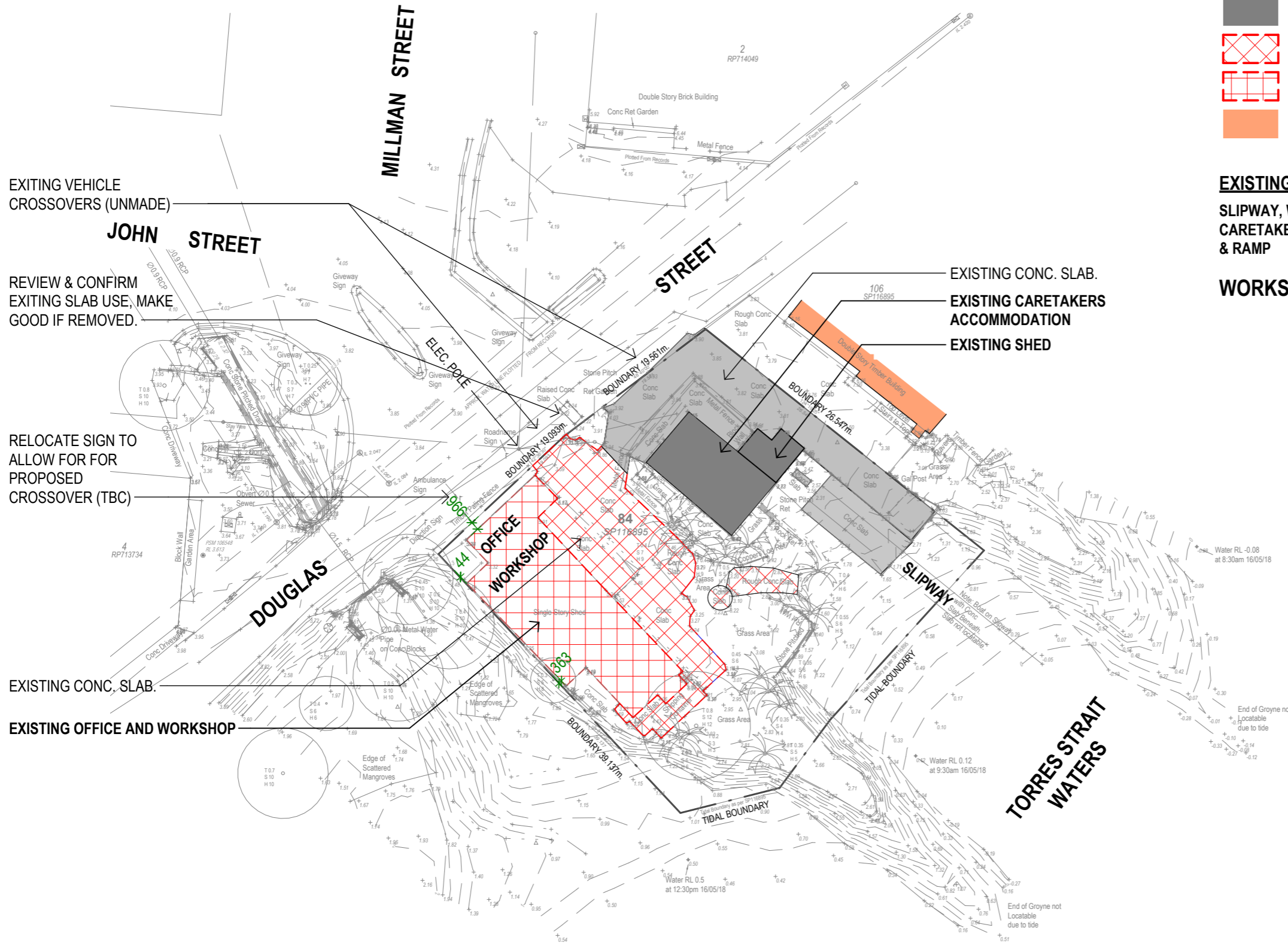
LEGEND - SITE EXISTING / DEMOLITION

-  EXISTING - CONCRETE DRIVEWAY & HARDSTAND
-  EXISTING - BUILDING - 24m2
-  DEMOLISH - CONCRETE DRIVEWAY & HARDSTAND - 267m2
-  DEMOLISH - SINGLE STOREY BUILDING - 266m2 (WORKSHOP)
-  EXISTING BUILDING PROXIMTY ON ADJACENT SITE



EXISTING FACILITIES & DEMOLITION EXTENT

- SLIPWAY, WINCH SHED, CARETAKERS ACCOMODATION & RAMP** SLIPWAY, CARETAKERS ACCOMMODATION & WINCH SHED, FUTURE REFURB. WITH ADJACENT CONC. PARKING & HARDSTAND SLABS RETAINED
- WORKSHOP & OFFICE** WORKSHOP BUILDING & FRONT OFFICES - DEMOLISHED. ADJACENT CONCRETE DRIVEWAYS & HARDSTAND - DEMOLISHED TOO FOR REPLACEMENT. REMOVE ANY CONNECTIONS. (TBC)



TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

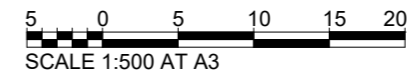
Development Application: Development Permit for Material Change of Use (Medium Impact Industry—Seafood Processing) and Caretaker's Accommodation

RP Details: Lot 84 on SP116895

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
Application Number: IDAS 23/15

1 SITE PLAN - EXISTING & DEMOLITION
SCALE - 1 : 500



AMENDMENTS	DATE
- FOR APPROVAL	29/08/23
A FOR APPROVAL	15/12/23
B FOR APPROVAL	19/12/23
C FOR APPROVAL	08/01/24
D DA	19/02/2024

DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.



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w. www.clarkeandprince.com.au

DRAWN	AD/MD	SCALE	SIZE	PROJECT
APPROVED	MM	As indicated	A3	PROPOSED SITE CONCEPT PRELIM LAYOUT
		DATE	JUNE 2023	AT 27 DOUGLAS STREET, THURSDAY ISLAND
				ZENADTH KES FISHERIES
				SITE PLAN - EXISTING / DEMOLITION
DWG No.	1598a-SD - A-0.01	STAMP	FOR APPROVAL	ISSUE
				D

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Medium Impact Industry—Seafood Processing) and Caretaker's Accommodation

RP Details: Lot 84 on SP116895

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PROPERTY & PLANNING INFORMATION

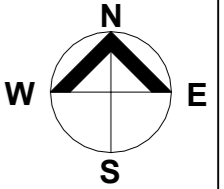
PROPERTY DESCRIPTION: LOT 84 on SP116895
SITE AREA: 1731m²

ADDRESS: 27 DOUGLAS STREET, THURSDAY ISLAND

HAT: HIGHEST ASTRONOMICAL TIDE FOR T.I. IS RL 2.90 AHD

SITE COVER:
 EXISTING BLDG. TO REMAIN 116 m²
 STAGE 1 TEMP. PORTABLE MODULE 308 m²
 SITE STORAGE CONTAINER 15 m²
TOTAL 439 m²

SITE COVER 25%



PROPOSED FACILITIES - THURSDAY ISLAND SITE

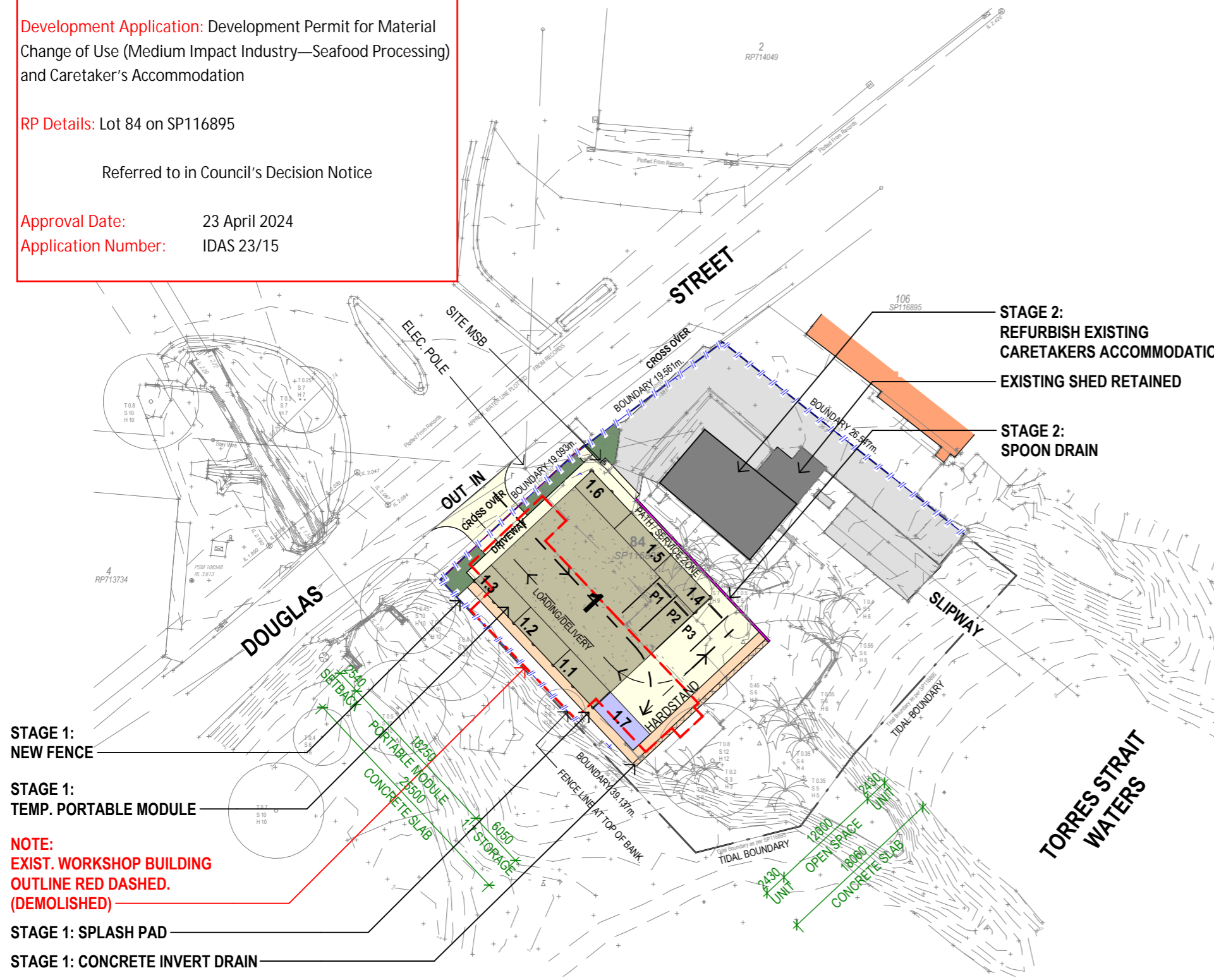
- STAGE 1**
TEMP PORTABLE MODULE
- SIMILAR TO AUSTRALIAN BORDER FORCE (ABF) FAST RESPONSE, HORN ISLAND.
 TEMPORARY ASSEMBLY FOR SHIPPING - CONTAINERS WITH:
 1. DOME SHADE STRUCTURE OVER 6X 6m CONTAINERS, BEING:
- 1.1 LIVE SEAFOOD TANK ROOM
 - 1.2 SEAFOOD PROCESSING ROOM
 - 1.3 LOW TEMPERATURE ROOM
 - 1.4 MAIN OFFICE & RECEPTION WITH TEA/COFFEE FACILITY
 - 1.5 LUNCH ROOM & STAFF AMENITIES
 - 1.6 CHILLER ROOM WITH ICEMAKER
 - 1.7 SITE STORAGE ROOM.
- STAGE 2**
CARETAKERS ACCOMMODATION
- REFURBISHMENT OF THE EXISTING CARETAKERS ACCOMMODATION
 - SPOON DRAIN

LEGEND - SITE STRUCTURE - PROPOSED

- EXISTING - CONCRETE SLAB
- EXISTING - BUILDING - 116m²
- STAGE 1 PORTABLE MODULE - 308m²
- STAGE 1 SITE STORAGE CONTAINER - 15m²
- NEW CONCRETE, PATHS & CROSSOVER
- SPLASH PATH AND CONCRETE INVERT
- STAGE 2 SPOON DRAIN
- LANDSCAPE SCREEN - 56m²

NOTES:

- DESIGN LEVELS TO BE CONFIRMED BY CIVIL ENGINEER.
- FENCING & GATES TO BE 2.1m HIGH GALV. POSTS & CHAIN MESH STYLE.
- DRAWINGS SHOULD BE READ IN CONJUNCTION WITH HYDRAULIC ENGINEERS DRAWINGS AND STORMWATER ASSESSMENT PLAN



- STAGE 1:** NEW FENCE
- STAGE 1:** TEMP. PORTABLE MODULE
- NOTE:** EXIST. WORKSHOP BUILDING OUTLINE RED DASHED. (DEMOLISHED)
- STAGE 1:** SPLASH PAD
- STAGE 1:** CONCRETE INVERT DRAIN

1 SITE PLAN - PROPOSED
 SCALE - 1 : 500

AMENDMENTS	DATE	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.
A FOR APPROVAL	15/12/23	
B FOR APPROVAL	19/12/23	
C FOR APPROVAL	08/01/24	
D CIVIL UPDATE	23/01/24	
E DA	19/02/2024	

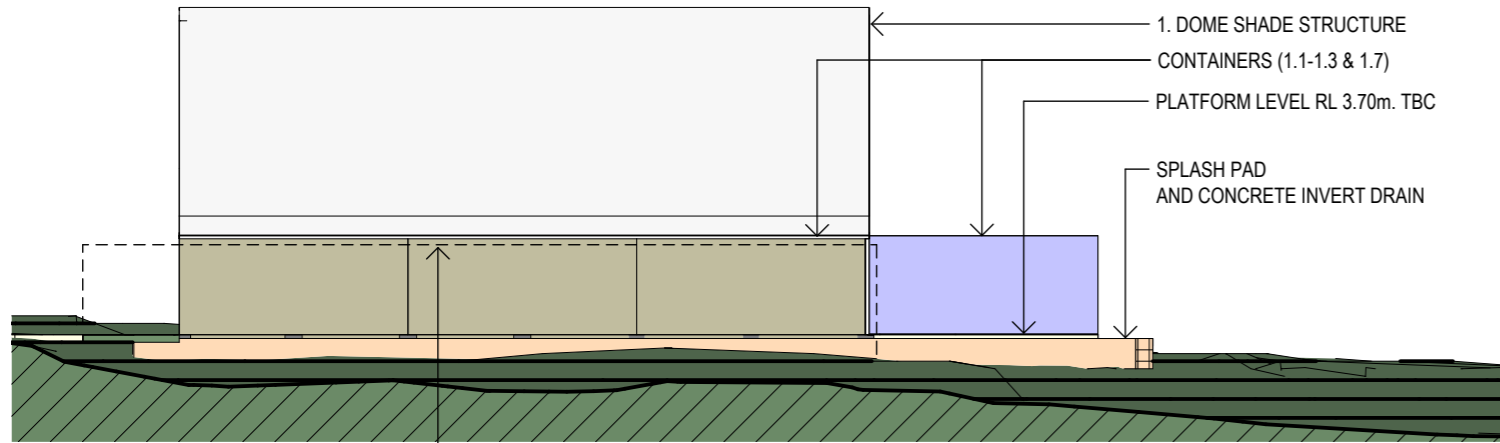
Zenadth Kes Fisheries Limited



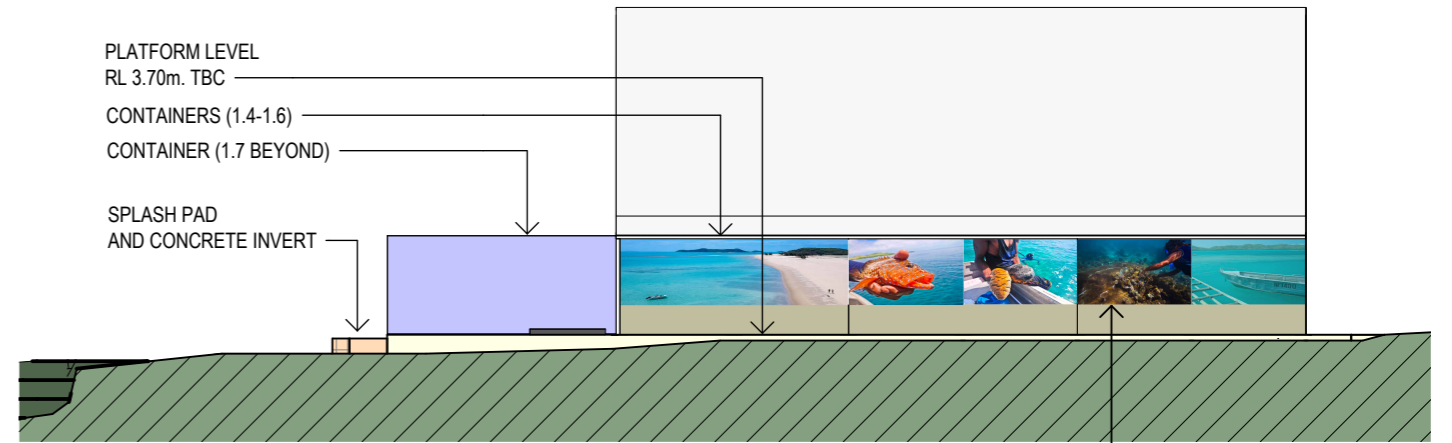
3 Scott Street | CAIRNS | QLD 4870
 p. 07 4051 4088 | f. 07 4051 1080
 e. cp@clarkeandprince.com.au
 w. www.clarkeandprince.com.au

DRAWN	AD/MH	SCALE	As indicated	SIZE	A3
APPROVED	MM	DATE	JUNE 2023		

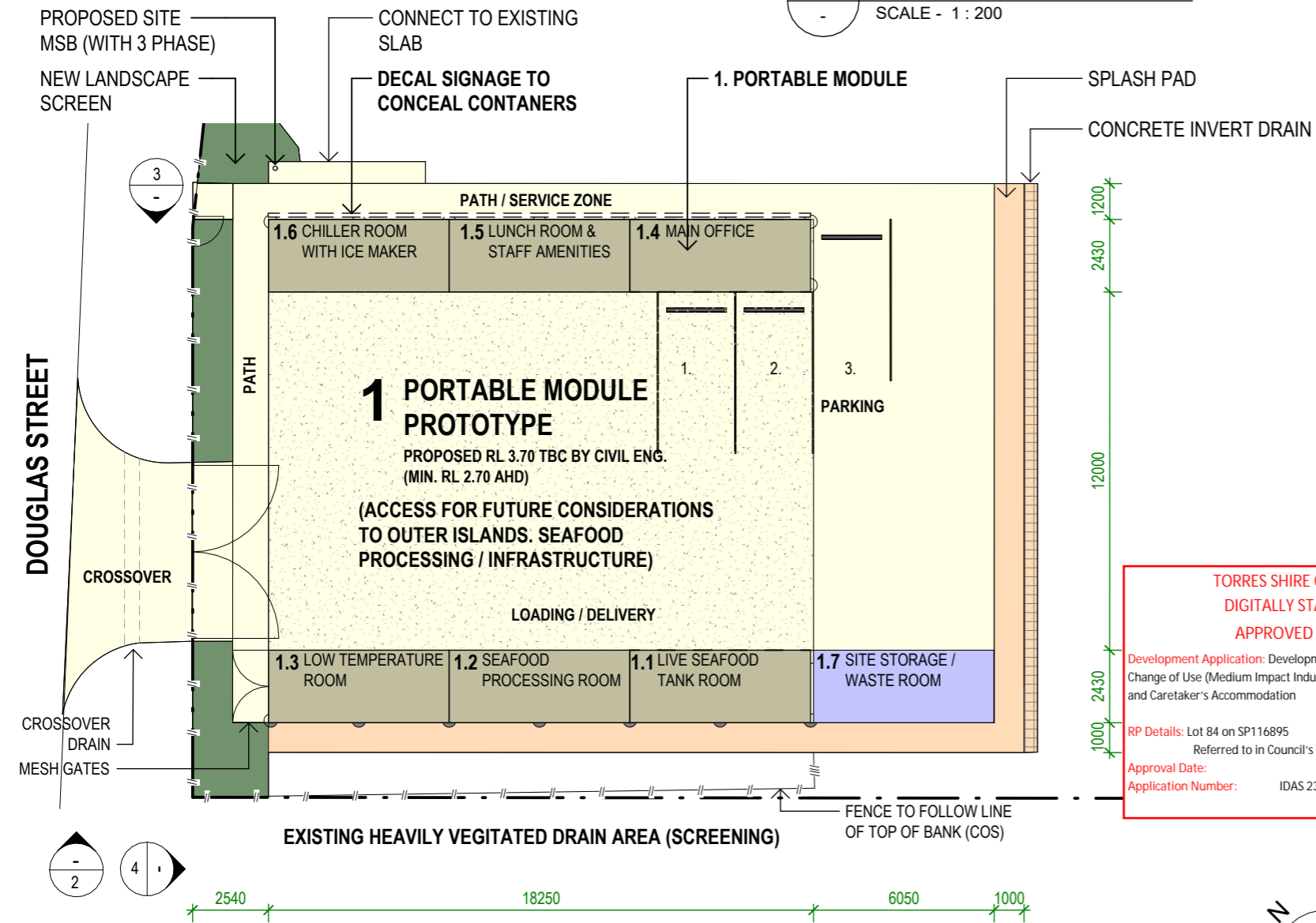
PROJECT	PROPOSED SITE CONCEPT PRELIM LAYOUT AT 27 DOUGLAS STREET, THURSDAY ISLAND ZENADTH KES FISHERIES		
FOR			
DWG	SITE PLAN - PROPOSED		
DWG No.	1598a-SD - A-0.02	STAMP	FOR APPROVAL
ISSUE	E		



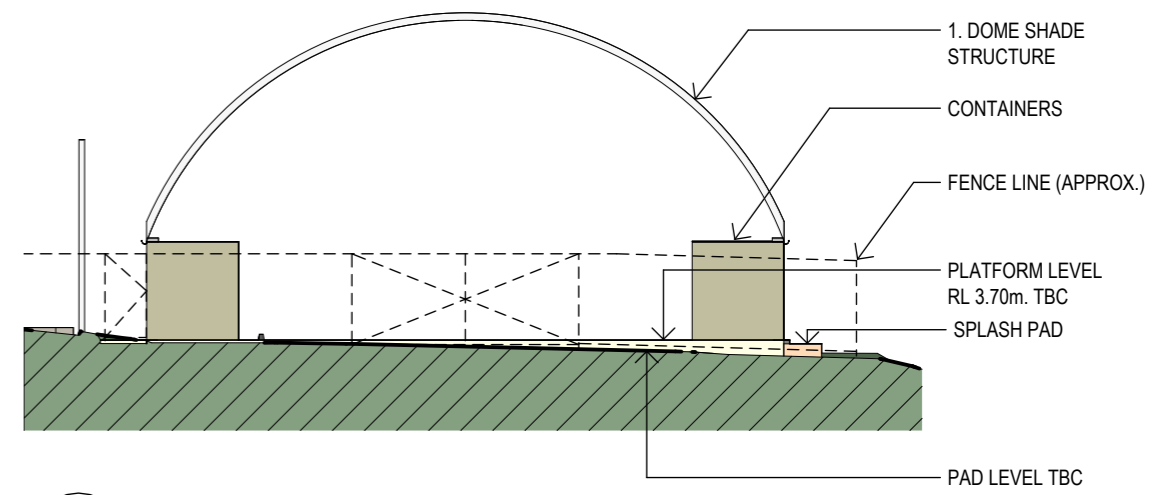
2 S-W SIDE ELEVATION
SCALE - 1 : 200



3 N-E SIDE ELEVATION (ON SITE)
SCALE - 1 : 200



1 FLOOR PLAN - STAGE 1 BUILDINGS
SCALE - 1 : 200



4 STREET ELEVATION - PART
SCALE - 1 : 200

PROPOSED FACILITIES - THURSDAY ISLAND SITE

- STAGE 1 TEMP PORTABLE MODULE** SIMILAR TO AUSTRALIAN BORDER FORCE (ABF) FAST RESPONSE, HORN ISLAND. TEMPORARY ASSEMBLY FOR SHIPPING - CONTAINERS WITH:
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 - 1.5 LUNCH ROOM & STAFF AMENITIES
 - 1.6 CHILLER ROOM WITH ICEMAKER
 - 1.7 SITE STORAGE ROOM.
- STAGE 2 CARETAKERS ACCOMMODATION**
- REFURBISHMENT OF THE EXISTING CARETAKERS ACCOMMODATION
 - SPOON DRAIN

- NOTES:**
1. DESIGN LEVELS TO BE CONFIRMED BY CIVIL ENGINEER.
 2. FENCING & GATES TO BE 2.1m HIGH GALV. POSTS & CHAIN MESH STYLE.
 3. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH HYDRAULIC ENGINEERS DRAWINGS AND STORMWATER ASSESSMENT PLAN

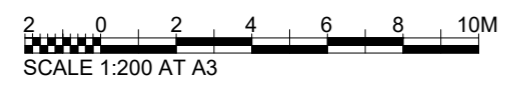
TORRES SHIRE COUNCIL
DIGITALLY STAMPED
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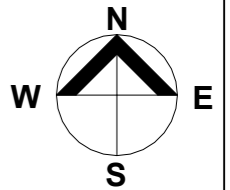
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B CIVIL UPDATE	23/01/24
C DA	19/02/2024

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DRAWN	AD/MH	SCALE	1 : 200	SIZE	A3	PROJECT	PROPOSED SITE CONCEPT PRELIM LAYOUT AT 27 DOUGLAS STREET, THURSDAY ISLAND ZENADTH KES FISHERIES	
APPROVED	MM	DATE	07/11/23			FOR		
							DWG	FLOOR PLANS & ELEVATIONS
							DWG No.	1598a-SD - A-0.03
							STAMP	FOR APPROVAL
							ISSUE	C



NOTE:
PLUMBER TO ALLOW TO INVESTIGATE THE EXACT SIZE, TYPE AND LOCATION OF EXISTING SERVICES TO THE EXTENT NECESSARY, BEFORE THE COMMENCEMENT OF DEMOLITION WORKS

ASSUMED LOCATION OF 20mm WATER SERVICE AND METER TO BE MADE REDUNDANT.

ASSUMED LOCATION OF EXISTING WATER SERVICES TO BE MADE REDUNDANT. CUT BACK AS REQUIRED TO ENABLE RECONNECTION.

ASSUMED LOCATION OF EXISTING COLD WATER FEED TO RESIDENCE (TO BE RETAINED FOR RECONNECTION)

EXISTING SHED RETAINED

STAGE 2:
 SPOON DRAIN
 ASSUMED LOCATION OF EXISTING HOUSE DRAINAGE (TO BE DEMOLISHED IN STAGE 2)

ASSUMED LOCATION OF EXISTING SEPTIC TANK (TO BE DEMOLISHED IN STAGE 2)

ASSUMED LOCATION OF EXISTING SEWERAGE LAND APPLICATION AREA (TO BE DEMOLISHED IN STAGE 2)

EXISTING WATER POINTS (HOSE TAPS) TO BE REMOVED

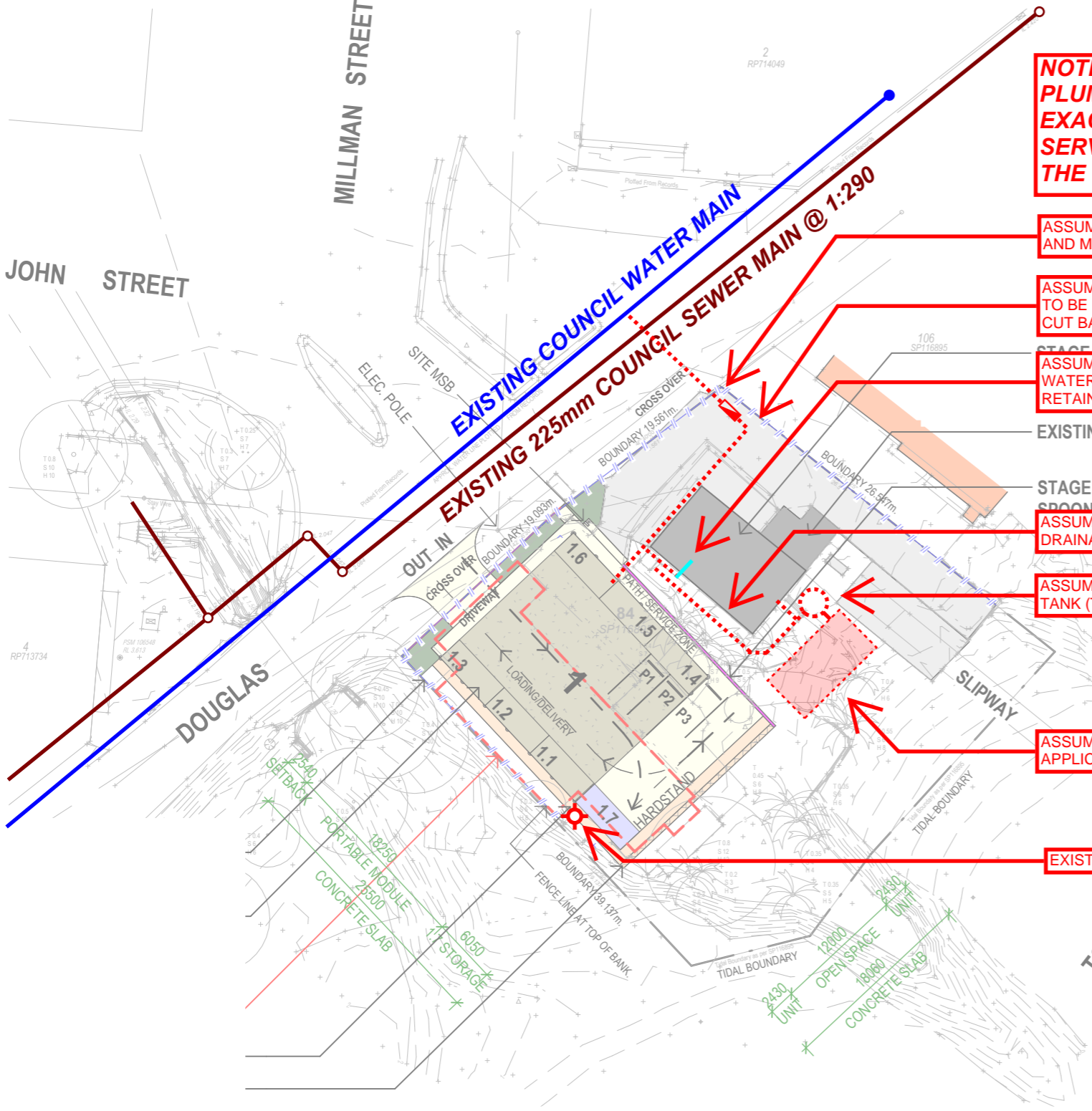
TORRES SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Medium Impact Industry—Seafood Processing) and Caretaker's Accommodation

RP Details: Lot 84 on SP116895

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
 Application Number: IDAS 23/15



1 SITE PLAN - PROPOSED
 SCALE - 1 : 500

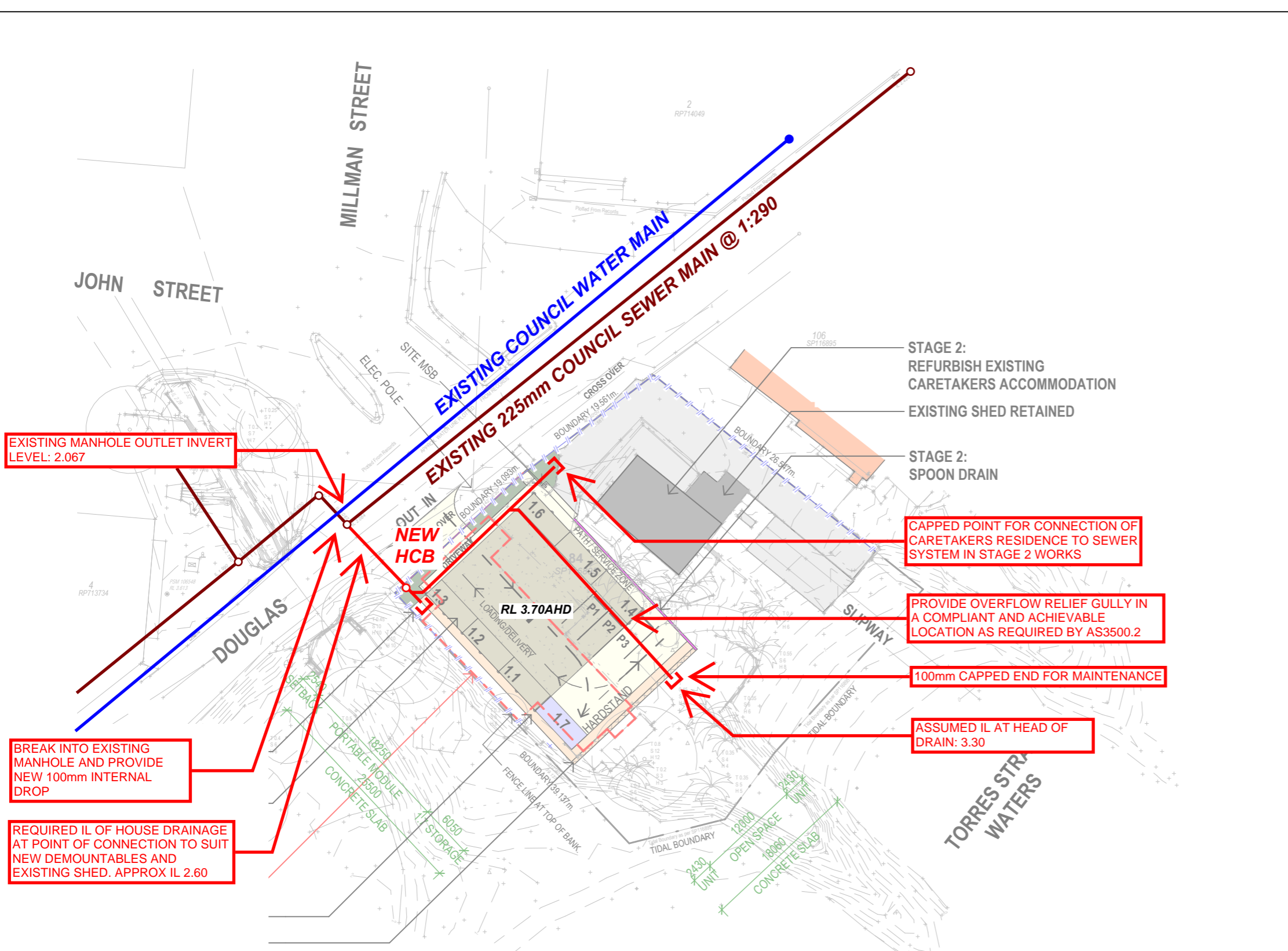
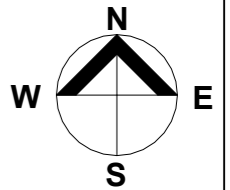
SCALE 1:500 AT A3

GILBOY HYDRAULIC SOLUTIONS
 Building Hydraulic Services Design

235079 / SK001 (P3) 14.02.2024

SANITARY/WATER DEMOLITION PLAN

AMENDMENTS	DATE	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.			3 Scott Street CAIRNS QLD 4870 p. 07 4051 4088 f. 07 4051 1080 e. cp@clarkeandprince.com.au w. www.clarkeandprince.com.au	DRAWN: As indicated APPROVED: DATE	SCALE: As indicated SIZE: A3	PROJECT: PROPOSED SITE CONCEPT PRELIM LAYOUT AT 27 DOUGLAS STREET, THURSDAY ISLAND ZENADTH KES FISHERIES FOR: DWG DWG No. STAMP ISSUE
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TORRES SHIRE COUNCIL
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1 SITE PLAN - PROPOSED
 SCALE - 1 : 500

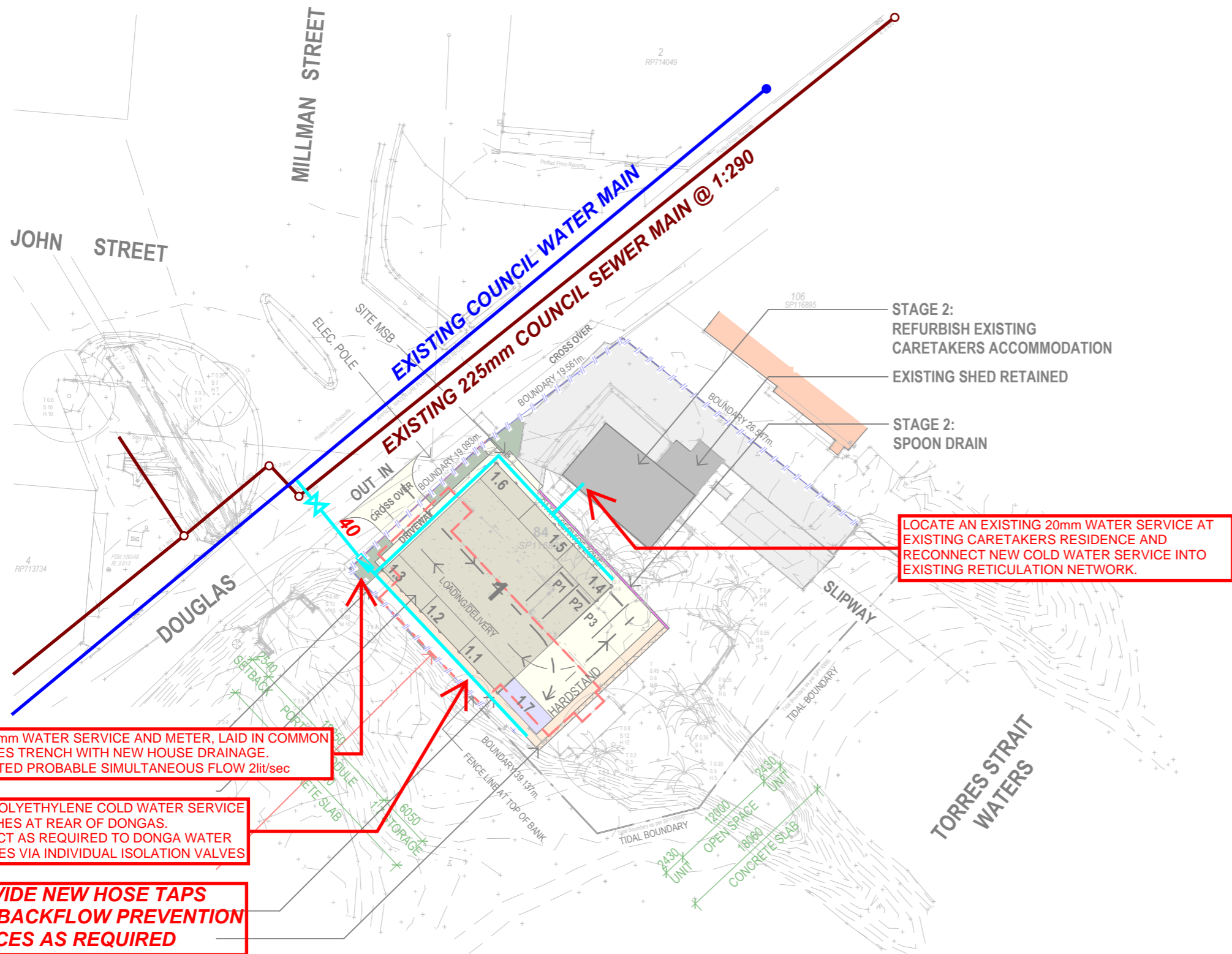
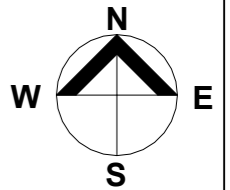
SCALE 1:500 AT A3

GILBOY HYDRAULIC SOLUTIONS
 Building Hydraulic Services Design

235079 / SK002 (P3) 14.02.2024

PROPOSED SANITARY DRAINAGE

AMENDMENTS DATE	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.		<p>3 Scott Street CAIRNS QLD 4870 p. 07 4051 4088 f. 07 4051 1080 e. cp@clarkeandprince.com.au w. www.clarkeandprince.com.au</p>	DRAWN APPROVED	SCALE As indicated DATE	SIZE A3	PROJECT PROPOSED SITE CONCEPT PRELIM LAYOUT AT 27 DOUGLAS STREET, THURSDAY ISLAND ZENADTH KES FISHERIES			
								FOR DWG DWG No.	STAMP	ISSUE



TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Medium Impact Industry—Seafood Processing) and Caretaker's Accommodation

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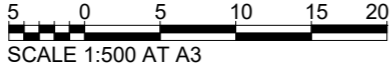
NEW 40mm WATER SERVICE AND METER, LAID IN COMMON SERVICES TRENCH WITH NEW HOUSE DRAINAGE. ESTIMATED PROBABLE SIMULTANEOUS FLOW 2lit/sec

32mm POLYETHYLENE COLD WATER SERVICE BRANCHES AT REAR OF DONGAS. CONNECT AS REQUIRED TO DONGA WATER SERVICES VIA INDIVIDUAL ISOLATION VALVES

PROVIDE NEW HOSE TAPS AND BACKFLOW PREVENTION DEVICES AS REQUIRED

LOCATE AN EXISTING 20mm WATER SERVICE AT EXISTING CARETAKERS RESIDENCE AND RECONNECT NEW COLD WATER SERVICE INTO EXISTING RETICULATION NETWORK.

1 SITE PLAN - PROPOSED
 SCALE - 1 : 500



GILBOY HYDRAULIC SOLUTIONS
 Building Hydraulic Services Design
 235079 / SK003 (P3) 14.02.2024
PROPOSED WATER SERVICE

AMENDMENTS	DATE	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.			3 Scott Street CAIRNS QLD 4870 p. 07 4051 4088 f. 07 4051 1080 e. cp@clarkeandprince.com.au w. www.clarkeandprince.com.au	DRAWN: As indicated APPROVED: DATE	SCALE: As indicated SIZE: A3	PROJECT: PROPOSED SITE CONCEPT PRELIM LAYOUT AT 27 DOUGLAS STREET, THURSDAY ISLAND ZENADTH KES FISHERIES
								FOR: DWG No. STAMP ISSUE

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:	IDAS23/15
Applicant:	Zenadth Kes Fisheries Ltd c/ Gilvear Planning
Proposal:	Development Permit for Material Change of Use
Description of the Development:	Medium Impact Industry (Seafood Processing) and Caretaker's Accommodation
Street Address:	27 Douglas Street, Thursday Island
Real Property Description:	Lot 84 SP116895
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>
Land Zoning:	Industry
Assessment Type:	Code

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Medium Impact Industry (Seafood Processing) and Caretaker's Accommodation
Date of Decision:	23 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)

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

Standard Outcomes

- Industry Zone
- Landscaping
- Parking, Access and Transport
- Works, Services and Infrastructure
- Airport Environs Overlay
- Coastal Hazard Overlay
- Heritage Overlay
- Potential and Actual Acid Sulfate Soils Overlay

Merit Outcomes

- General
- Amenity and Privacy
- Built Form and Development Design
- Infrastructure and Services
- Land Constraints
- Land Use
- Landscaping
- Parking, Access and Transport
- Reconfiguring a Lot

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:

- (a) The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2022.
- (b) The proposed Medium Impact Industry use is an appropriate land use in the Industrial zone
- (c) The proposed refurbishment of the existing dwelling and use for a Caretaker's Accommodation is an appropriate use to support the Industrial activity
- (d) The proposed structures are appropriately sited taking into consideration the coastal hazards affecting the site
- (e) The proposed development is unlikely to 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, 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.

-
- (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)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<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)
<p>A person dissatisfied with the decision</p>	<p>The local government to which the claim was made</p>	<p>—</p>	<p>—</p>

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:	Zenadth Kes Fisheries Ltd c/ Gilvear Planning																
APPLICATION:	Development Permit for Material Change of Use – Medium Impact Industry (Seafood Processing) and Caretaker's Accommodation																
FILE REFERENCE:	IDAS23/15																
DATE OF APPROVAL:	23 April 2024																
AMOUNT OF THE LEVIED CHARGE: <i>(Details of how these charges were calculated are shown overleaf)</i>	<p>Stage 1 – Medium Impact Industry</p> <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>Industry</td> <td>\$26,272.35</td> <td>\$21,220.87</td> <td>\$5,051.48</td> </tr> </tbody> </table> <p>Stage 2 – Caretaker's Accommodation</p> <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>\$21,912.60</td> <td>\$16,434.45</td> <td>\$5,478.15</td> </tr> </tbody> </table>	Development Type	Adopted Infrastructure Charge	Credits	Total Charge	Industry	\$26,272.35	\$21,220.87	\$5,051.48	Development Type	Adopted Infrastructure Charge	Credits	Total Charge	Residential	\$21,912.60	\$16,434.45	\$5,478.15
Development Type	Adopted Infrastructure Charge	Credits	Total Charge														
Industry	\$26,272.35	\$21,220.87	\$5,051.48														
Development Type	Adopted Infrastructure Charge	Credits	Total Charge														
Residential	\$21,912.60	\$16,434.45	\$5,478.15														
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 84 on SP116895																
SITE ADDRESS	27 Douglas 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*.

Name: Dalassa Yorkston

Signature:

Date: 26 April 2024

DETAILS OF CALCULATION – STAGE 1 – MEDIUM IMPACT INDUSTRY

ADOPTED CHARGES

Water Supply

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Industry	per m ² GFA <i>Proposed 252m² GFA</i>	\$26.86	CR Table 2.2	\$6,768.72

Sewerage

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Industry	per m ² GFA <i>Proposed 252m² GFA</i>	\$23.03	CR Table 2.2	\$5,803.56

Transport

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Industry	per m ² GFA <i>Proposed 252m² GFA</i>	\$15.35	CR Table 2.2	\$3,868.20

Community Facilities and Parks

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Industry	per m ² GFA <i>Proposed 252m² GFA</i>	\$11.51	CR Table 2.2	\$2,900.52

Stormwater

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Industry	per impervious m ² <i>Approx 633 m²</i>	\$10.95	CR Table 2.2	\$6,931.35

TOTAL ADOPTED CHARGE	\$26,272.35
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CREDIT

Adopted Charges Development Description	Water Supply	Sewerage	Transport	Community Facilities & Parks	Stormwater	Total
Industry <i>Existing shed 266m²</i>	\$7,144.76	n/a site not connected to sewer	\$4,083.10	\$3,061.66	\$6,931.35 No change to impervious area Approx. 633m ²	\$21,220.87
CREDIT						\$21,220.87

NET ADOPTED INFRASTRUCTURE CHARGES SUMMARY:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$26,272.35	\$21,220.87	\$5,051.48

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

DETAILS OF CALCULATION – STAGE 2 – CARETAKER’S ACCOMMODATION

ADOPTED CHARGES

Water Supply

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential for each dwelling with 2 or less bedrooms	One two bedroom Caretaker’s Accommodation	\$6,573.78	CR Table 2.1	\$6,573.78

Sewerage

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential for each dwelling with 2 or less bedrooms	One two bedroom Caretaker’s Accommodation	\$5,478.15	CR Table 2.1	\$5,478.15

Transport

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential for each dwelling with 2 or less bedrooms	One two bedroom Caretaker’s Accommodation	\$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
Residential for each dwelling with 2 or less bedrooms	One two bedroom Caretaker’s Accommodation	\$2,191.26	CR Table 2.1	\$2,191.26

Stormwater

Adopted Charges Development Description	Units of Measure	Charge Rate	Reference	Amount
Residential for each dwelling with 2 or less bedrooms	One two bedroom Caretaker’s Accommodation	\$4,382.52	CR Table 2.1	\$4,382.52

TOTAL ADOPTED CHARGE	\$21,912.60
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CREDIT

Adopted Charges Development Description	Water Supply	Sewerage	Transport	Community Facilities & Parks	Stormwater	Total
Residential Existing two bedroom Caretaker’s Accommodation	\$6,573.78	n/a site not connected to sewer	\$3,286.89	\$2,191.26	\$4,382.52	\$16,434.45
CREDIT						\$16,434.45

NET ADOPTED INFRASTRUCTURE CHARGES SUMMARY:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$21,912.60	\$16,434.45	\$5,478.15

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Note - Infrastructure Charges have been calculated based on a proposed two (2) bedroom Caretaker's Accommodation. Should the existing two (2) bedroom residence be refurbished into three (3) bedrooms, the Infrastructure Charges will be required to be recalculated.

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

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.

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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.