



TORRES SHIRE COUNCIL

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

P.O Box 171
THURSDAY ISLAND 4875

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

DATE: 26 April 2024

Our Ref: IDAS23/25
Enquire to: Phil Turner
Telephone: (07) 4069 1336

The Uniting Church in Australia Property Trust (Q)
c/- Urban Sync Pty Ltd
PO Box 2970
CAIRNS QLD 4870

E-mail: admin@urbansync.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: | IDAS23/25 |
| Approval Sought: | Development Permit for a Material Change of Use and Reconfiguring a Lot |
| Description of the Development | Multiple Dwelling and Reconfiguring a Lot (rearranging the boundary) |
| Planning Scheme: | <i>Torres Shire Council Planning Scheme 2022</i> |

LOCATION DETAILS

| | |
|----------------------------|--|
| Street Address: | 6 Chester Street and 142 Douglas Street, Thursday Island |
| Real Property Description: | Lot 1 RP700579 and Lot 2 RP744714 |

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

CURRENCY PERIOD

The use of the subject land must be commenced within a period of four (4) years (reconfiguring a lot) and six (6) years (material change of use) 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: https://prod2.dev-assess.qld.gov.au/suite/ | Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 |
| | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 |

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: 26 April 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

PART 1 – RECONFIGURING A LOT – CONDITIONS OF APPROVAL

1.0 PARAMETERS OF APPROVAL

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

Timing: At all times.

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

Timing: At all times.

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

Timing: At all times.

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

Timing: At all times.

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

Timing: At all times.

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

Timing: At all times

2.0 APPROVED PLANS AND DOCUMENTS

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

| Sheet No. | Document Name | Revision | Date | Drawn by |
|-----------|---|----------|------------|----------|
| WD-02.2 | Proposed Reconfiguration | 6 | 27/03/2024 | OlyHomes |
| WD-02.6 | Proposed Reconfiguration with easements | 5 | 21/02/2024 | OlyHomes |

| | | | | |
|--------------|--|---|---------------|----------------------------------|
| 144-038-SK01 | Engineering Report – Supporting Drawing | 5 | 05.04.24 | CivilWalker Consulting Engineers |
| 144-038-SK05 | Engineering Report – Supporting Drawing - Miscellaneous Detail | 2 | 05.04.24 | CivilWalker Consulting Engineers |
| 144-038-001R | Engineering Report | C | November 2023 | CivilWalker 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 EASEMENTS

- 3.1 Easements must be provided in accordance with the approved plan of development.

Timing: At the time of registration of the Plan of Survey and at all times.

- 3.2 A copy of the easement documentation must be provided to Council prior to Council endorsement of the Survey Plan.

Timing: Prior to Council endorsement of the Survey Plan.

- 3.3 All services must be contained within the designated easement or within the respective lot boundary. In any instance where existing services are not wholly contained with the proposed lot boundary the existing services must be relocated or contained within required easements.

Timing: Prior to Council endorsement of the Survey Plan and at all times.

4.0 STORMWATER DRAINAGE

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

Timing: At all times.

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

Timing: At all times.

- 4.3 Design and construct all stormwater drainage works to ensure future development on the Chester Street lot can discharge stormwater to a legal point of discharge being Douglas Street. The works must be in accordance with the approved engineering reports and drawings, FNQROC Development Manual, Queensland Urban Drainage Manual (QUDM) and the provisions of a Development Permit for Operational Work (Engineering Work – Stormwater Drainage Works). Detailed design drawings of all stormwater infrastructure required as a result of the development are to be provided with the first application for a Development Permit for Operational Works.

Timing: Prior to the endorsement of the survey plan.

5.0 WATER SUPPLY

- 5.1 Connect Chester Street lot to Council's reticulated water supply network. The works must be in accordance with the FNQROC Development Manual and the provisions of a Development Permit for Operational Work (Engineering Work – Water supply).

Timing: Prior to the endorsement of the survey plan.

6.0 OPERATIONAL WORK – STORMWATER AND WATER INFRASTRUCTURE WORKS

- 6.1 All engineering drawings/specifications, design and construction works must be approved, supervised and certified by a Registered Professional Engineer of Queensland (RPEQ).

- 6.2 Obtain a Development Permit for Operational Work for the stormwater works and connection to water infrastructure for the Chester Street lot.

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

7.0 SEWERAGE CONNECTION

- 7.1 Connect all lots to Council's reticulated sewerage network.

Timing: Prior to the commencement of use.

8.0 SITE WORKS, EROSION AND SEDIMENT CONTROL

- 8.1 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.

- 8.2 Prepare and implement an Erosion and Sediment Control Strategy (ESCS) in accordance with the FNQROC Development Manual as it relates to the construction phase. The ESCS must 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.

- 8.3 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.

9.0 ELECTRICITY & TELECOMMUNICATIONS

- 9.1 Electricity and telecommunication services must be provided to each lot, or arrangements made in accordance with the standards and requirements of the relevant service provider.

Timing: Prior to Council endorsement of the Survey Plan.

- 9.2 Evidence must be provided confirming all services and infrastructure are wholly contained within the boundary of the proposed new lots.

Timing: Prior to Council endorsement of the Survey Plan.

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 COMPLIANCE

- 11.1. All relevant conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement.

12.0 OUTSTANDING CHARGES

- 12.1 All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.

B. ASSESSMENT MANAGER (COUNCIL) ADVISORY NOTES – RECONFIGURING A LOT

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse four (4) 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 operational works, building work, and plumbing and drainage work, as required under relevant legislation for this work.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. 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.
5. 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.
6. The Environmental Protections Act 1994 states a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities, involved in civil, earthworks and construction phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.
7. 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.
8. 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.

9. 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>

PART B – MATERIAL CHANGE OF USE – CONDITIONS OF APPROVAL

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 |
|----------|----------------------|----------|------------|----------|
| WD-01 | Cover Sheet | 6 | 27/03/2024 | OlyHomes |
| WD-02.1 | Site Plan | 6 | 27/03/2024 | OlyHomes |
| WD-02.3 | Site Plan Details | 6 | 27/03/2024 | OlyHomes |
| WD-02.4 | Site Plan Structures | 6 | 27/03/2024 | OlyHomes |
| WD-02.5 | Site Elevations | 5 | 21/02/2024 | OlyHomes |

| Sheet No | Document Name | Revision | Date | Drawn by |
|--------------|--------------------------------|----------|---------------|----------------------------------|
| WD-03.1 | Seaview Floor Plan (Typical) | 6 | 27/03/2024 | OlyHomes |
| WD-04 | Seaview Elevations (Typical) | 6 | 27/03/2024 | OlyHomes |
| WD-13.1 | Accessible Units Floor Plan | 6 | 27/03/2024 | OlyHomes |
| WD-14 | Accessible Units Elevations | 6 | 27/03/2024 | OlyHomes |
| WD-24.1 | Studio Units Floor Plan | 6 | 27/03/2024 | OlyHomes |
| WD-25 | Studio Units Elevations | 6 | 27/03/2024 | OlyHomes |
| WD-20 | Douglas Street Carport Details | 5 | 21/02/2024 | OlyHomes |
| 144-038-SK02 | Swept Path Analysis | 1 | 11.03.24 | CivilWalker Consulting Engineers |
| 144-038-SK03 | Swept Path Analysis | 1 | 11.03.24 | CivilWalker Consulting Engineers |
| 144-038-SK04 | Swept Path Analysis | 1 | 11.03.24 | CivilWalker Consulting Engineers |
| 144-038-001R | Engineering Report | C | November 2023 | CivilWalker 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 STAGING

- 3.1 The survey plan for the Reconfiguring a Lot approval forming Part A of this approval, must be registered prior to the commencement of use.

Timing: Prior to the commencement of use.

4.0 PARKING AND ACCESS

- 4.1 A minimum of ten (10) car parking spaces must be provided on site. 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 A minimum of two (2) car parking spaces must be clearly designated as visitor spaces and kept available for use by visitors.

Timing: At all times.

- 4.3 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.

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

Timing: At all times.

5.0 STORMWATER DRAINAGE

- 5.1 All stormwater drainage must be discharged to an approved legal point of discharge being Douglas Street.

Timing: At all times.

- 5.2 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.

- 5.3 Design and construct all stormwater drainage works in accordance with the approved engineering reports and drawings, FNQROC Development Manual and the Queensland Urban Drainage Manual (QUDM).

Timing: Prior to commencement of work and 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 2008 and the Plumbing and Drainage Act 2018.

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 A landscape and fencing plan must be submitted to Council for approval. The landscaping plan must include a landscape garden a minimum width of 1 metre along the Douglas Street frontage, excluding the access driveway. The landscaping must include suitable native tree and plant species.

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

- 7.2 The boundary fencing must be designed and constructed to ensure the fencing does adversely interfere with the conveyance of stormwater

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

7.3 The landscaping and fencing must be constructed and maintained in accordance with the approved plan.

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

8.0 WASTE STORAGE

8.1 Store all waste within the designated waste storage area as detailed on the approved plan of development. 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: Prior to the commencement of the use and at all times thereafter.

10.0 AMENITY – GENERAL

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

Timing: At all times.

11.0 AMENITY - LIGHTING

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

Timing: At all times.

12.0 AMENITY AND ENVIRONMENTAL HEALTH

12.1 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.

13.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

13.1 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.

13.2 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.

- 13.3 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.

14.0 CONSTRUCTION AND ENVIRONMENTAL MANAGEMENT PLAN

- 14.1 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 – MATERIAL CHANGE OF USE

1. This approval, granted under the provisions of *the Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the *Planning Act 2016*.
2. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
3. Infrastructure Charges must be paid to Council as indicated on the Infrastructure Charges Notice at the rate applicable at the time of payment.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. No building materials or the like are to be stored on the footpath unless an appropriate approval from Council is obtained, including the payment of associated fees.
6. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council Officers, prior to Commencement of Works.
7. The *Environmental 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)



SARA reference: 2401-38864 SRA
 Council reference: IDAS 23/25
 Applicant reference: 23-1005

7 March 2024

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

Attention: Phil Turner

Dear Sir/Madam

SARA referral agency response—Boundary Realignment and Multiple Dwelling at 142 Douglas Street and 6 Chester 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 1 February 2024.

Response

| | |
|-------------------|--|
| Outcome: | Referral agency response – with conditions |
| Date of response: | 7 March 2024 |
| Conditions: | The conditions in Attachment 1 must be attached to any development approval |
| Advice: | Advice to the applicant is in Attachment 2 |
| Reasons: | The reasons for the referral agency response are in Attachment 3 |

Development details

| | | |
|---------------|--|---|
| Description: | Development permit | Reconfiguring a lot (boundary realignment) and material change of use for multiple dwelling (8 units) |
| SARA role: | Referral agency | |
| SARA trigger: | Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 | (Planning |

Regulation 2017) – Reconfiguring a lot near a state-controlled road

Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017) – Material change of use near a state-controlled road

| | |
|--|---|
| SARA reference: | 2401-38864 SRA |
| Assessment manager: | Torres Shire Council |
| Street address: | 142 Douglas Street and 6 Chester Street, Thursday Island |
| Real property description: | Lot 2 on RP744714 and Lot 1 on RP700579 |
| Applicant name: | The Uniting Church of Australia Property Trust |
| Applicant contact details: | Urban Sync PO Box 2970 CAIRNS QLD 4870 admin@urbansync.com.au |
| State-controlled road access permit: | <p>This referral included an application for a road access location, under section 62A(2) of <i>Transport Infrastructure Act 1994</i>. Below are the details of the decision:</p> <ul style="list-style-type: none"> • Approved • Reference: TMR24-041825 • Date: 4 March 2024 <p>If you are seeking further information on the road access permit, please contact Mr Ronald Kaden, Technical Officer (Development Control) at the Department of Transport and Main Roads by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.</p> |
| <i>Human Rights Act 2019</i> considerations: | <p>Section 58 of the <i>Human Rights Act 2019</i> specifies required conduct for public entities when acting or making a decision. Sections 15 – 37 of the <i>Human Rights Act 2019</i> identifies the human rights a public entity must consider in making a decision.</p> <p>This decision does not limit the above identified human rights.</p> |

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 Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brett Nancarrow', written in a cursive style.

Brett Nancarrow
Manager (Planning)

cc The Uniting Church of Australia Property Trust, admin@urbansync.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
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 |
|---|---|--|
| Reconfiguring a lot | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a state-controlled road—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 conditions: | | |
| 1. | <p>(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) concentrate or increase the velocity of flows to state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; and (iv) surcharge any existing culvert or drain on the state-controlled road. <p>(b) Submit RPEQ certification with supporting documentation to Cairns Corridor Management Unit at Far.North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition.</p> | <p>(a) At all times.</p> <p>(b) Prior to obtaining development approval for operational work.</p> |
| 2. | <p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (669 – 3.91km), prepared by Queensland Government Transport and Main Roads, dated 4/03/2024, Reference TMR24-41825, Issue A.</p> <p>(b) Road access works comprising of a commercial / industrial vehicular crossover must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 - Access Crossovers, dated 27/08/20, Revision E.</p> | <p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval.</p> |
| Material change of use | | |
| Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises near a state-controlled road—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): | | |

| | | |
|----|---|---|
| 3. | <p>(a) Stormwater management of the development must not cause worsening to the operating performance of the state-controlled road, such that any works on the land must not:</p> <ul style="list-style-type: none"> (i) create any new discharge points for stormwater runoff onto the state-controlled road; (ii) concentrate or increase the velocity of flows to state-controlled road; (iii) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; and (iv) surcharge any existing culvert or drain on the state-controlled road. <p>(b) Submit RPEQ certification with supporting documentation to Cairns Corridor Management Unit at Far.North.Queensland.IDAS@tmr.qld.gov.au within the Department of Transport and Main Roads, confirming that the development has been designed in accordance with part (a) of this condition.</p> | <p>(a) At all times.</p> <p>(b) Prior to obtaining development approval for operational work or building work whichever occurs first.</p> |
| 4. | <p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (669 – 3.91km), prepared by Queensland Government Transport and Main Roads, dated 4/03/2024, Reference TMR24-41825, Issue A.</p> <p>(b) Road access works comprising of a commercial / industrial vehicular crossover must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with Far North Queensland Regional Organisation of Councils (FNQROC) Standard Drawing S1015 - Access Crossovers, dated 27/08/20, Revision E.</p> | <p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p> |

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) v3.0. If a word remains undefined it has its ordinary meaning. |
| 2. | <p>Transport noise corridor</p> <p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated <i>transport noise corridor</i>. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a <i>transport noise corridor</i> are designed and constructed to reduce transport noise. <i>Transport noise corridor</i> means land designated under Chapter 8B of the <i>Building Act 1975</i> as a <i>transport noise corridor</i>. Information about <i>transport noise corridors</i> is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated <i>transport noise corridor</i>. This tool is available at the State Planning Policy Interactive Mapping System website: https://spp.dsdip.esriaustraliaonline.com.au/geoviewer/map/planmaking and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p> |
| 3. | <p>Road works approval</p> <p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the DTMR to carry out road works on a state-controlled road.</p> <p>Please contact DTMR on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact DTMR as soon as possible to ensure that gaining approval does not delay construction.</p> |

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 1: Development in a state-controlled road environment as follows:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Douglas Street (Thursday Island Road), a state-controlled road.
- An upgraded vehicle access crossover to be constructed to Douglas Street, will ensure compliance with the Department of Transport and Main Roads' current access standards and requirements.
- Increased stormwater and drainage flow is appropriately managed to avoid adverse impacts to the state-controlled road.
- The increased traffic generation by the proposed development will be low and can be adequately accommodated by the changed access to Douglas Street.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.0)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 4— Representations about a referral agency response

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)

Our ref TMR24-041825
Your ref 23-1005
Enquiries Ronald Kaden



Department of
Transport and Main Roads

4 March 2024

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number IDAS 23/25, lodged with Torres Shire Council involves constructing or changing a vehicular access between Lot 1RP700579, 2RP744714, the land the subject of the application, and Thursday Island Road (Douglas Street) (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address The Uniting Church in Australia Property Trust (Q) C/- Urban Sync Pty Ltd
PO Box 2970
Cairns QLD 4870

Application Details

Address of Property 142 Douglas Street, Thursday Island QLD 4875
Real Property Description 1RP700579, 2RP744714
Aspect/s of Development Development Permit for Material Change of Use for Multiple Dwellings
Development Permit for Reconfiguration of a Lot for Boundary Realignment

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

| No. | Conditions of Approval | Condition Timing |
|------------|--|-------------------------|
| 1 | Proposed Lot 2 The Permitted Road Access Location is to be at the north eastern boundary in accordance with: a) TMR Layout Plan (669 - 3.91km) Issue A 04/03/2024 | At all times. |

¹ Please refer to the further approvals required under the heading 'Further approvals'

| No. | Conditions of Approval | Condition Timing |
|-----|--|--|
| 2 | Direct access is prohibited between Thursday Island Road and Proposed Lot 2 at any other location other than the Permitted Road Access Location described in Condition 1. | At all times. |
| 3 | <p>The use of the permitted road access location is to be restricted to:</p> <p>a) Design vehicles up to a maximum size short towing trailer - Class 2 Medium Length Light Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p> | At all times. |
| 4 | <p>Road access works comprising a vehicle access to commercial / industrial standard must be constructed and maintained, generally in accordance with:</p> <p>a) FNQROC Standard Drawing S1015 - Access Crossovers</p> | Prior to the commencement of the use of the Road Access Works and to be maintained at all times. |

Reasons for the decision

The reasons for this decision are as follows:

- a) Lot 2 on RP744714 has road frontage and vehicle access via Thursday Island Road (Douglas Street), a state-controlled road.
- b) Lot 1 on RP700579 has road frontage and vehicle access via Chester Street, a local government-controlled road.
- c) Lot 2 on RP744714 currently has a single dwelling.
- d) Lot 2 on RP744714 (Proposed Lot 2) is proposing 8 multiple unit dwellings, all to gain access via Douglas Street.
- e) The submitted site plan for the proposed development indicates the Road access driveway to be at the north eastern boundary.
- f) As the proposed development is seeking a new access and increasing generation, a new section 62 approval is required to be issued by TMR.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. This decision has been based on the current land use and the historic nature of the access subject to this decision. Be advised that if the land is further developed and/or intensified, the department will reassess the access requirements in accordance with the department's policies at that time to ensure that the road safety and transport efficiency outcomes for the state-controlled road network are maximised. This may or may not require all future access to be provided via the local road network.
3. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at cairns.office@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
A/Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

| Title of Evidence / Material | Prepared by | Date | Reference no. | Version / Issue |
|---|--|---------------------|----------------------|------------------------|
| TMR Layout Plan (669 - 3.91km) | Queensland Government Transport and Main Roads | 04 March 2024 | TMR24-41825 | A |
| Site Plan | Oly Homes | 16 November 2023 | WD-02.1 | 4 |
| Access Crossovers | FNQROC | 27 August 2020 | S1015 | E |
| Vehicle Access to state- controlled roads policy | Queensland Government Transport and Main Roads | 2019 | - | - |

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or
 - (b) 1 appeal to be stayed until the other is decided.
- (6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.
- (7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

- (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
- (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

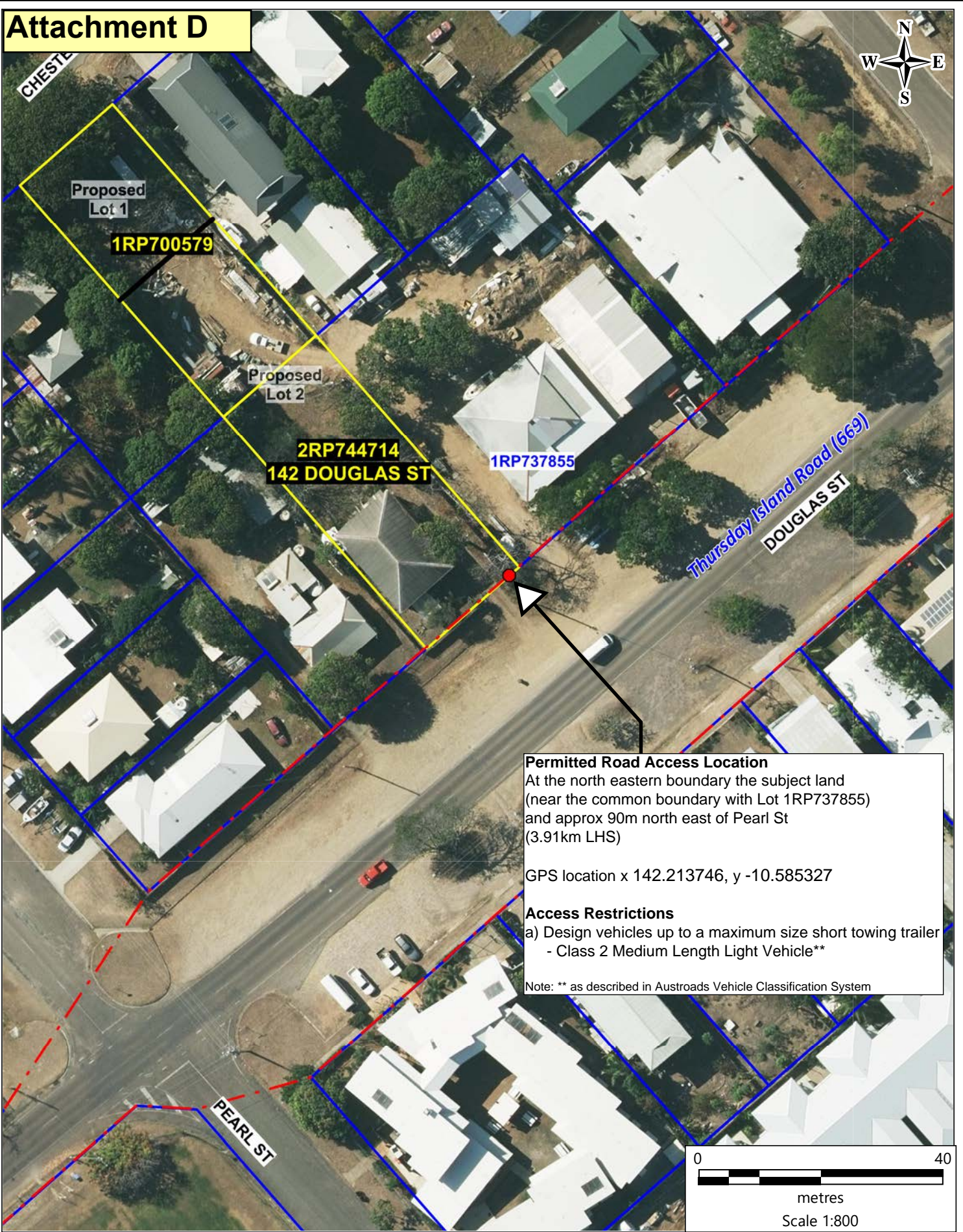
(2) However, if—

- (a) the decision notice did not state the reasons for the decision; and
- (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.

Attachment D

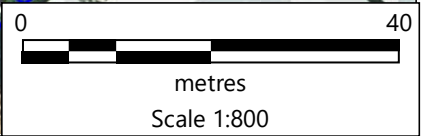


Permitted Road Access Location
 At the north eastern boundary the subject land (near the common boundary with Lot 1RP737855) and approx 90m north east of Pearl St (3.91km LHS)

GPS location x 142.213746, y -10.585327

Access Restrictions
 a) Design vehicles up to a maximum size short towing trailer
 - Class 2 Medium Length Light Vehicle**

Note: ** as described in Austroads Vehicle Classification System



| | |
|---|--------------|
| Branch/Unit : Corridor Management / Far North District | |
| Projection/Datum : Geocentric Datum of Australia (GDA) 2020 | |
| Land parcels | Subject land |
| Proposed new boundary | |
| State-controlled road corridor | |

TMR Layout Plan (669 - 3.91km)

| | | |
|---|-------------|-----------|
| Queensland Government Transport and Main Roads | | |
| Plan: | Issue: | Date: |
| 1 / 1 | A | 4/03/2024 |
| Drawn by: | File ref: | |
| RPK | TMR24-41825 | |

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APPROVED PLANS

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TORRES SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

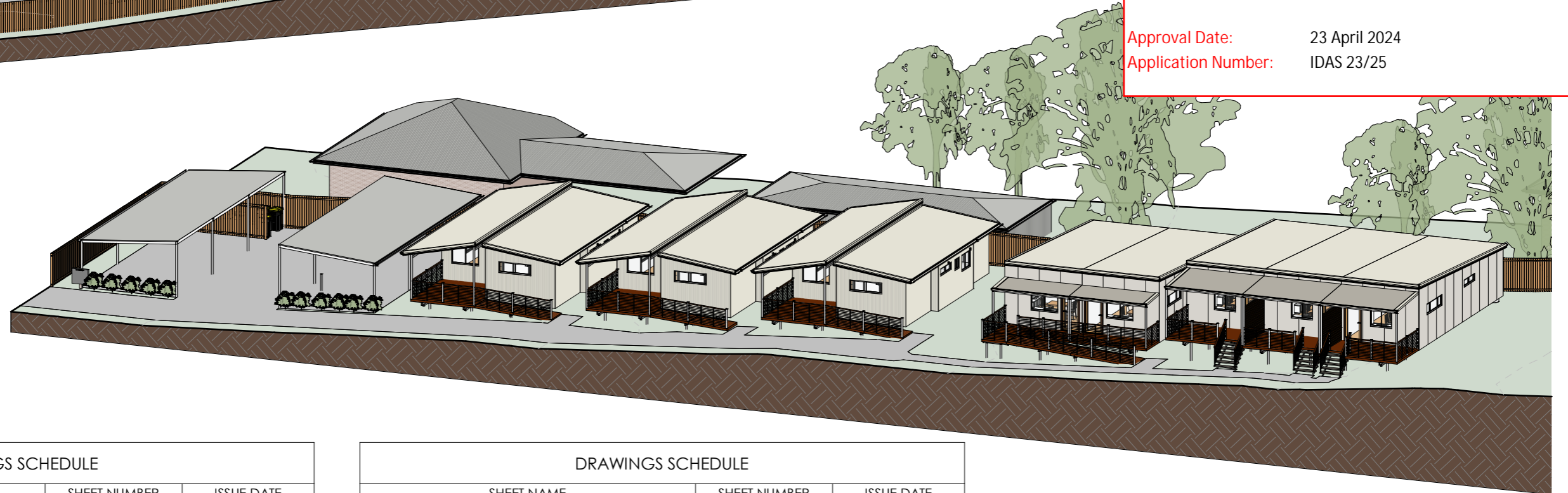
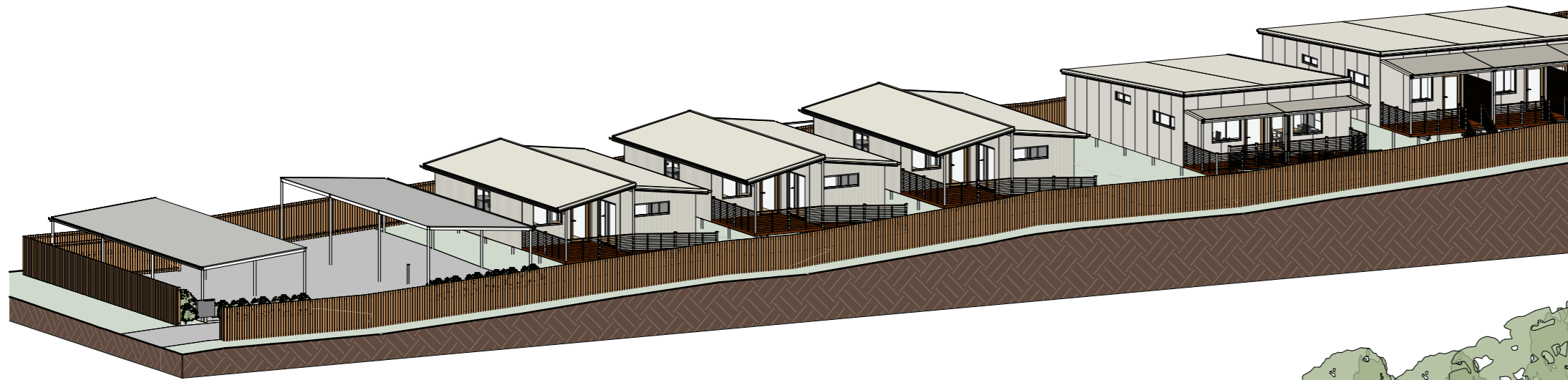
Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25



DRAWINGS SCHEDULE

| SHEET NAME | SHEET NUMBER | ISSUE DATE |
|--|--------------|------------|
| COVER SHEET | WD-01 | 27/03/2024 |
| SITE PLAN | WD-02.1 | 27/03/2024 |
| SURVEY PLAN | WD-02.2 | 27/03/2024 |
| SITE PLAN DETAILS | WD-02.3 | 27/03/2024 |
| SITE PLAN STRUCTURES | WD-02.4 | 27/03/2024 |
| SITE SECTION | WD-02.5 | 27/03/2024 |
| MAINS ELECTRICAL | WD-02.6 | 27/03/2024 |
| SEAVIEW FLOOR PLAN (TYPICAL) | WD-03.1 | 27/03/2024 |
| SEAVIEW BATH & LAUNDRY DETAILS (TYPICAL) | WD-03.2 | 27/03/2024 |
| SEAVIEW ELEVATIONS (TYPICAL) | WD-04 | 27/03/2024 |
| SEAVIEW SECTIONS (TYPICAL) | WD-05 | 27/03/2024 |
| SEAVIEW FOOTING LAYOUT (TYPICAL) | WD-06 | 27/03/2024 |
| SEAVIEW ROOF LAYOUT (TYPICAL) | WD-07 | 27/03/2024 |
| SEAVIEW BRACING LAYOUT (TYPICAL) | WD-08 | 27/03/2024 |
| SEAVIEW ELECTRICAL LAYOUT (TYPICAL) | WD-09 | 27/03/2024 |
| SEAVIEW KITCHEN LAYOUT (TYPICAL) | WD-10 | 27/03/2024 |
| SEAVIEW CHASSIS PLAN (TYPICAL) | WD-11 | 27/03/2024 |
| SEAVIEW OPENING SCHEDULES (TYPICAL) | WD-12 | 27/03/2024 |
| ACCESSIBLE UNITS FLOOR PLAN | WD-13.1 | 27/03/2024 |
| ACCESSIBLE UNITS BATHROOM DETAILS | WD-13.2 | 27/03/2024 |
| ACCESSIBLE UNITS ELEVATIONS | WD-14 | 27/03/2024 |

DRAWINGS SCHEDULE

| SHEET NAME | SHEET NUMBER | ISSUE DATE |
|---|--------------|------------|
| ACCESSIBLE UNITS SECTIONS | WD-15 | 27/03/2024 |
| ACCESSIBLE UNITS FOOTING LAYOUT | WD-16 | 27/03/2024 |
| ACCESSIBLE UNITS ROOF LAYOUT | WD-17 | 27/03/2024 |
| ACCESSIBLE UNITS BRACING LAYOUT | WD-18 | 27/03/2024 |
| ACCESSIBLE UNITS ELECTRICAL LAYOUT | WD-19 | 27/03/2024 |
| ACCESSIBLE UNITS KITCHENETTE LAYOUT (TYPICAL) | WD-20 | 27/03/2024 |
| ACCESSIBLE UNITS CHASSIS PLAN | WD-21 | 27/03/2024 |
| ACCESSIBLE UNITS PARTY WALL DETAIL | WD-22 | 27/03/2024 |
| ACCESSIBLE UNITS OPENING SCHEDULES | WD-23 | 27/03/2024 |
| STUDIO UNITS FLOOR PLAN | WD-24.1 | 27/03/2024 |
| STUDIO UNITS BATH DETAILS (TYPICAL) | WD-24.2 | 27/03/2024 |
| STUDIO UNITS ELEVATIONS | WD-25 | 27/03/2024 |
| STUDIO UNITS SECTIONS | WD-26 | 27/03/2024 |
| STUDIO UNITS FOOTING LAYOUT | WD-27 | 27/03/2024 |
| STUDIO UNITS ROOF LAYOUT | WD-28 | 27/03/2024 |
| STUDIO UNITS BRACING LAYOUT | WD-29 | 27/03/2024 |
| STUDIO UNITS ELECTRICAL LAYOUT | WD-30 | 27/03/2024 |
| STUDIO UNITS KITCHENETTE LAYOUT (TYPICAL) | WD-31 | 27/03/2024 |
| STUDIO UNITS CHASSIS PLAN | WD-32 | 27/03/2024 |
| STUDIO UNITS PARTY WALL DETAIL | WD-33 | 27/03/2024 |
| STUDIO UNITS OPENING SCHEDULES | WD-34 | 27/03/2024 |

PLANTING & LANDSCAPING INDICATIVE ONLY

ALL BUILDING WORKS COMPLY WITH AMENDMENTS TO NCC 2022 VOL. 2 INCLUDING BUT NOT LIMITED TOO:

- H1 - STRUCTURE
- H2 - DAMP AND WEATHERPROOFING
- H3 - FIRE SAFETY
- H4 - HEALTH AND AMENITY
- H7 - ANCILLARY PROVISIONS AND ADDITIONAL CONSTRUCTION METHODS
- H8 - LIVEABLE HOUSING DESIGN



66 Pioneer Road,
Yandina, QLD 4561

Ph: 07 5472 7444
Olyhomes.com.au

QBCC. No: 1156073

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REVISIONS

| # | REVISION DESCRIPTION | DATE |
|---|----------------------|------------|
| 1 | CO ISSUE | 08/09/2023 |
| 2 | REVISED CO ISSUE | 27/09/2023 |
| 3 | REVISED CO ISSUE | 24/10/2023 |
| 4 | REVISED CO ISSUE | 16/11/2023 |
| 5 | REVISED CO ISSUE | 21/02/2024 |
| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:

UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:

DOUGLAS STREET
THURSDAY ISLAND 4875

JOB NUMBER: THURSDAY ISLAND

COVER SHEET

PROJECT ISSUE DATE: 08/09/2023

SHEET ISSUE DATE: 27/03/2024

DRAWN:

ES

WD-01

SHEET SIZE: A3

SCALE:

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

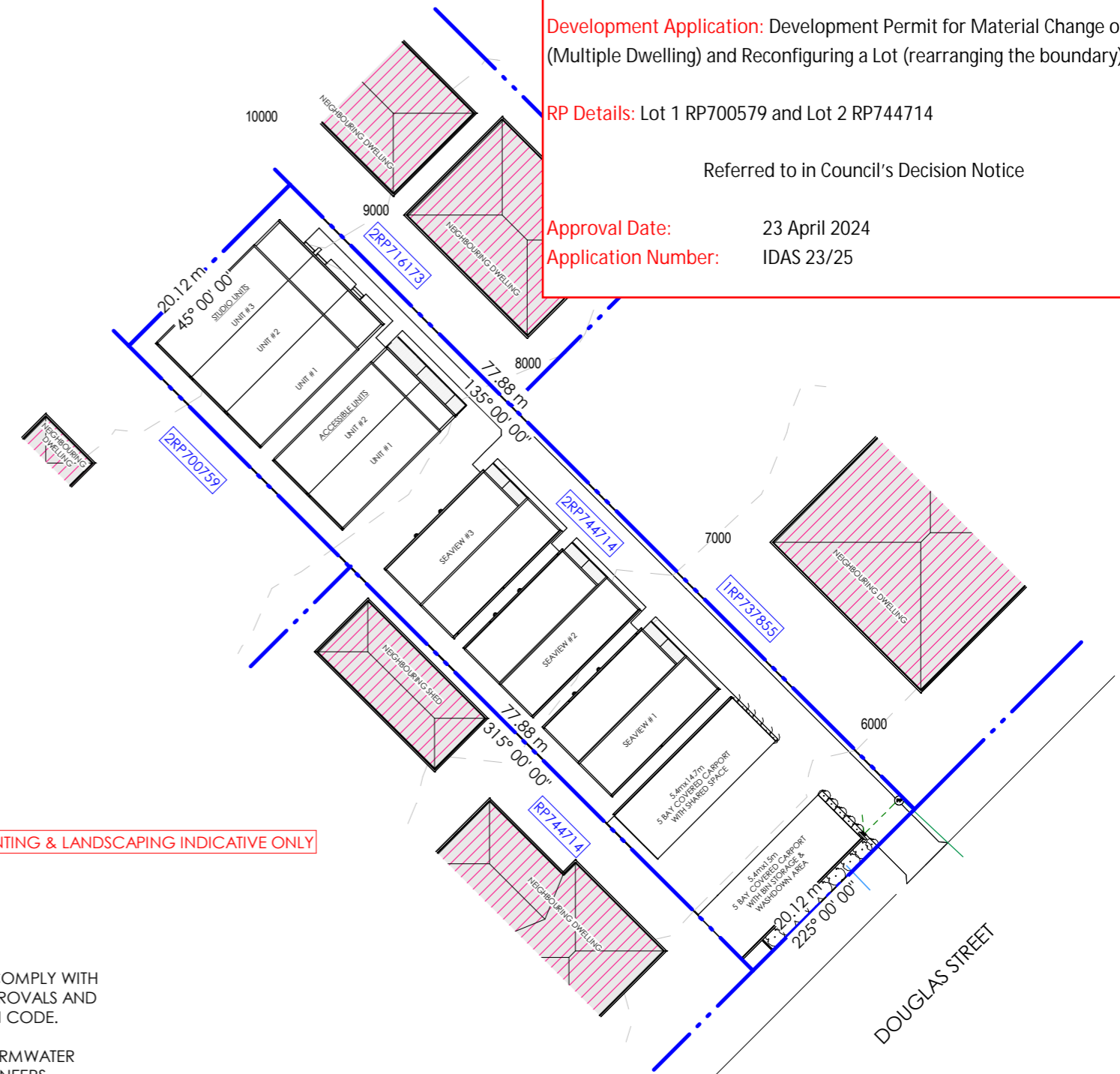
Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25



1 LOCALITY PLAN
 SCALE 1 : 2500



PLANTING & LANDSCAPING INDICATIVE ONLY

2 SITE PLAN
 SCALE 1 : 500

REAL PROPERTY DESCRIPTION

LOT No. 2
 PLAN No. RP744714
 LOCAL GOV. TORRES SHIRE COUNCIL
 SITE AREA: 1567 m²
 WIND CLASSIFICATION: C3
 BUSHFIRE ATTACK LEVEL (BAL): NA

SITE NOTES

1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ORIGINAL SURVEY PLAN.
2. ALL EXISTING SERVICES TO BE CONFIRMED ON SITE. ANY SERVICES SHOWN ARE INDICATIVE ONLY.
3. LOCATION AND ROUTE OF DRIVEWAY AND CROSSING TO BE CONFIRMED ON SITE.
4. ALL BUILDING WORKS TO COMPLY WITH LOCAL GOVERNMENT APPROVALS AND NATIONAL CONSTRUCTION CODE.
5. FOR CONNECTION OF STORMWATER REFER TO HYDRAULIC ENGINEERS DRAWINGS

LEGEND

- BOUNDARY LINE
- STORMWATER

66 Pioneer Road,
 Yandina, QLD 4561
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 QBCC. No: 1156073

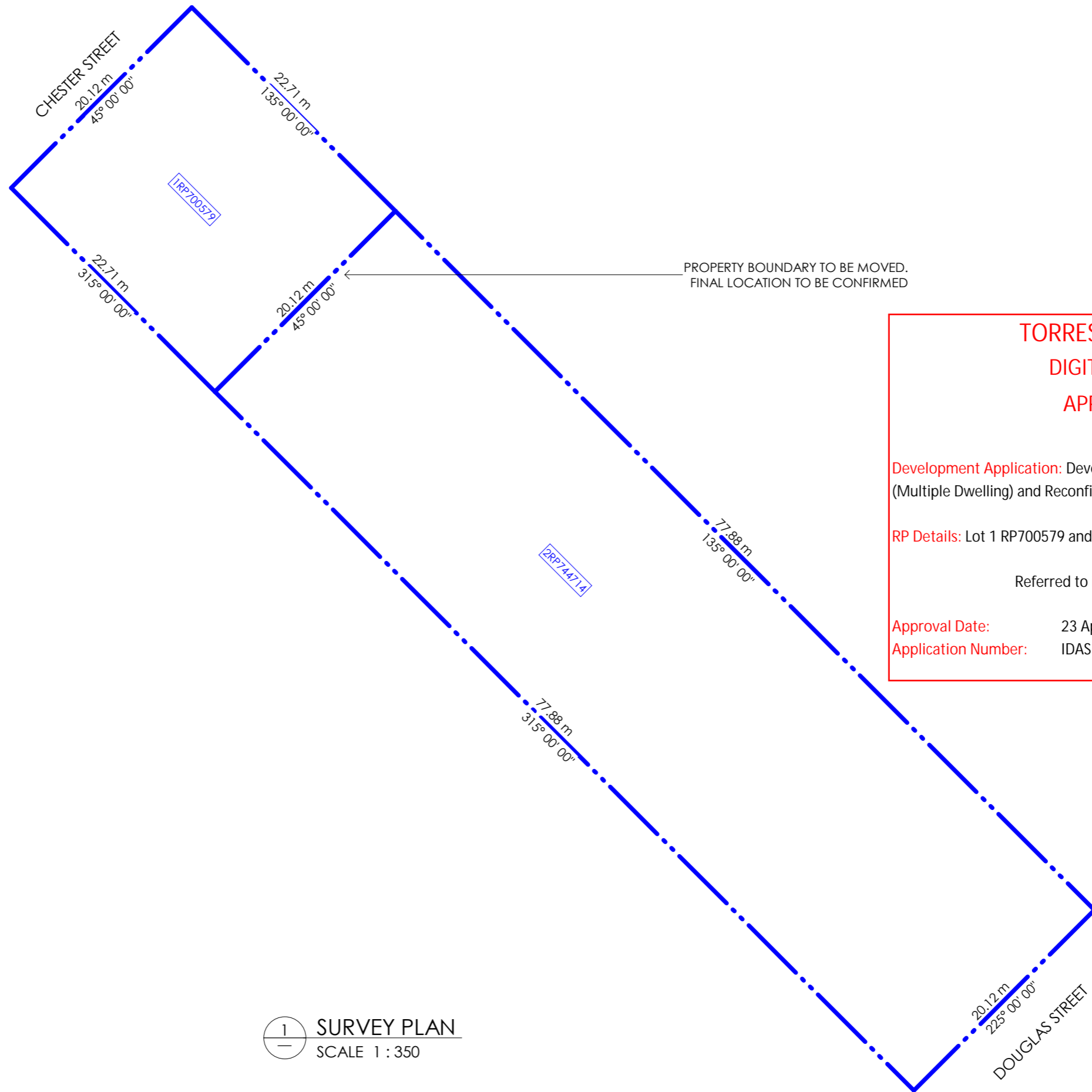
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| REVISIONS | | |
|-----------|----------------------|------------|
| # | REVISION DESCRIPTION | DATE |
| 1 | CO ISSUE | 08/09/2023 |
| 2 | REVISED CO ISSUE | 27/09/2023 |
| 3 | REVISED CO ISSUE | 24/10/2023 |
| 4 | REVISED CO ISSUE | 16/11/2023 |
| 5 | REVISED CO ISSUE | 21/02/2024 |
| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND 4875

| | |
|--------------------------------|------------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| SITE PLAN | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-02.1 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: As indicated |



TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
Application Number: IDAS 23/25

PROPOSED PROPERTY DESCRIPTION

LOT No. 1
 PLAN No. RP700579
 LOCAL GOV. TORRES SHIRE COUNCIL

SITE AREA: 457 m²
 WIND CLASSIFICATION: C3
 BUSHFIRE ATTACK LEVEL (BAL): NA

PROPOSED PROPERTY DESCRIPTION

LOT No. 2
 PLAN No. RP744714
 LOCAL GOV. TORRES SHIRE COUNCIL

SITE AREA: 1567 m²
 WIND CLASSIFICATION: C3
 BUSHFIRE ATTACK LEVEL (BAL): NA

1 SURVEY PLAN
 SCALE 1 : 350



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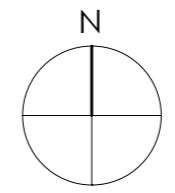
QBCC. No: 1156073

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| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND 4875



| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| SURVEY PLAN | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-02.2 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 350 |

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

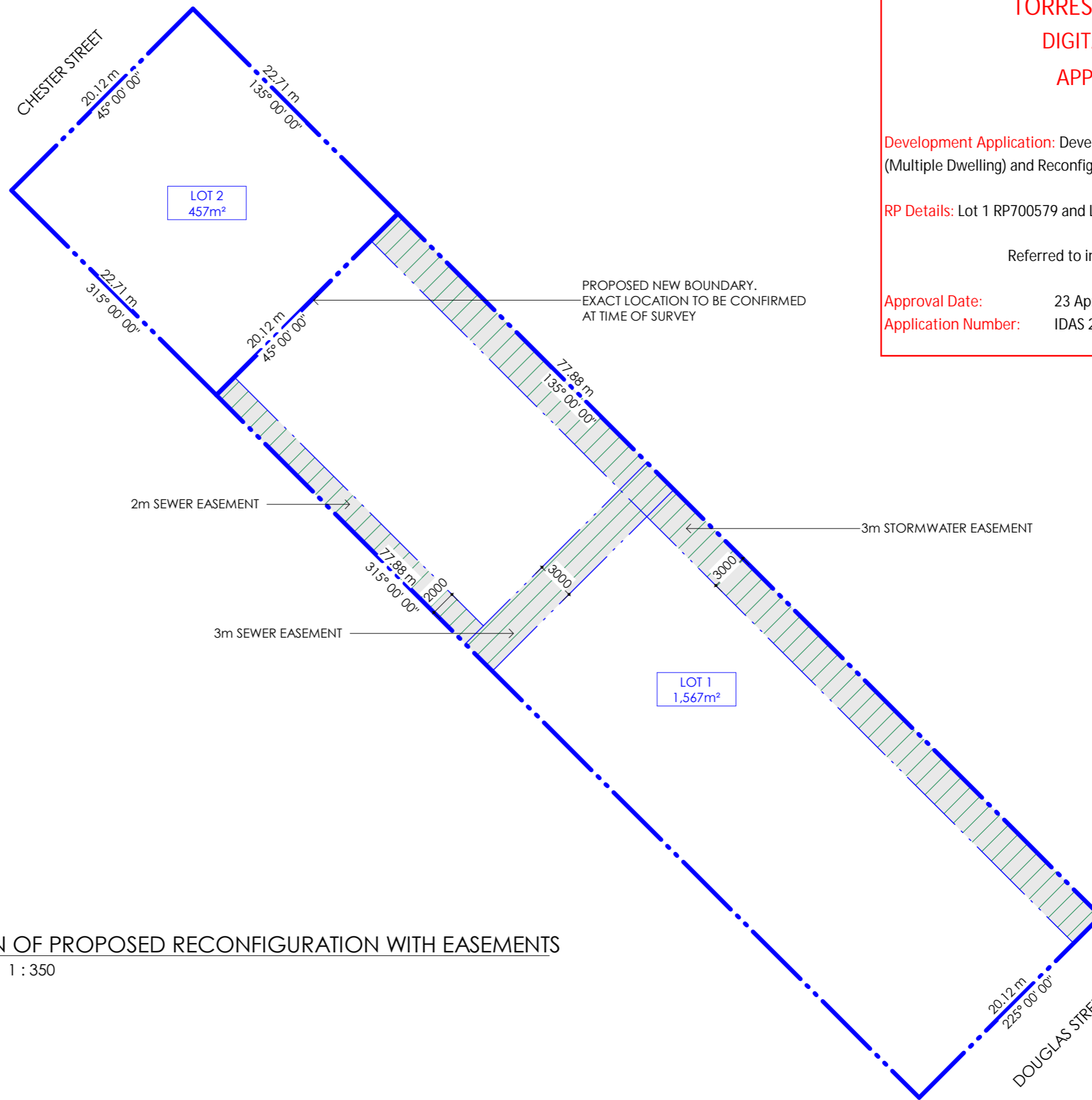
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RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25



1 PLAN OF PROPOSED RECONFIGURATION WITH EASEMENTS
 SCALE 1 : 350



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REVISIONS

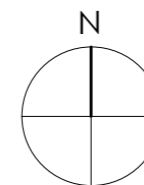
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| 5 | REVISED CO ISSUE | 21/02/2024 |

SITE OWNER:

UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:

CHESTER STREET & DOUGLAS STREET
 THURSDAY ISLAND 4875



JOB NUMBER: THURSDAY ISLAND

PROPOSED RECONFIGURATION WITH EASEMENTS

PROJECT ISSUE DATE: 08/09/2023

SHEET ISSUE DATE: 21/02/2024

DRAWN: ES

WD-02.6

SHEET SIZE: A3 SCALE: 1 : 350

TORRES SHIRE COUNCIL
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APPROVED PLAN

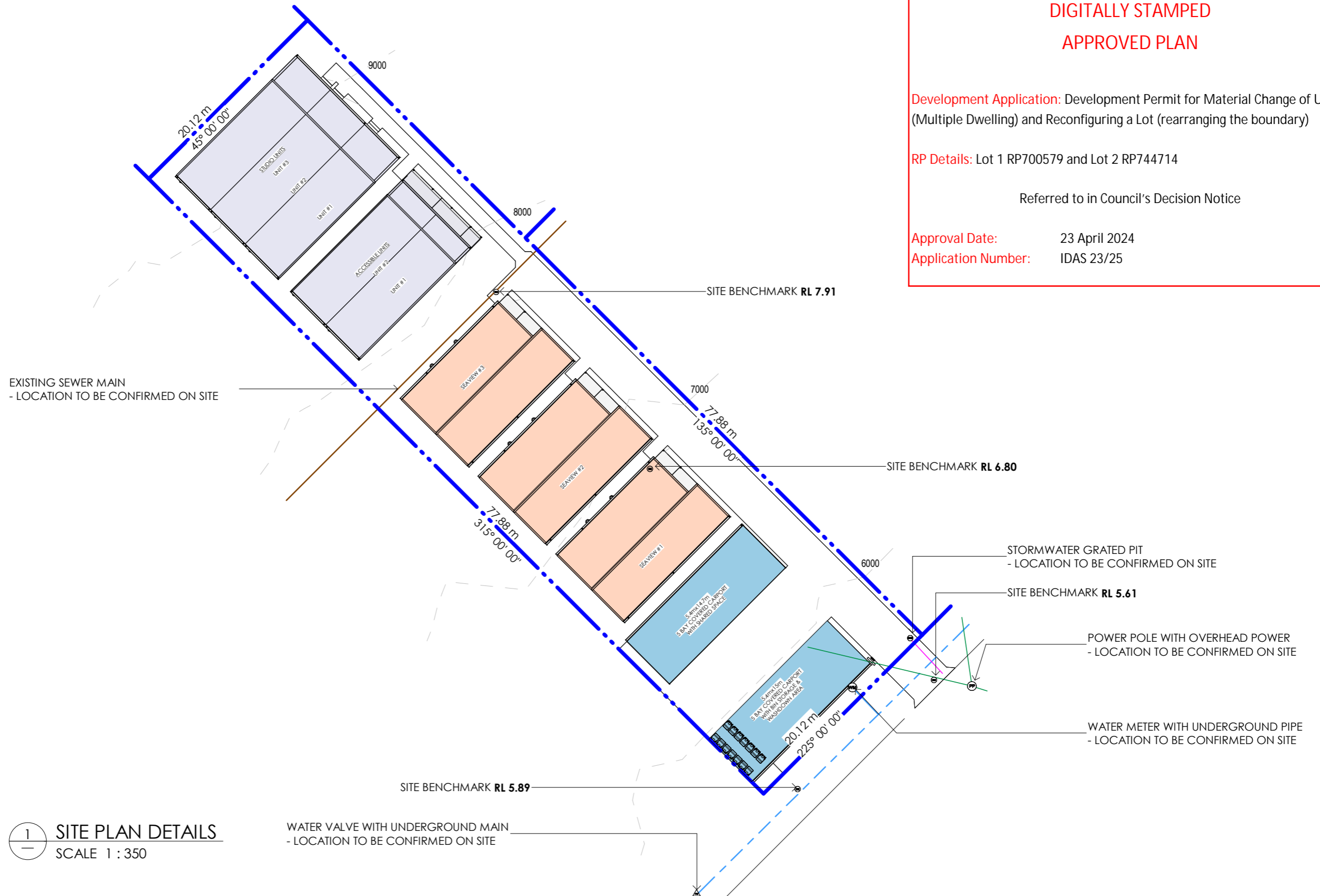
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RP Details: Lot 1 RP700579 and Lot 2 RP744714

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Approval Date: 23 April 2024

Application Number: IDAS 23/25



1 SITE PLAN DETAILS
 SCALE 1 : 350



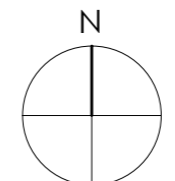
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| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND 4875



| | |
|---------------------------------------|---|
| JOB NUMBER: THURSDAY ISLAND | |
| SITE PLAN DETAILS | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-02.3 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 350 |

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

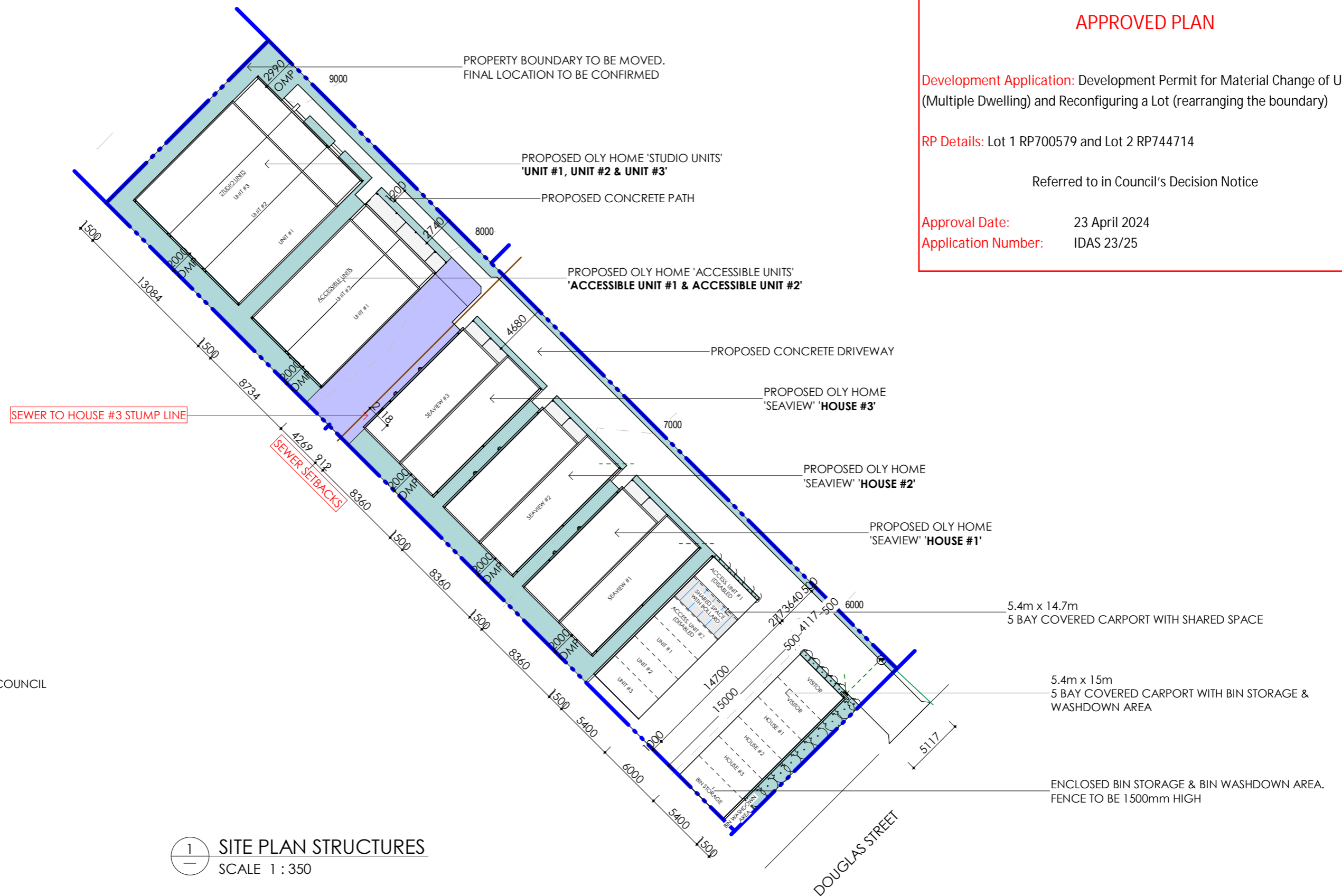
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RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25



PROPOSED PROPERTY DESCRIPTION

LOT No. 2
 PLAN No. RP744714
 LOCAL GOV. TORRES SHIRE COUNCIL

SITE AREA: 1567 m²
 SITE COVERAGE: 764 m²
 SITE COVERAGE: 48.76%
 WIND CLASSIFICATION: C3
 BUSHFIRE ATTACK LEVEL (BAL): NA

SITE AREA: 1567 m²
 LANDSCAPING COVERAGE: 396 m²
 LANDSCAPING COVERAGE: 25.27%

1 SITE PLAN STRUCTURES
 SCALE 1 : 350



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SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND 4875



| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| SITE PLAN STRUCTURES | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-02.4 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 350 |

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

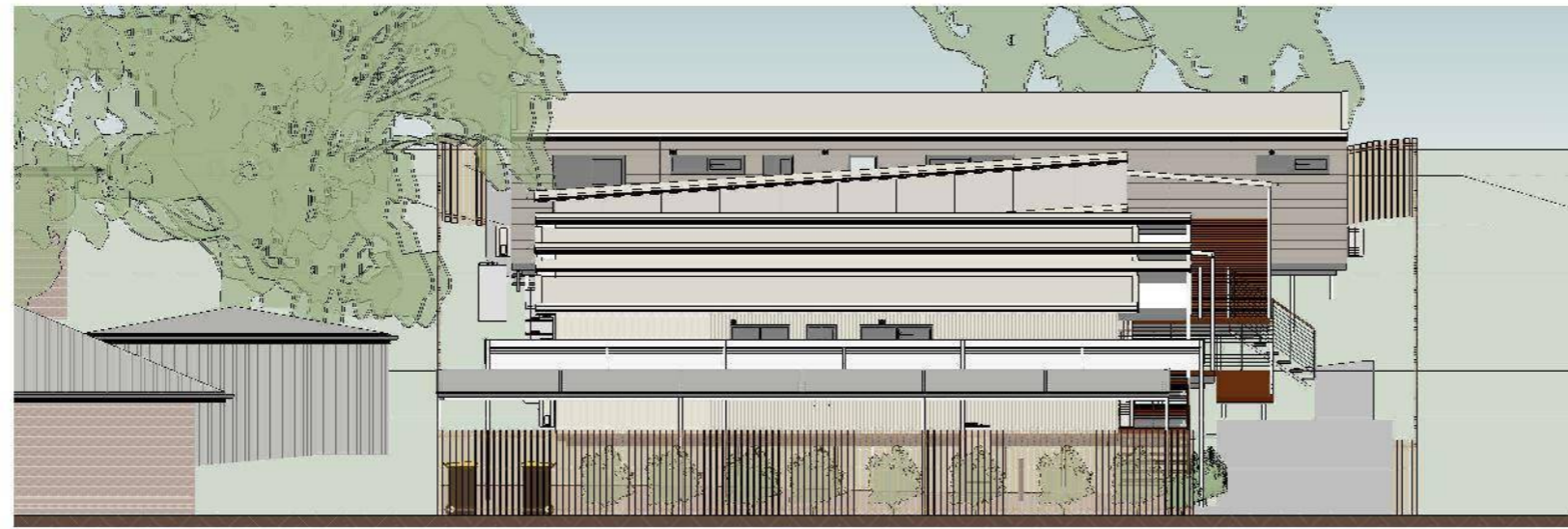
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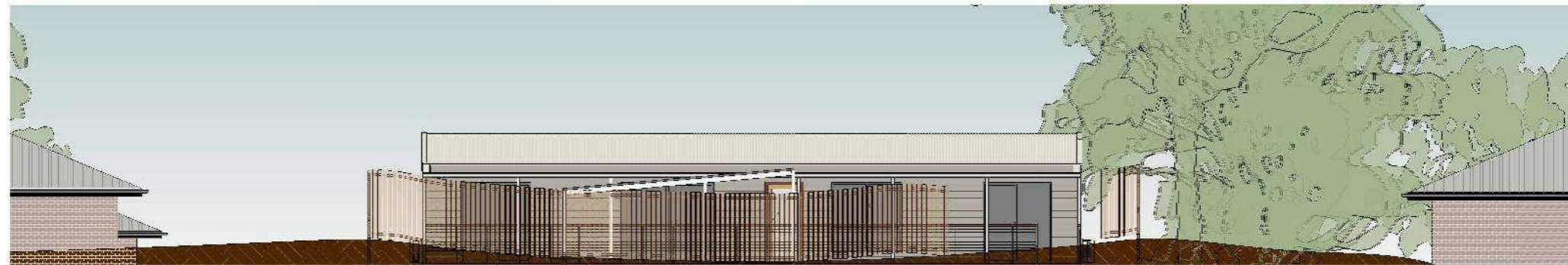
Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25

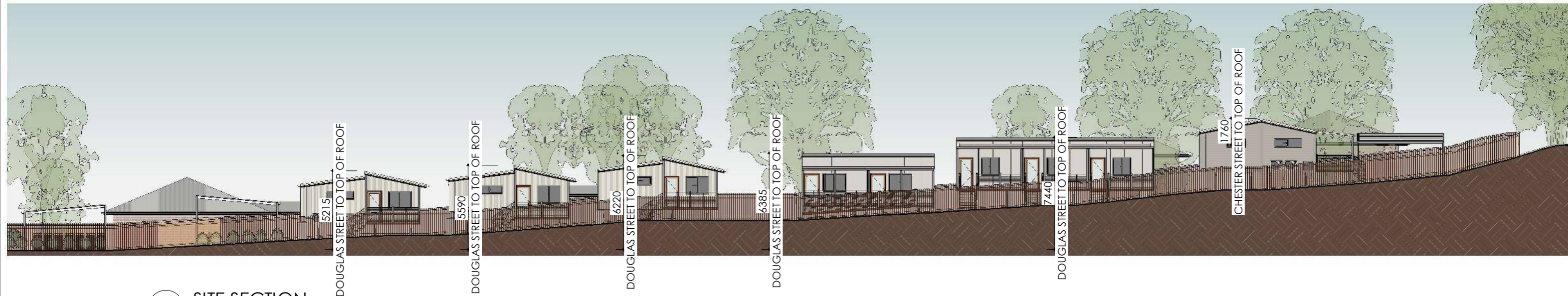


1 DOUGLAS STREET ELEVATION
 SCALE 1 : 150



2 CHESTER STREET ELEVATION
 SCALE 1 : 150

PLANTING & LANDSCAPING INDICATIVE ONLY



3 SITE SECTION
 SCALE 1 : 250



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| 5 | REVISED CO ISSUE | 21/02/2024 |

SITE OWNER:

UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:

CHESTER STREET & DOUGLAS STREET
 THURSDAY ISLAND 4875

JOB NUMBER: THURSDAY ISLAND

SITE ELEVATIONS

PROJECT ISSUE DATE: 08/09/2023

SHEET ISSUE DATE: 21/02/2024

DRAWN: ES

WD-02.5

SHEET SIZE: A3 SCALE: As indicated

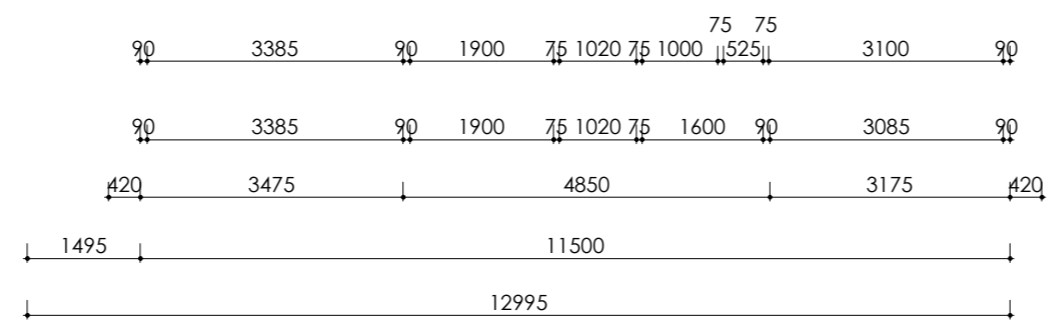
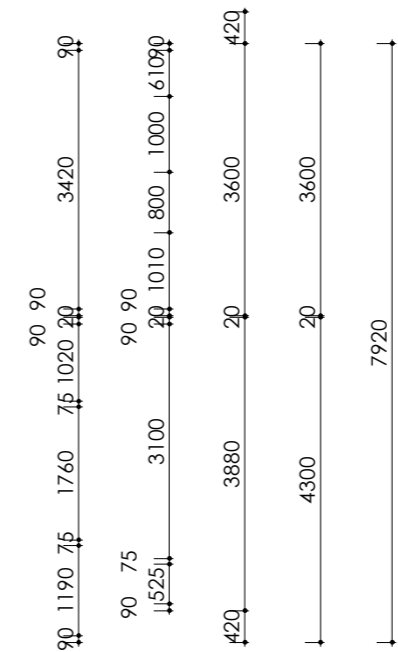
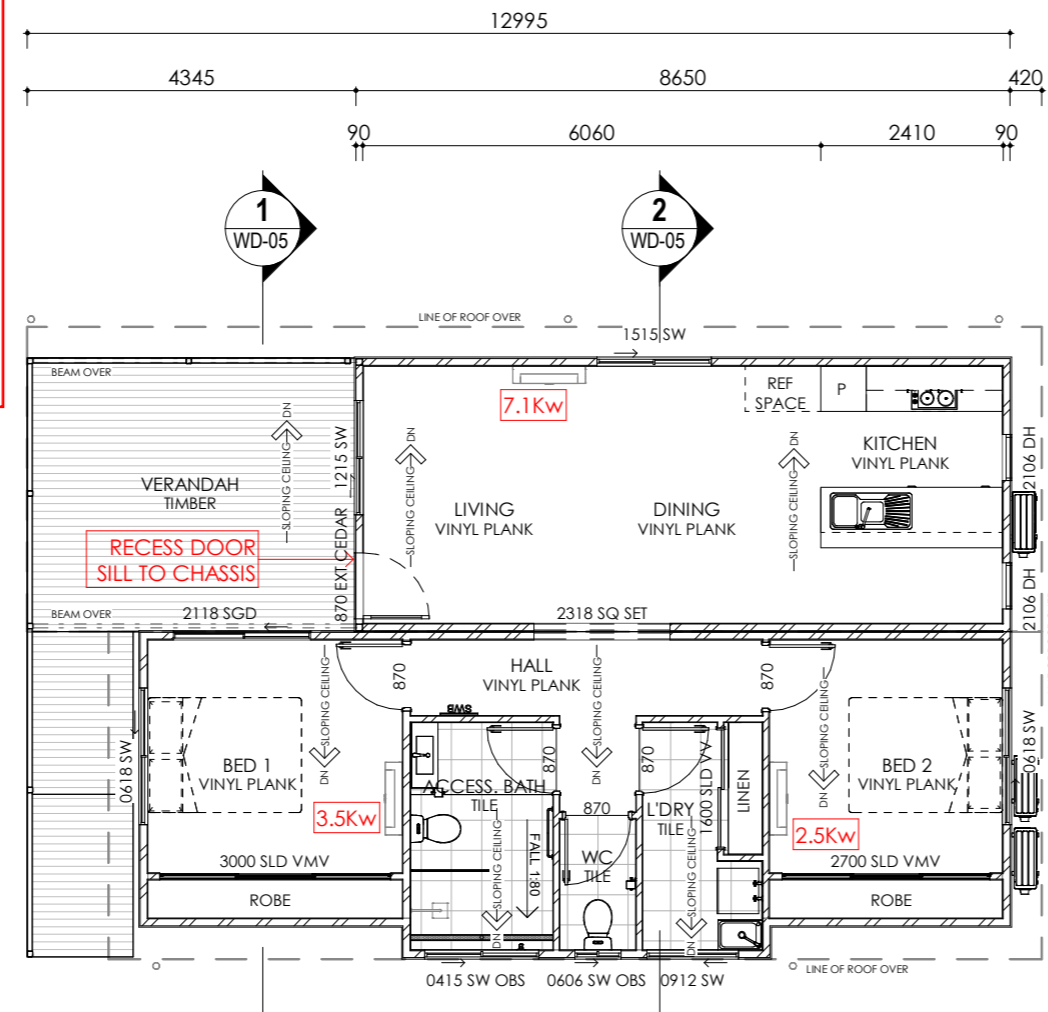
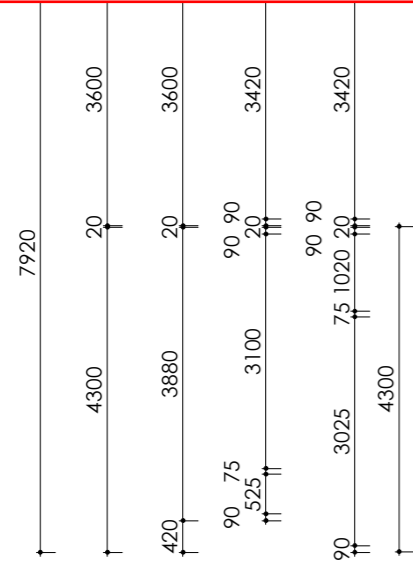
TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
Application Number: IDAS 23/25



| DOOR SCHEDULE | |
|---------------|---------------|
| ROOM | TYPE |
| BED 1 | 870 |
| BATH | 870 |
| L'DRY | 870 |
| WC | 870 |
| LINEN | 1600 SLD VV |
| BED 1 | 2118 SGD |
| BED 1 | 3000 SLD VMV |
| BED 2 | 2700 SLD VMV |
| BED 2 | 870 |
| VERANDAH | 870 EXT CEDAR |

| WINDOW SCHEDULE | |
|-----------------|-------------|
| ROOM | TYPE |
| BATH | 0415 SW OBS |
| L'DRY | 0912 SW |
| WC | 0606 SW OBS |
| BED 1 | 0618 SW |
| BED 2 | 0618 SW |
| KITCHEN | 1215 SW |
| DINING | 1515 SW |
| LIVING | 2106 DH |
| LIVING | 2106 DH |

| LEGEND | |
|--------|-----------------------------|
| DH | DOUBLE HUNG WINDOW |
| L'DRY | LAUNDRY ROOM |
| OBS | OBSCURE GLASS |
| P | PANTRY |
| SLD MV | SLIDING DOOR - MIRROR/VINYL |
| SGD | SLIDING GLASS DOOR |
| SW | SLIDING WINDOW |
| WC | WATER CLOSET |

| WINDOW REVEAL SIZES | |
|---------------------|---|
| 106mm | - STANDARD CLADDING - VINYL - COLORBOND |
| 116mm | - WEATHERTEX |
| 130mm | - ROLLSEC ALPINE - ROLLSEC HORIZON |

| AREA SCHEDULE | |
|---------------|---------------------|
| NAME | AREA |
| LIVING | 78.0 m ² |
| VERANDAH | 15.7 m ² |
| GRAND TOTAL | 93.7 m ² |

DESIGN REQUIREMENTS FOR CONSTRUCTION:

WIND CLASSIFICATION: **C3**
 BUSHFIRE ATTACK LEVEL (BAL): **TBC**

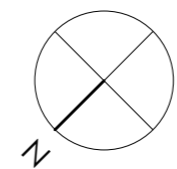
1 FLOOR PLAN
 SCALE 1 : 100

EXACT NUMBER OF STAIR RISERS REQUIRED MUST BE DETERMINED FROM SITE VISIT PRIOR TO STAIR FABRICATION

| REVISIONS | | |
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| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND 4875



| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| SEAVIEW FLOOR PLAN (TYPICAL) | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-03.1 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 100 |

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TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

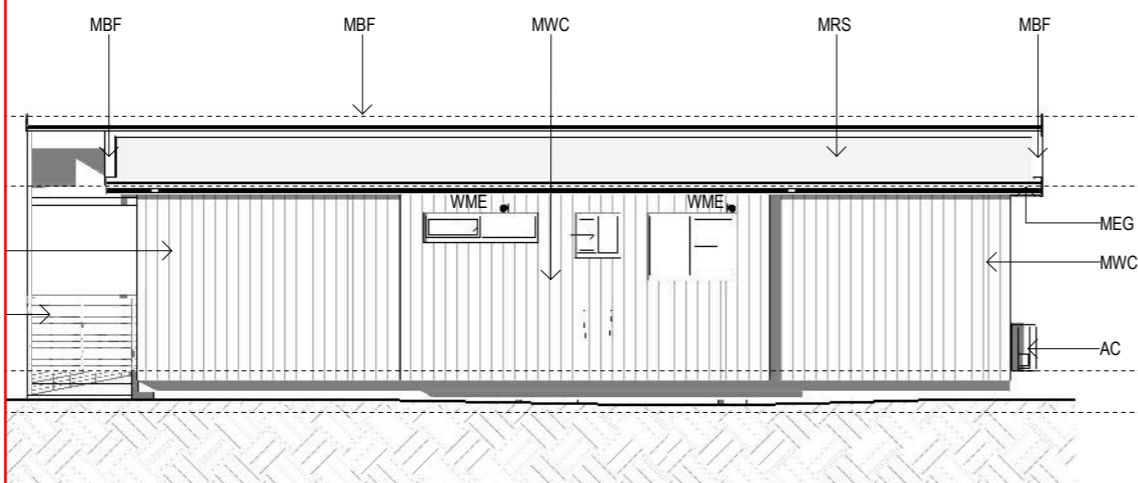
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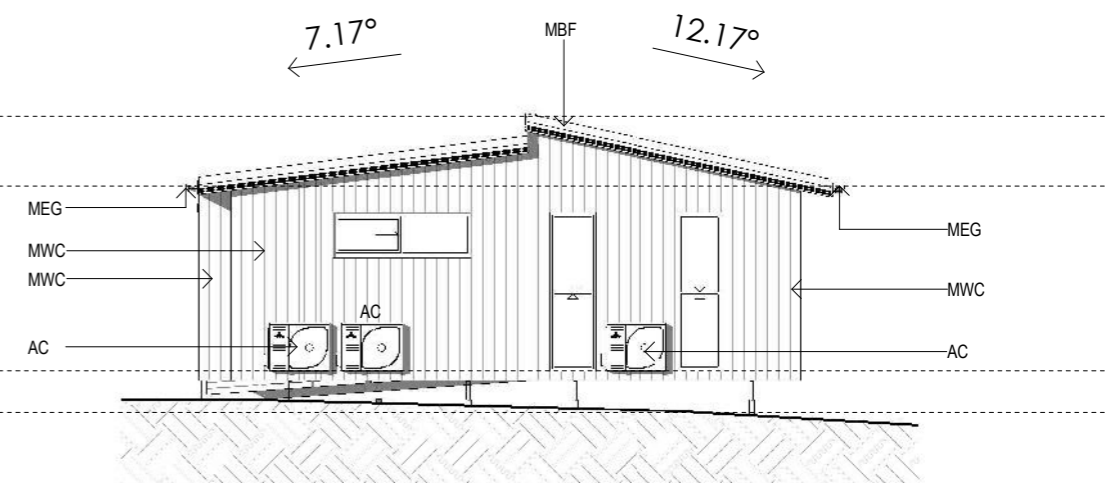
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Approval Date: 23 April 2024

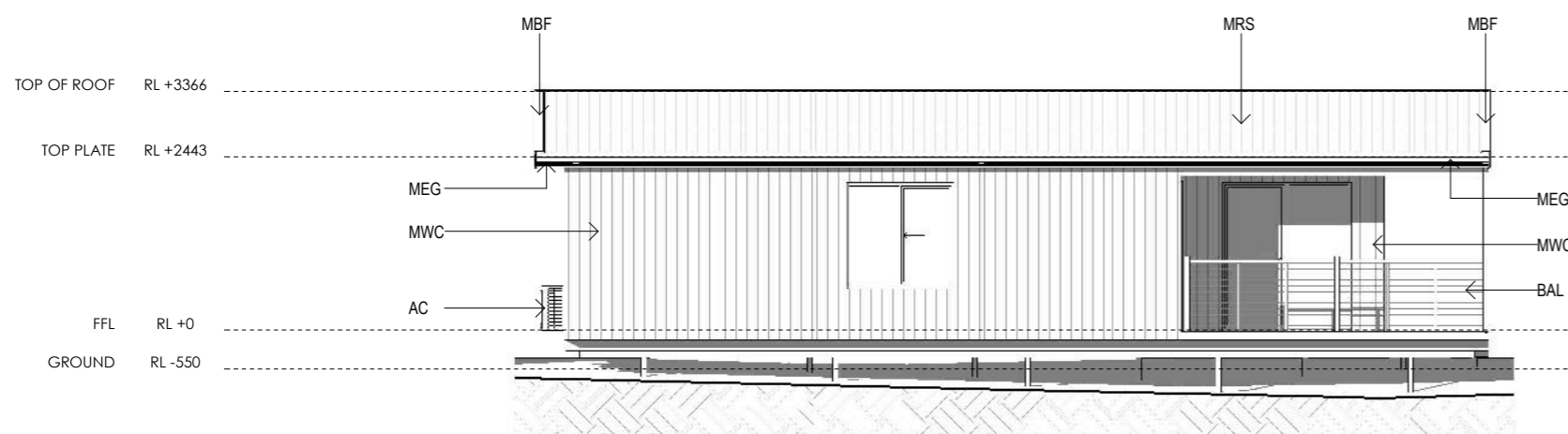
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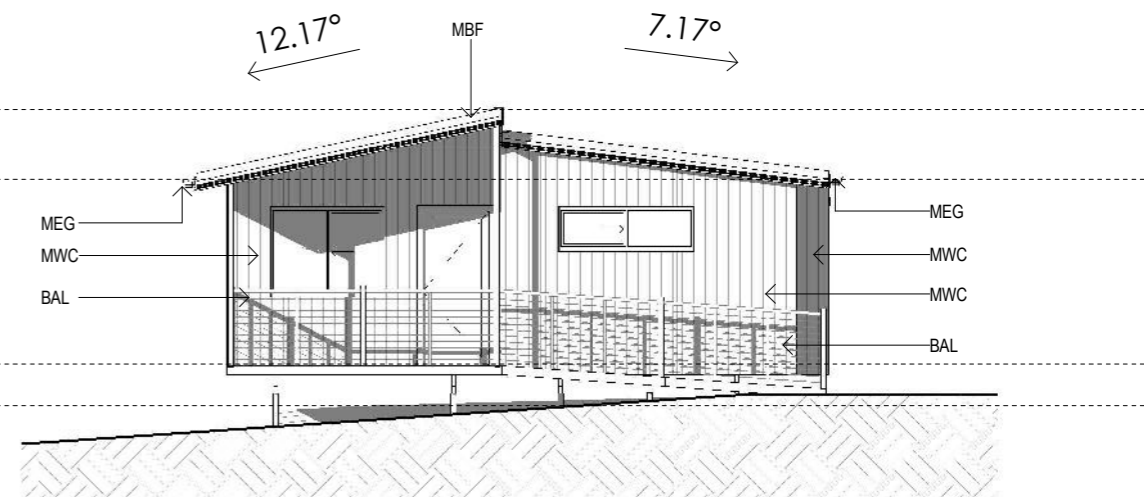
1 NORTH ELEVATION
 SCALE 1 : 100



2 EAST ELEVATION
 SCALE 1 : 100



3 SOUTH ELEVATION
 SCALE 1 : 100



4 WEST ELEVATION
 SCALE 1 : 100

STANDARD BUILDING MATERIALS:
 (UNLESS STATED OTHERWISE)

ROOF MATERIAL:
 COLORBOND METAL ROOF SHEETING
 INSTALLED IN ACCORDANCE WITH
 "AS 1562-1992" & THE MANUFACTURER'S
 SPECIFICATION.

FASCIA & GUTTERS:
 COLORBOND GUTTER & FASCIA IN
 ACCORDANCE WITH "AS 2180-1986" &
 UPVC RAINWATER DOWNPIPES BY OTHERS IN
 ACCORDANCE WITH "AS 1273-1991".

GLAZING:
 SELECTED POWDER COATED ALUMINIUM FRAME
 WINDOWS AND SLIDING GLASS DOORS IN
 ACCORDANCE WITH "AS 2047-2014" AND VOLUME
 2 PART 3.12 OF THE NCC 2022.

ABBREVIATION SCHEDULE

| | |
|-----|---|
| AC | AIR-CONDITIONING UNIT |
| BAL | BALUSTRADE SS WIRE WITH HARDWOOD TOPRAIL & PC POSTS |
| MBF | METAL BARGE FLASHING AND FASCIA - COLORBOND |
| MEG | METAL EAVES GUTTER AND FASCIA - COLORBOND |
| MRS | METAL ROOF SHEETING - COLORBOND CUSTOMORB |
| MWC | METAL WALL CLADDING - VERTICAL COLORBOND CUSTOMORB |
| WME | WALL MOUNTED EXHAUST FAN |



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SITE OWNER:

UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:

DOUGLAS STREET
 THURSDAY ISLAND 4875

JOB NUMBER: THURSDAY ISLAND

SEAVIEW ELEVATIONS (TYPICAL)

PROJECT ISSUE DATE: 08/09/2023

SHEET ISSUE DATE: 27/03/2024

DRAWN: ES

WD-04

SHEET SIZE: A3 SCALE: 1 : 100

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
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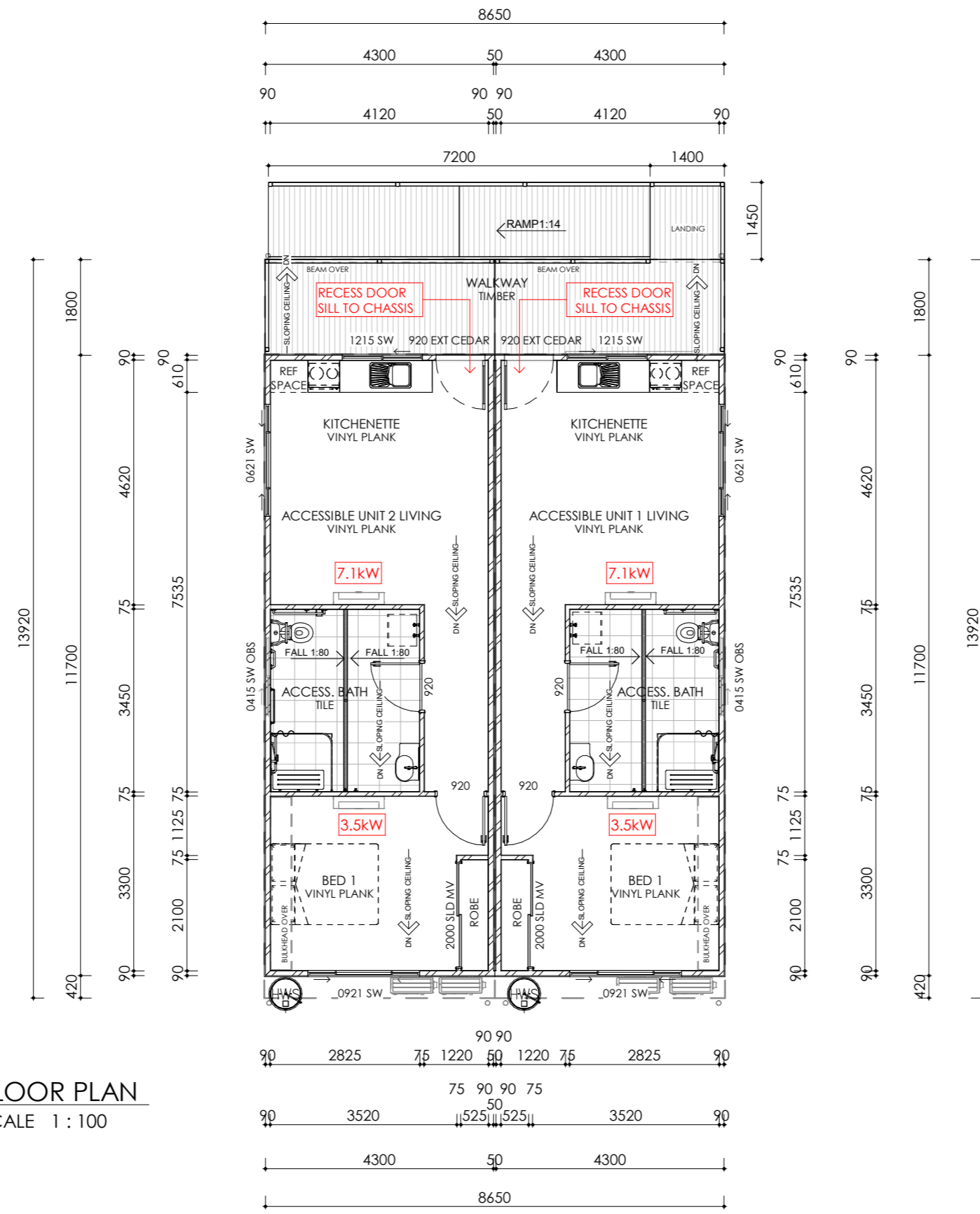
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Application Number: IDAS 23/25



1 FLOOR PLAN
 SCALE 1 : 100

| DOOR SCHEDULE | |
|---------------|---------------|
| ROOM | TYPE |
| BED 1 | 920 |
| KITCHENETTE | 920 EXT CEDAR |
| ACCESS. BATH | 920 |
| ROBE | 2000 SLD MV |
| ACCESS. BATH | 920 |
| BED 1 | 920 |
| ROBE | 2000 SLD MV |
| KITCHENETTE | 920 EXT CEDAR |

| WINDOW SCHEDULE | |
|-----------------|-------------|
| ROOM | TYPE |
| KITCHENETTE | 1215 SW |
| BED 1 | 0921 SW |
| LIVING | 0621 SW |
| ACCESS. BATH | 0415 SW OBS |
| ACCESS. BATH | 0415 SW OBS |
| LIVING | 0621 SW |
| BED 1 | 0921 SW |
| KITCHENETTE | 1215 SW |

| LEGEND | |
|--------|----------------|
| OBS | OBSOLETE GLASS |
| P | PANTRY |
| SW | SLIDING WINDOW |

| AREA SCHEDULE | |
|---------------|----------------------|
| NAME | AREA |
| UNIT 1 | 50.3 m ² |
| UNIT 2 | 50.3 m ² |
| WALKWAY | 15.6 m ² |
| GRAND TOTAL | 116.3 m ² |

ACCESSIBLE UNITS DESIGNED TO AS 1428.1:2021 DESIGN FOR ACCESS AND MOBILITY

DESIGN REQUIREMENTS FOR CONSTRUCTION:

WIND CLASSIFICATION: **C3**
 BUSHFIRE ATTACK LEVEL (BAL): **TBC**



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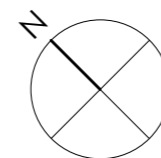
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| 2 | REVISED CO ISSUE | 27/09/2023 |
| 3 | REVISED CO ISSUE | 24/10/2023 |
| 4 | REVISED CO ISSUE | 16/11/2023 |
| 5 | REVISED CO ISSUE | 21/02/2023 |
| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:

UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:

DOUGLAS STREET
 THURSDAY ISLAND QLD 4875



JOB NUMBER: THURSDAY ISLAND

ACCESSIBLE UNITS FLOOR PLAN

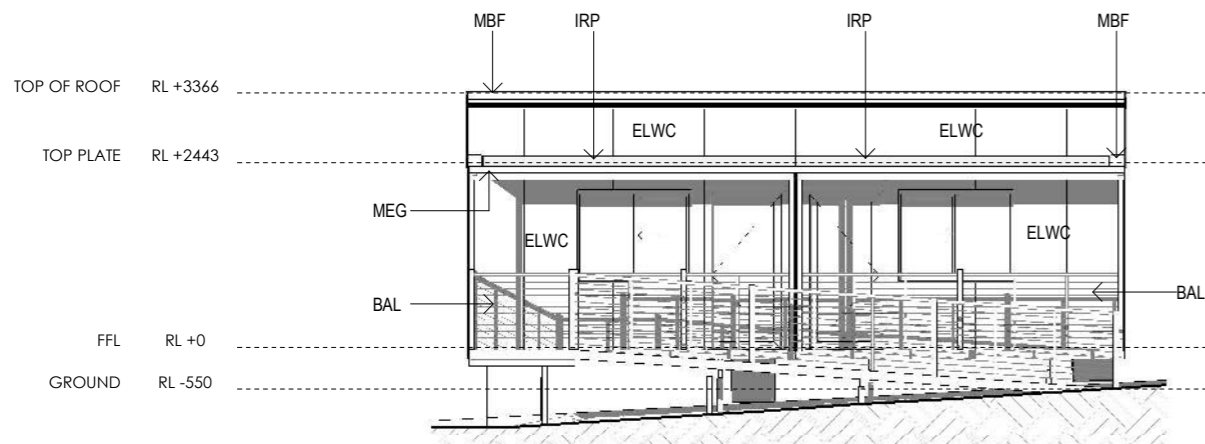
PROJECT ISSUE DATE: 08/09/2023

SHEET ISSUE DATE: 27/03/2024

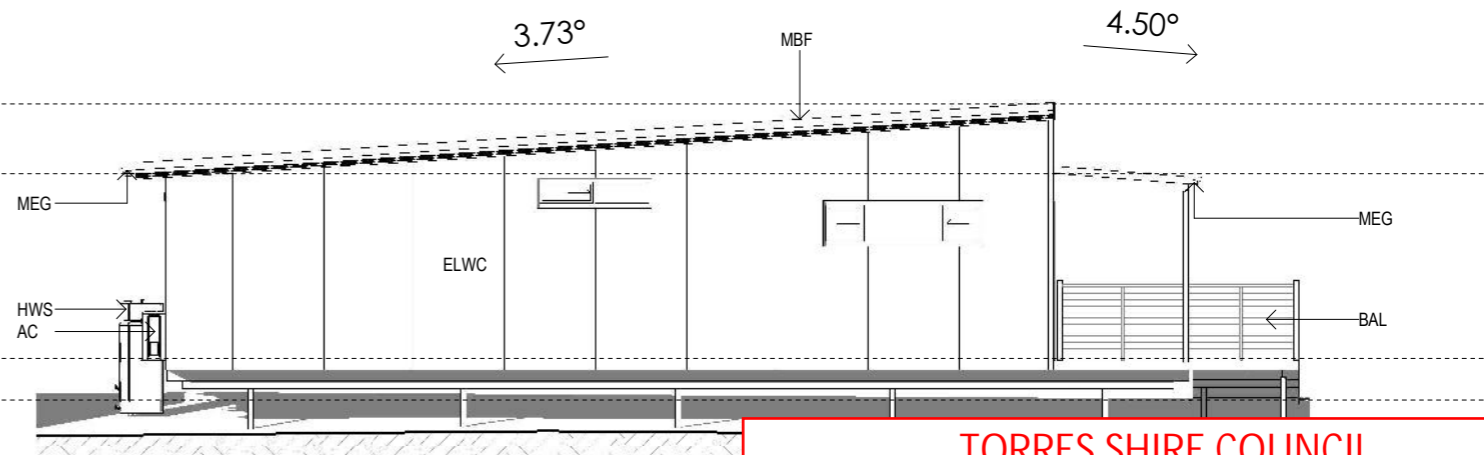
DRAWN: ES

WD-13.1

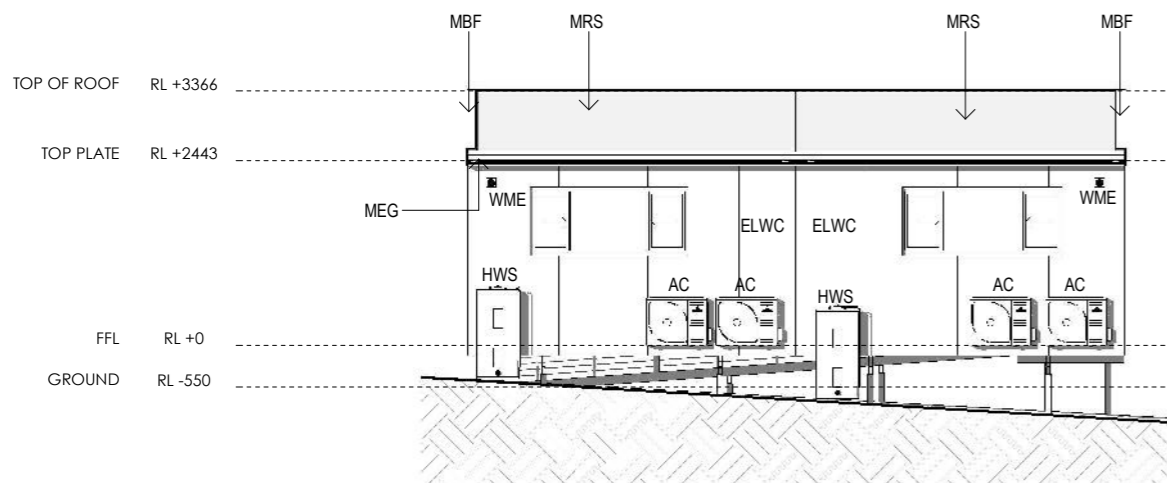
SHEET SIZE: A3 SCALE: 1 : 100



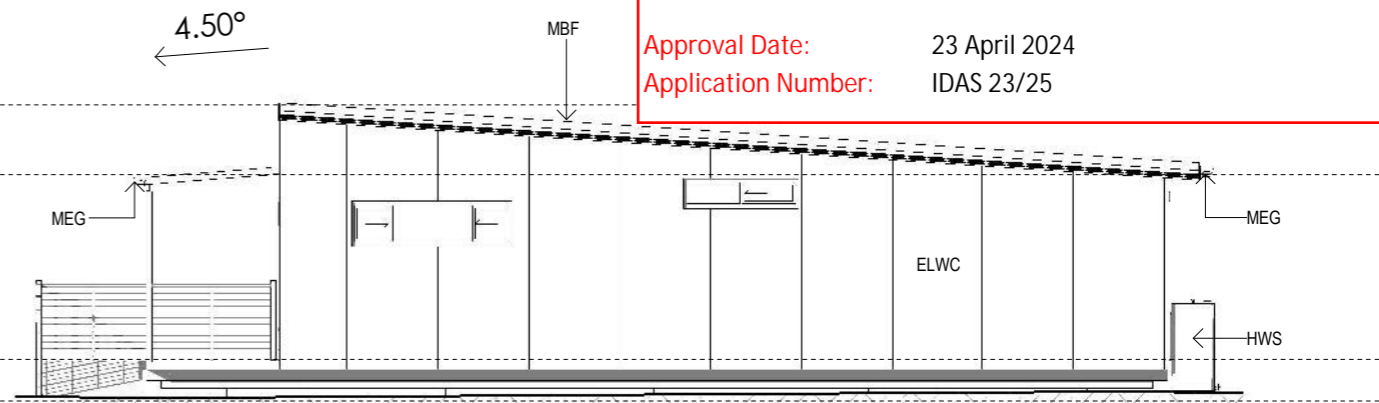
1 EAST ELEVATION
SCALE 1 : 100



2 SOUTH ELEVATION
SCALE 1 : 100



3 WEST ELEVATION
SCALE 1 : 100



4 NORTH ELEVATION
SCALE 1 : 100

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
Application Number: IDAS 23/25

STANDARD BUILDING MATERIALS:
(UNLESS STATED OTHERWISE)

ROOF MATERIAL:
COLORBOND METAL ROOF SHEETING INSTALLED IN ACCORDANCE WITH "AS 1562-1992" & THE MANUFACTURER'S SPECIFICATION.

FASCIA & GUTTERS:
COLORBOND GUTTER & FASCIA IN ACCORDANCE WITH "AS 2180-1986" & UPVC RAINWATER DOWNPIPES BY OTHERS IN ACCORDANCE WITH "AS 1273-1991".

GLAZING:
SELECTED POWDER COATED ALUMINIUM FRAME WINDOWS AND SLIDING GLASS DOORS IN ACCORDANCE WITH "AS 2047-2014" AND VOLUME 2 PART 3.12 OF THE NCC 2022.

| ABBREVIATION SCHEDULE | |
|-----------------------|---|
| AC | AIR-CONDITIONING UNIT |
| BAL | BALUSTRADE SS WIRE WITH HARDWOOD TOPRAIL & PC POSTS |
| ELWC | JAMES HARDIE EASY LAP WALL CLADDING 1200 PANELS |
| HWS | 250 LT ELECTRIC HOT WATER SYSTEM |
| IRP | 50 MM INSULATED ROOF PANEL TRIMDEK |
| MBF | METAL BARGE FLASHING AND FASCIA - COLORBOND |
| MEG | METAL EAVES GUTTER AND FASCIA - COLORBOND |
| MRS | METAL ROOF SHEETING - COLORBOND TRIMDEK |
| WME | WALL MOUNTED EXHAUST FAN |



66 Pioneer Road,
Yandina, QLD 4561

Ph: 07 5472 7444
Olyhomes.com.au

QBCC. No: 1156073

THIS PLAN IS EXCLUSIVELY OWNED BY OLY HOMES AND MUST NOT BE COPIED OR REPRODUCED WHOLLY OR IN PART IN ANY FORM WITHOUT WRITTEN PERMISSION OF OLY HOMES. THIS INCLUDES MAKING CHANGES WITH INTENT TO CHANGE THE PLAN BY 10% OR MORE

| REVISIONS | | |
|-----------|----------------------|------------|
| # | REVISION DESCRIPTION | DATE |
| 1 | CO ISSUE | 08/09/2023 |
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| 5 | REVISED CO ISSUE | 21/02/2023 |
| 6 | CD ISSUE | 27/03/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
DOUGLAS STREET
THURSDAY ISLAND QLD 4875

| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| ACCESSIBLE UNITS ELEVATIONS | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-14 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 100 |

TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

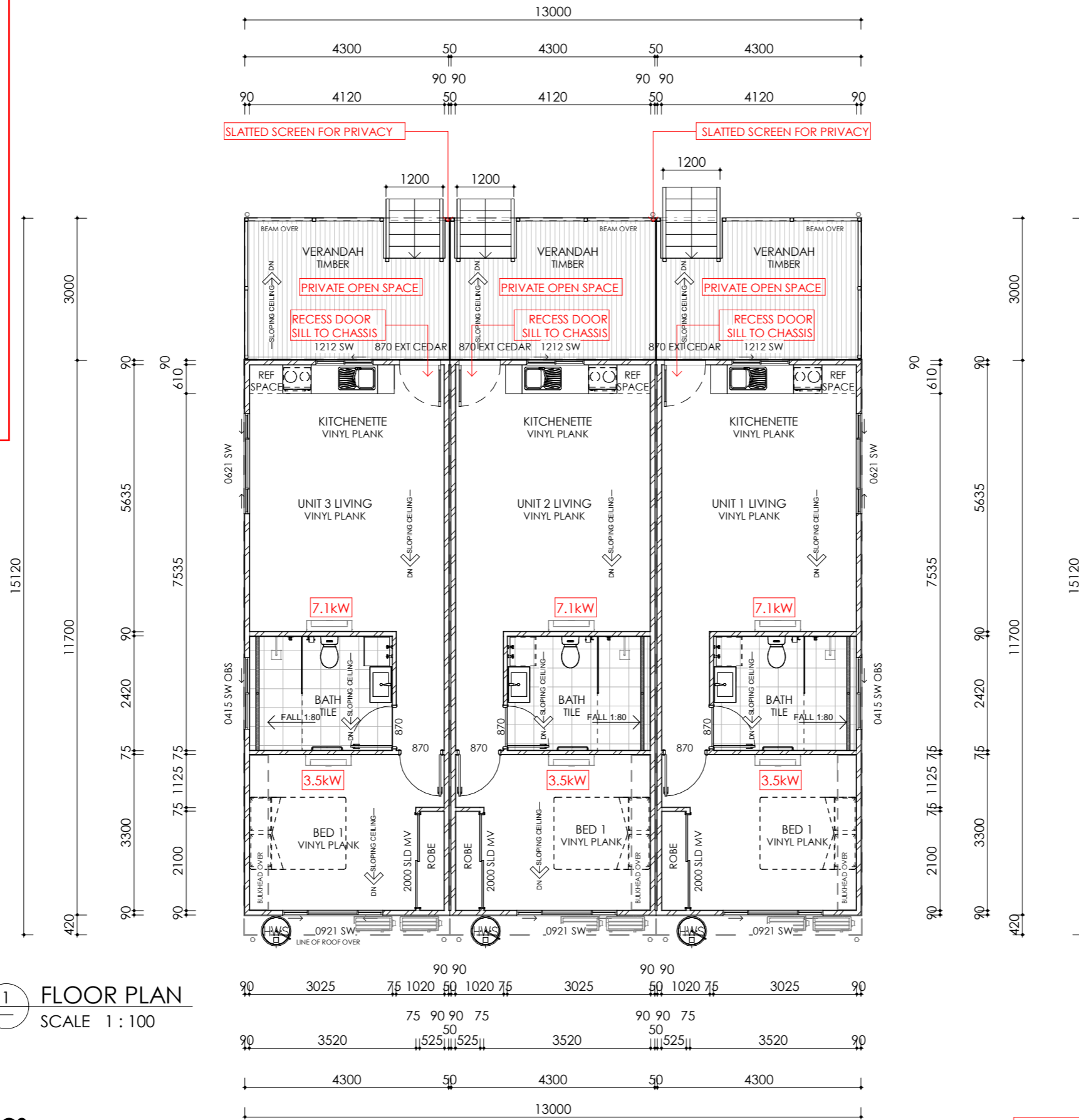
Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024

Application Number: IDAS 23/25



1 FLOOR PLAN
 SCALE 1 : 100

DESIGN REQUIREMENTS FOR CONSTRUCTION:

WIND CLASSIFICATION:
 BUSHFIRE ATTACK LEVEL (BAL):

C3
TBC

| DOOR SCHEDULE | |
|---------------|---------------|
| ROOM | TYPE |
| KITCHENETTE | 870 EXT CEDAR |
| BATH | 870 |
| BED 1 | 870 |
| BATH | 870 |
| BED 1 | 870 |
| ROBE | 2000 SLD MV |
| ROBE | 2000 SLD MV |
| BED 1 | 870 |
| BATH | 870 |
| ROBE | 2000 SLD MV |
| KITCHENETTE | 870 EXT CEDAR |
| KITCHENETTE | 870 EXT CEDAR |

| WINDOW SCHEDULE | |
|-----------------|-------------|
| ROOM | TYPE |
| KITCHENETTE | 1212 SW |
| BED 1 | 0921 SW |
| BED 1 | 0921 SW |
| BED 1 | 0921 SW |
| LIVING | 0621 SW |
| BATH | 0415 SW OBS |
| LIVING | 0621 SW |
| BATH | 0415 SW OBS |
| KITCHENETTE | 1212 SW |
| KITCHENETTE | 1212 SW |

| LEGEND | |
|--------|----------------|
| OBS | OBSCURE GLASS |
| P | PANTRY |
| SW | SLIDING WINDOW |

| AREA SCHEDULE | |
|-----------------|----------------------|
| NAME | AREA |
| UNIT 1 | 50.3 m ² |
| UNIT 2 | 50.3 m ² |
| UNIT 3 | 50.3 m ² |
| VERANDAH UNIT 1 | 11.9 m ² |
| VERANDAH UNIT 2 | 12.0 m ² |
| VERANDAH UNIT 3 | 11.9 m ² |
| GRAND TOTAL | 186.7 m ² |

EXACT NUMBER OF STAIR RISERS REQUIRED MUST BE DETERMINED FROM SITE VISIT PRIOR TO STAIR FABRICATION

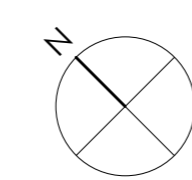
OlyHomes
 66 Pioneer Road, Yandina, QLD 4561
 Ph: 07 5472 7444
 Olyhomes.com.au
 QBCC. No: 1156073

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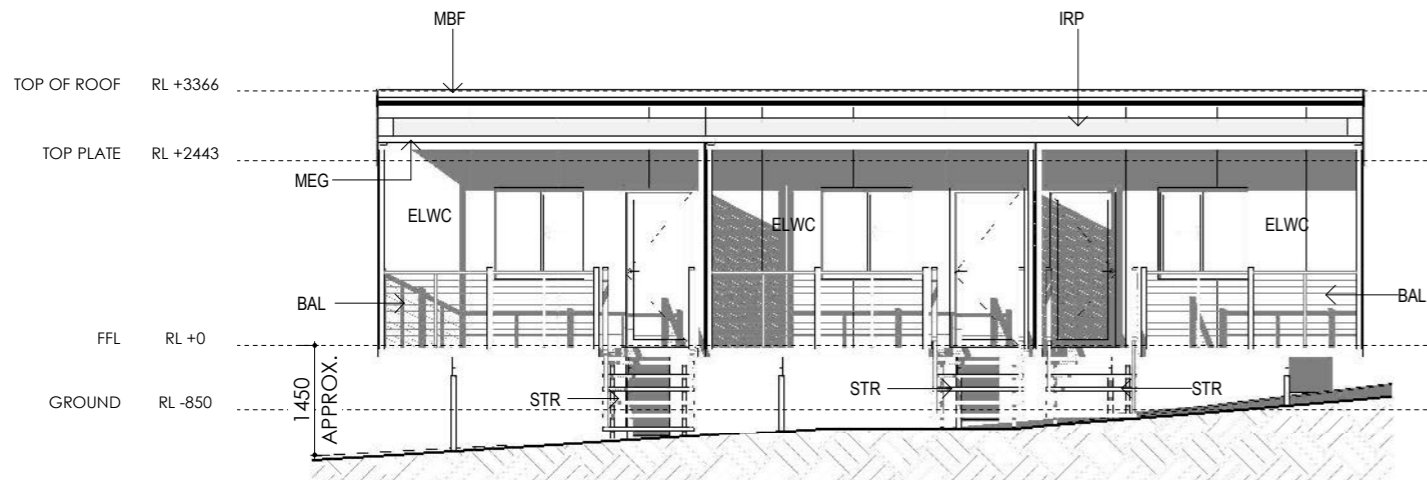
| REVISIONS | | |
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SITE OWNER:
UNITING CHURCH OF AUSTRALIA

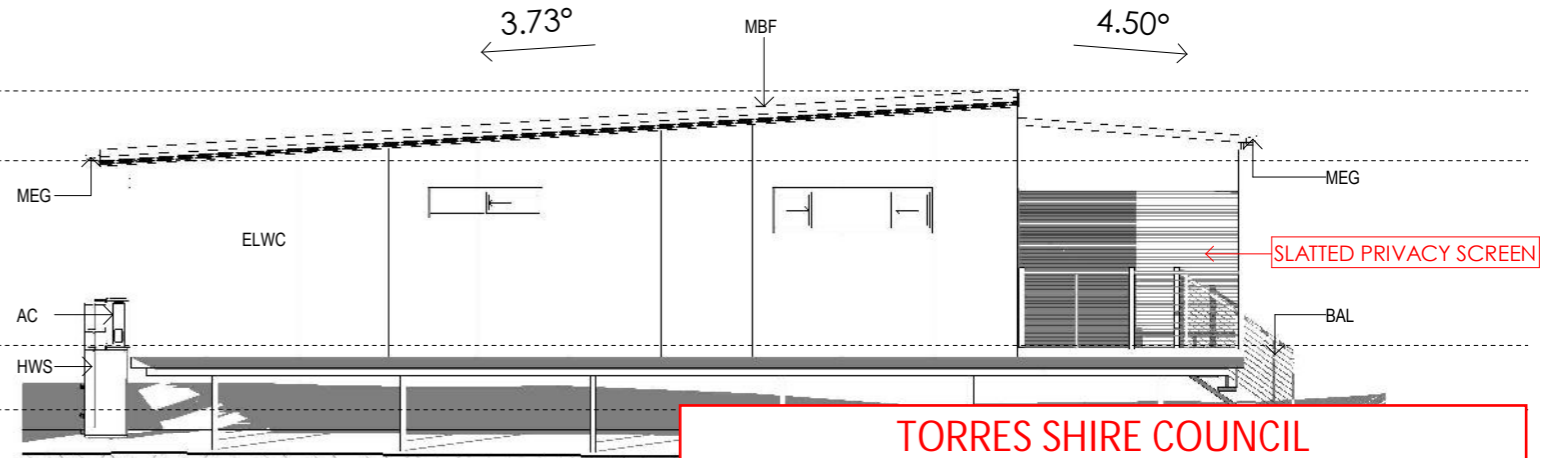
SITE ADDRESS:
 DOUGLAS STREET
 THURSDAY ISLAND QLD 4875



| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| STUDIO UNITS FLOOR PLAN | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-24.1 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 100 |



1 EAST ELEVATION
SCALE 1 : 100



2 SOUTH ELEVATION
SCALE 1 : 100

EXACT NUMBER OF STAIR RISERS
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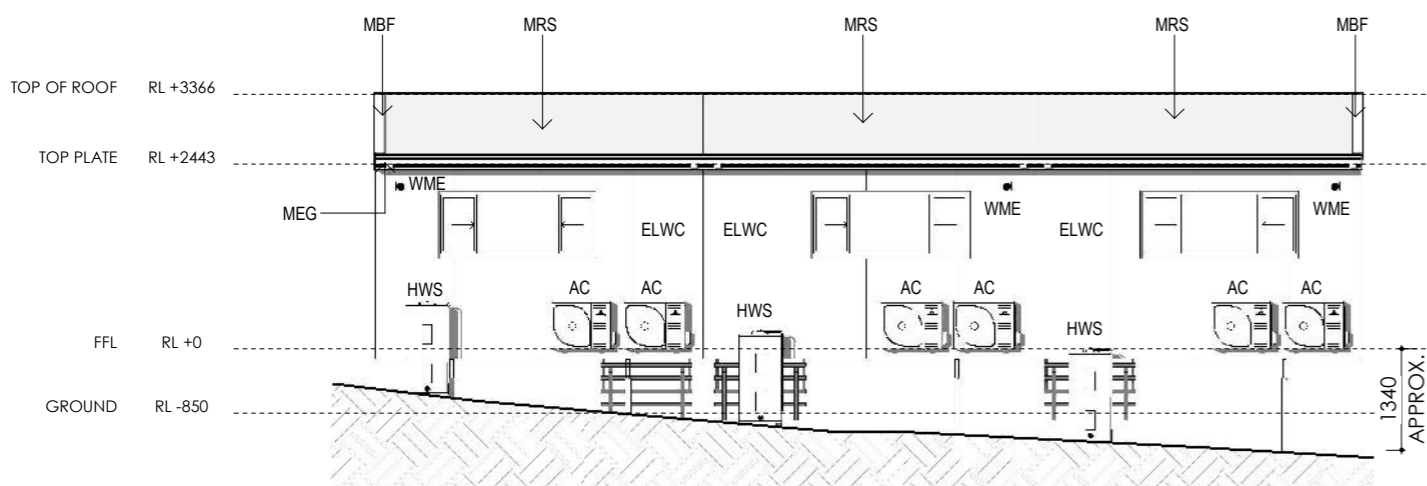
TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

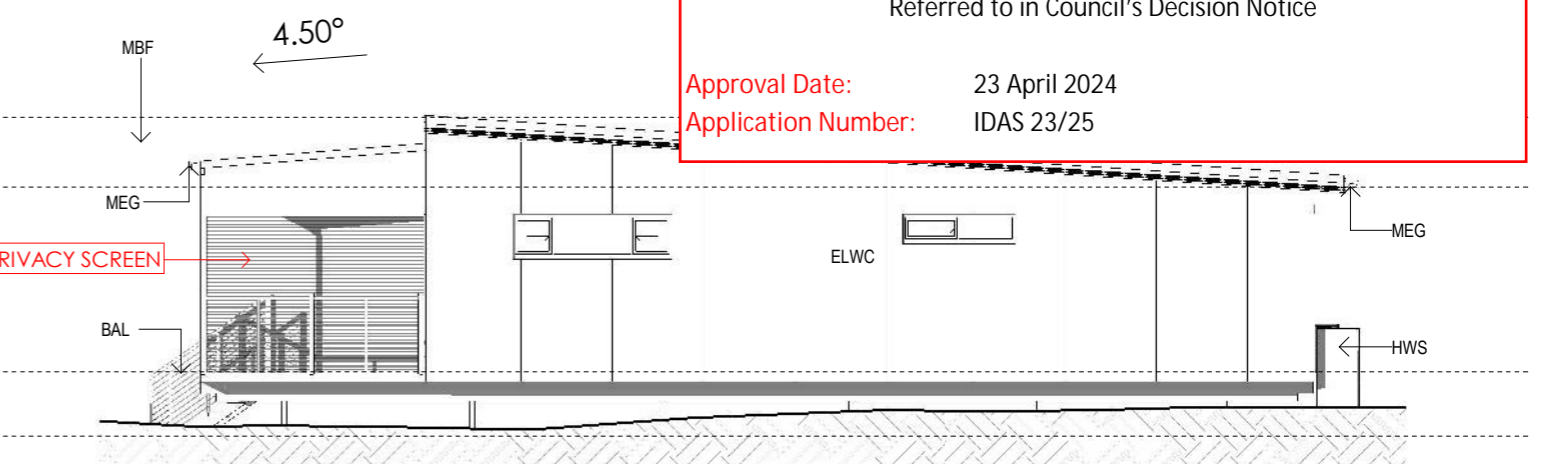
RP Details: Lot 1 RP700579 and Lot 2 RP744714

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Application Number: IDAS 23/25



3 WEST ELEVATION
SCALE 1 : 100



4 NORTH ELEVATION
SCALE 1 : 100

STANDARD BUILDING MATERIALS:
(UNLESS STATED OTHERWISE)

ROOF MATERIAL:
COLORBOND METAL ROOF SHEETING
INSTALLED IN ACCORDANCE WITH
"AS 1562-1992" & THE MANUFACTURER'S
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FASCIA & GUTTERS:
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2 PART 3.12 OF THE NCC 2022.

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| ELWC | JAMES HARDIE EASY LAP WALL CLADDING 1200 PANELS |
| HWS | 250 LT ELECTRIC HOT WATER SYSTEM |
| IRP | 50 MM INSULATED ROOF PANEL TRIMDEK |
| MBF | METAL BARGE FLASHING AND FASCIA - COLORBOND |
| MEG | METAL EAVES GUTTER AND FASCIA - COLORBOND |
| MRS | METAL ROOF SHEETING - COLORBOND TRIMDEK |
| STR | ALUMINIUM NON SLIP STAIR TREADS ON GAL STEEL STRINGERS |
| WME | WALL MOUNTED EXHAUST FAN |

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Ph: 07 5472 7444
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QBCC. No: 1156073

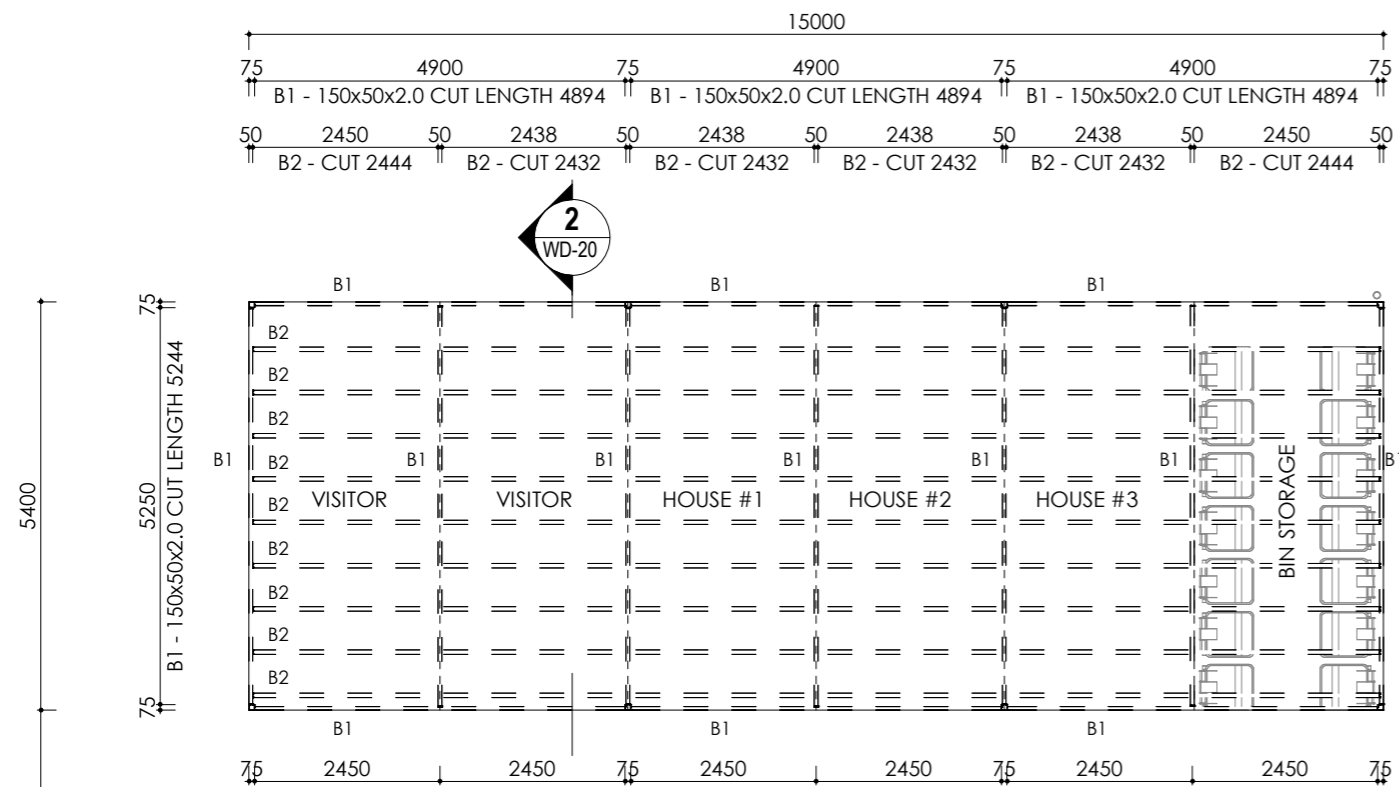
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SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
DOUGLAS STREET
THURSDAY ISLAND QLD 4875

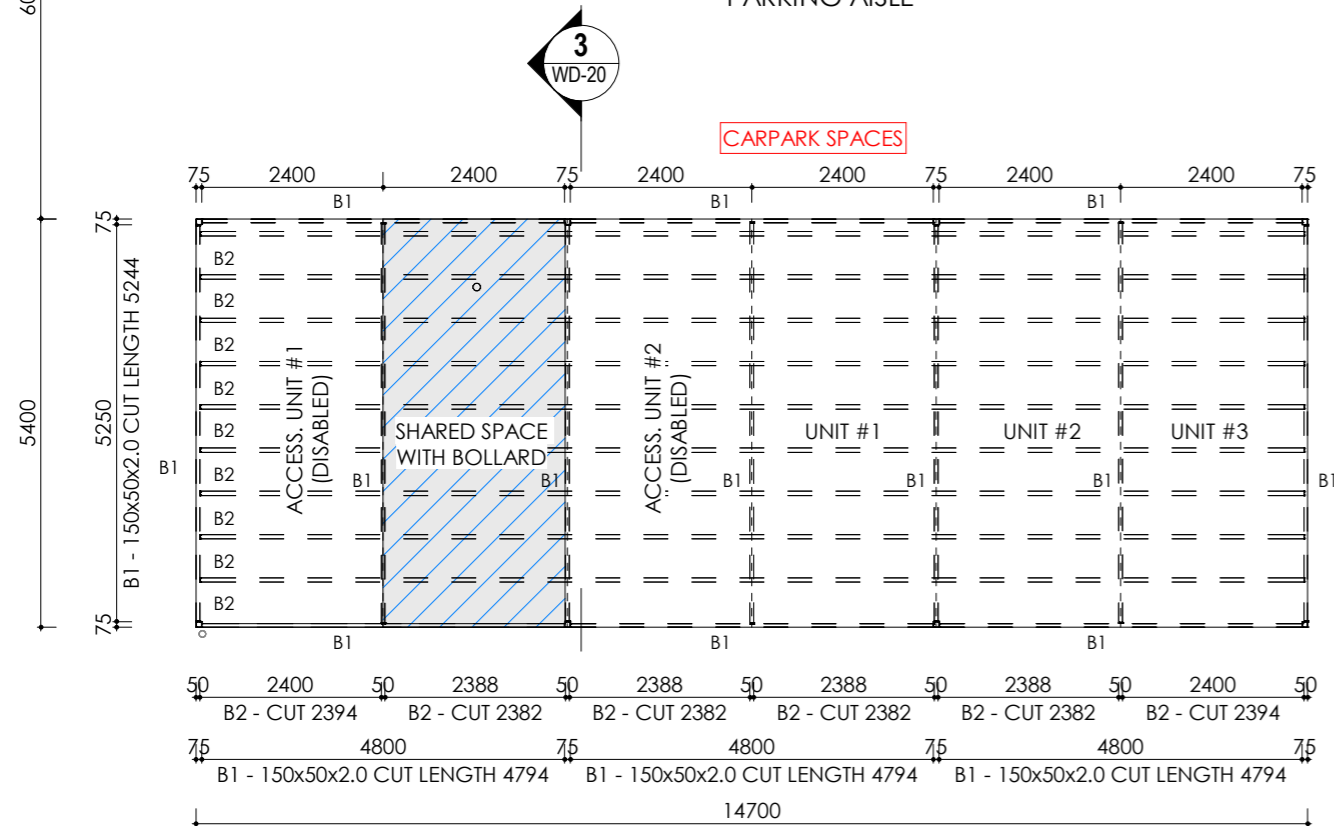
| | |
|--------------------------------|-------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| STUDIO UNITS ELEVATIONS | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-25 |
| SHEET ISSUE DATE: 27/03/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: 1 : 100 |



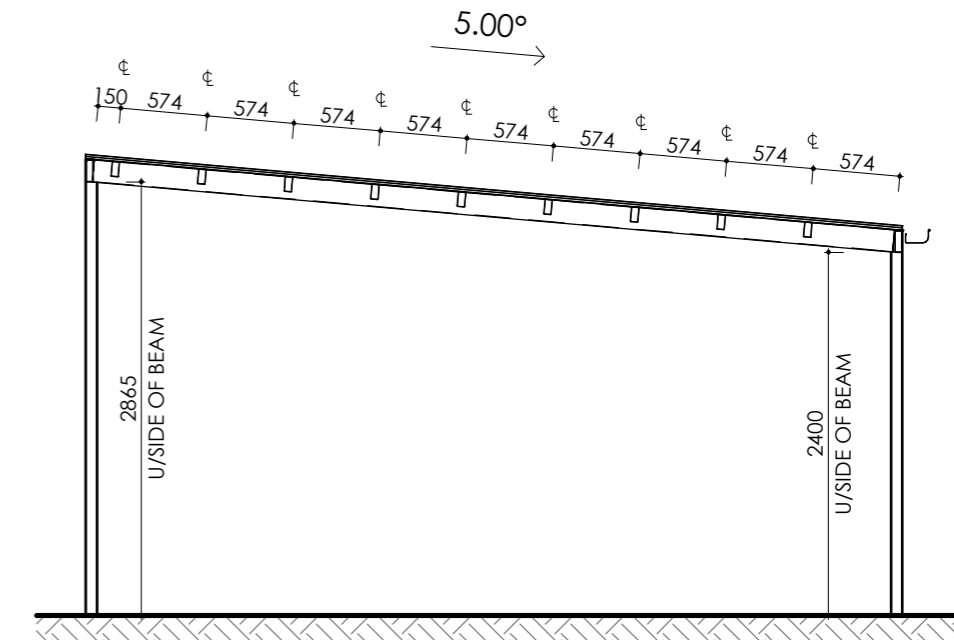
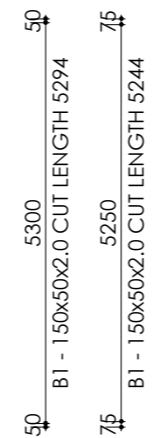
CARPARK SPACES

B1 - 150x50x2.0
B2 - 100x50x2.0

PARKING AISLE



1 DOUGLAS STREET CARPORT PLAN
 SCALE 1 : 100



TORRES SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

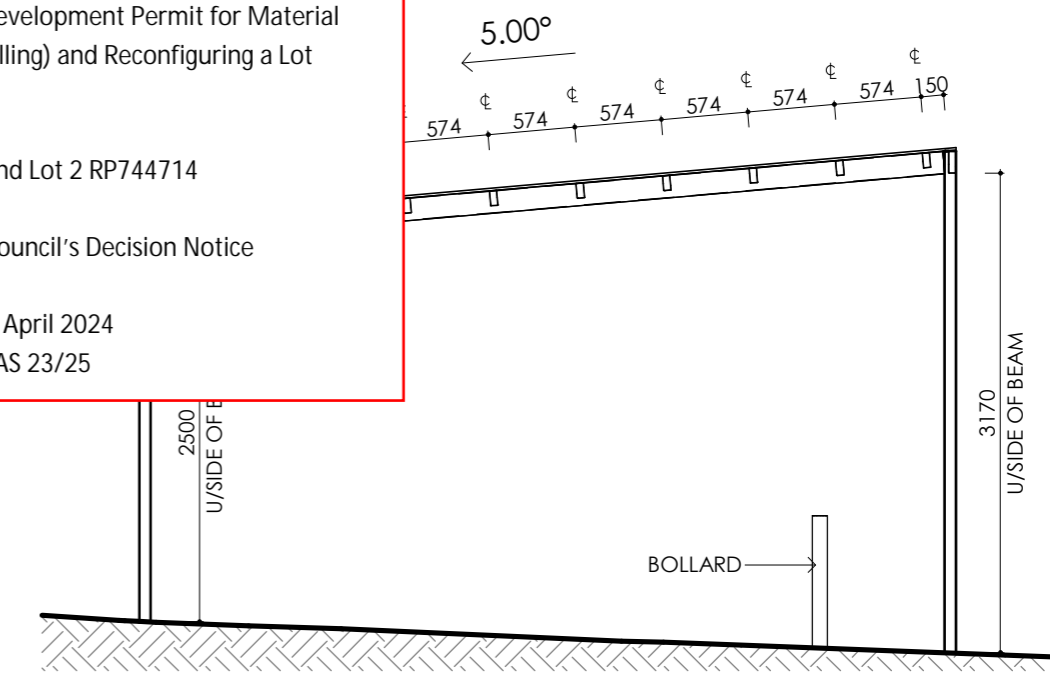
Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
 Application Number: IDAS 23/25

RIGHT SECTION



3 DOUGLAS DISABLED CARPORT SECTION
 SCALE 1 : 50



66 Pioneer Road,
 Yandina, QLD 4561

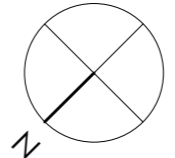
Ph: 07 5472 7444
 Olyhomes.com.au

QBCC. No: 1156073

| REVISIONS | | |
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| # | REVISION DESCRIPTION | DATE |
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| 5 | REVISED CO ISSUE | 21/02/2024 |

SITE OWNER:
UNITING CHURCH OF AUSTRALIA

SITE ADDRESS:
 CHESTER STREET & DOUGLAS STREET
 THURSDAY ISLAND 4875



| | |
|--------------------------------|------------------------------------|
| JOB NUMBER: THURSDAY ISLAND | |
| DOUGLAS STREET CARPORT DETAILS | |
| PROJECT ISSUE DATE: 08/09/2023 | WD-20 |
| SHEET ISSUE DATE: 21/02/2024 | |
| DRAWN: ES | SHEET SIZE: A3 SCALE: As indicated |

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**TORRES SHIRE COUNCIL
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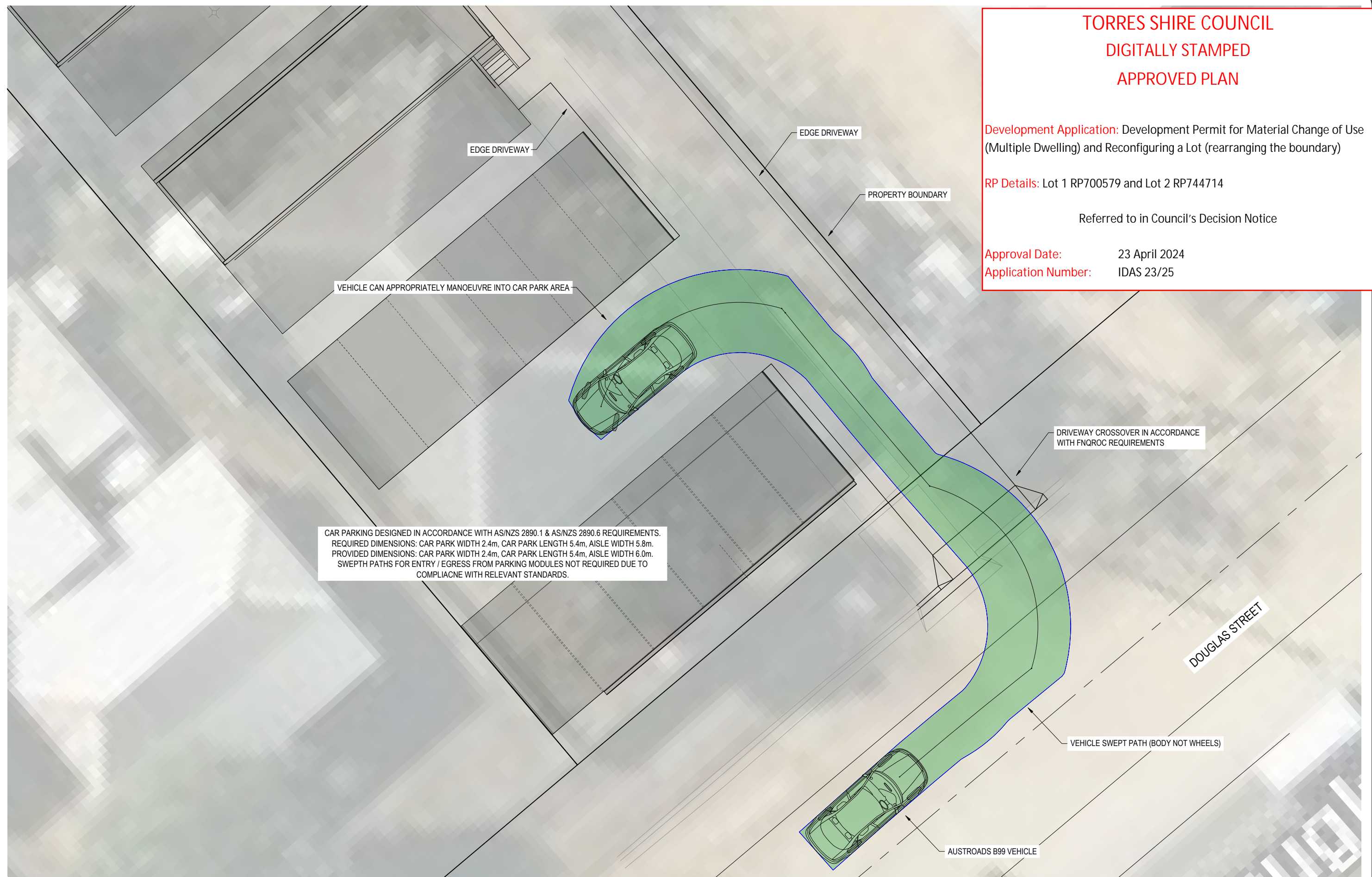
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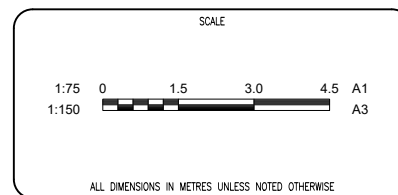
Approval Date: 23 April 2024

Application Number: IDAS 23/25



| NO. | DATE | DESCRIPTION | DESIGN | APPROVED |
|-----|----------|---------------|--------|----------|
| 1 | 11.03.24 | INITIAL ISSUE | | |

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**UNITING CHURCH
IN AUSTRALIA**



| | | | |
|----------|----|---------|-----|
| DRAWN | CW | CHECKED | DJW |
| DESIGNED | CW | CHECKED | DJW |
| APPROVED | | | |
| DATE: | | RPEQ: | |

| | |
|---|--------------|
| CHESTER / DOUGLAS STREET DEVELOPMENT | |
| SWEPT PATH ANALYSIS | |
| AUSTROADS B99 VEHICLE - ENTRY | |
| DRAWING NO. | 144-038-SK02 |
| REVISION | 1 |

**TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN**

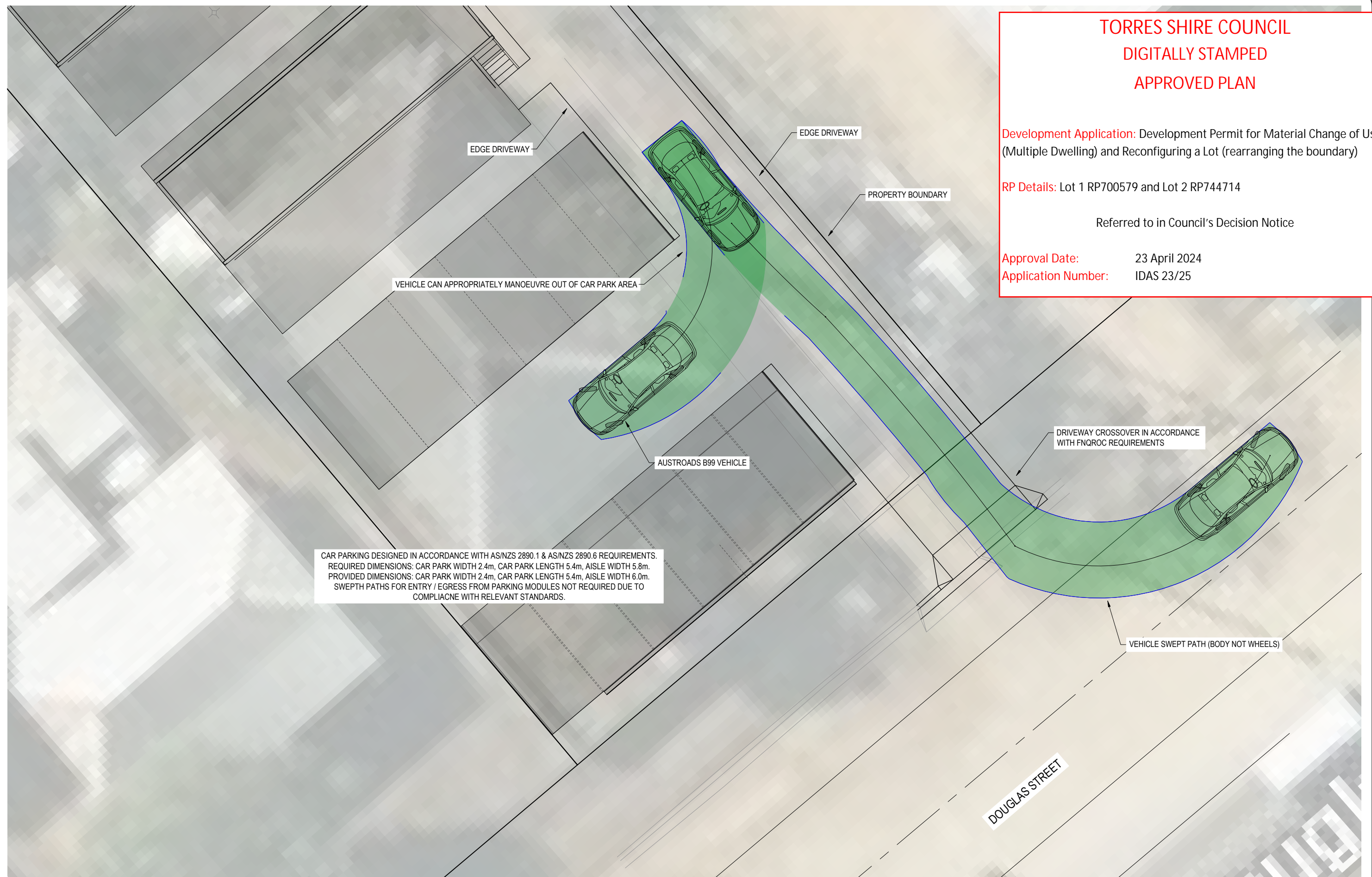
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Approval Date: 23 April 2024

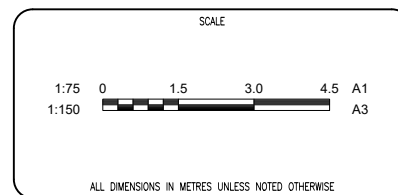
Application Number: IDAS 23/25



CAR PARKING DESIGNED IN ACCORDANCE WITH AS/NZS 2890.1 & AS/NZS 2890.6 REQUIREMENTS.
 REQUIRED DIMENSIONS: CAR PARK WIDTH 2.4m, CAR PARK LENGTH 5.4m, AISLE WIDTH 5.8m.
 PROVIDED DIMENSIONS: CAR PARK WIDTH 2.4m, CAR PARK LENGTH 5.4m, AISLE WIDTH 6.0m.
 SWEPH PATHS FOR ENTRY / EGRESS FROM PARKING MODULES NOT REQUIRED DUE TO COMPLIACNE WITH RELEVANT STANDARDS.

| NO. | DATE | DESCRIPTION | DESIGN | APPROVED |
|-----|----------|---------------|--------|----------|
| 1 | 11.03.24 | INITIAL ISSUE | | |

CLIENT
**UNITING CHURCH
IN AUSTRALIA**



| | | | |
|----------|----|---------|-----|
| DRAWN | CW | CHECKED | DJW |
| DESIGNED | CW | CHECKED | DJW |
| APPROVED | | | |
| DATE: | | RPEQ: | |

| | |
|--------------------------------------|--------------|
| CHESTER / DOUGLAS STREET DEVELOPMENT | |
| SWEPT PATH ANALYSIS | |
| AUSTROADS B99 VEHICLE - EXIT | |
| DRAWING NO. | 144-038-SK03 |
| REVISION | 1 |

**TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN**

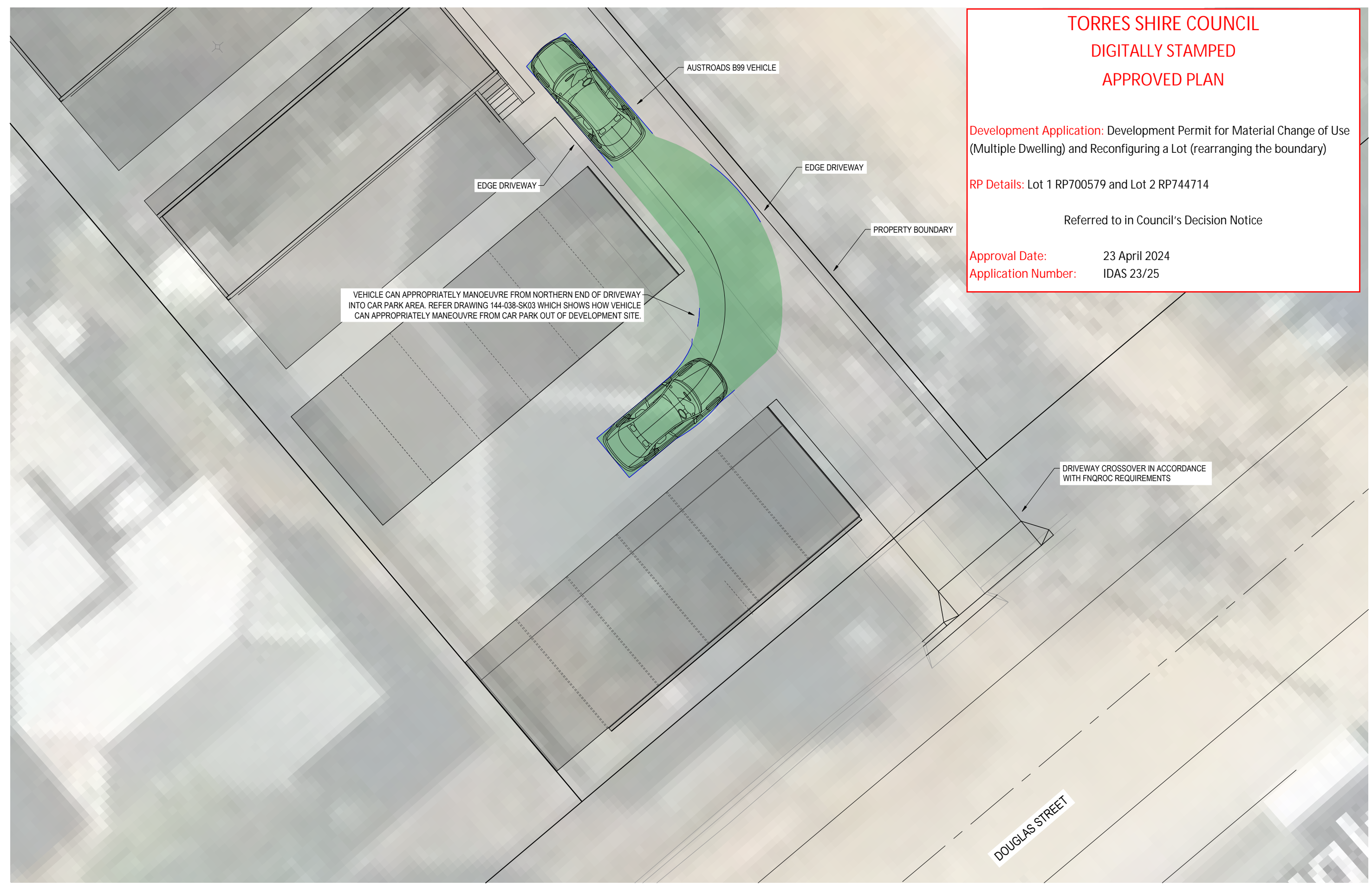
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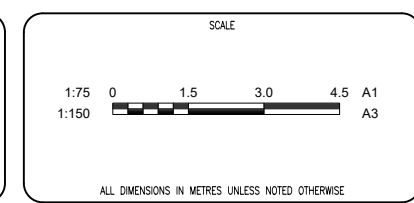
VEHICLE CAN APPROPRIATELY MANOEUVRE FROM NORTHERN END OF DRIVEWAY INTO CAR PARK AREA. REFER DRAWING 144-038-SK03 WHICH SHOWS HOW VEHICLE CAN APPROPRIATELY MANEUVRE FROM CAR PARK OUT OF DEVELOPMENT SITE.

DRIVEWAY CROSSOVER IN ACCORDANCE WITH FNQROC REQUIREMENTS

DOUGLAS STREET

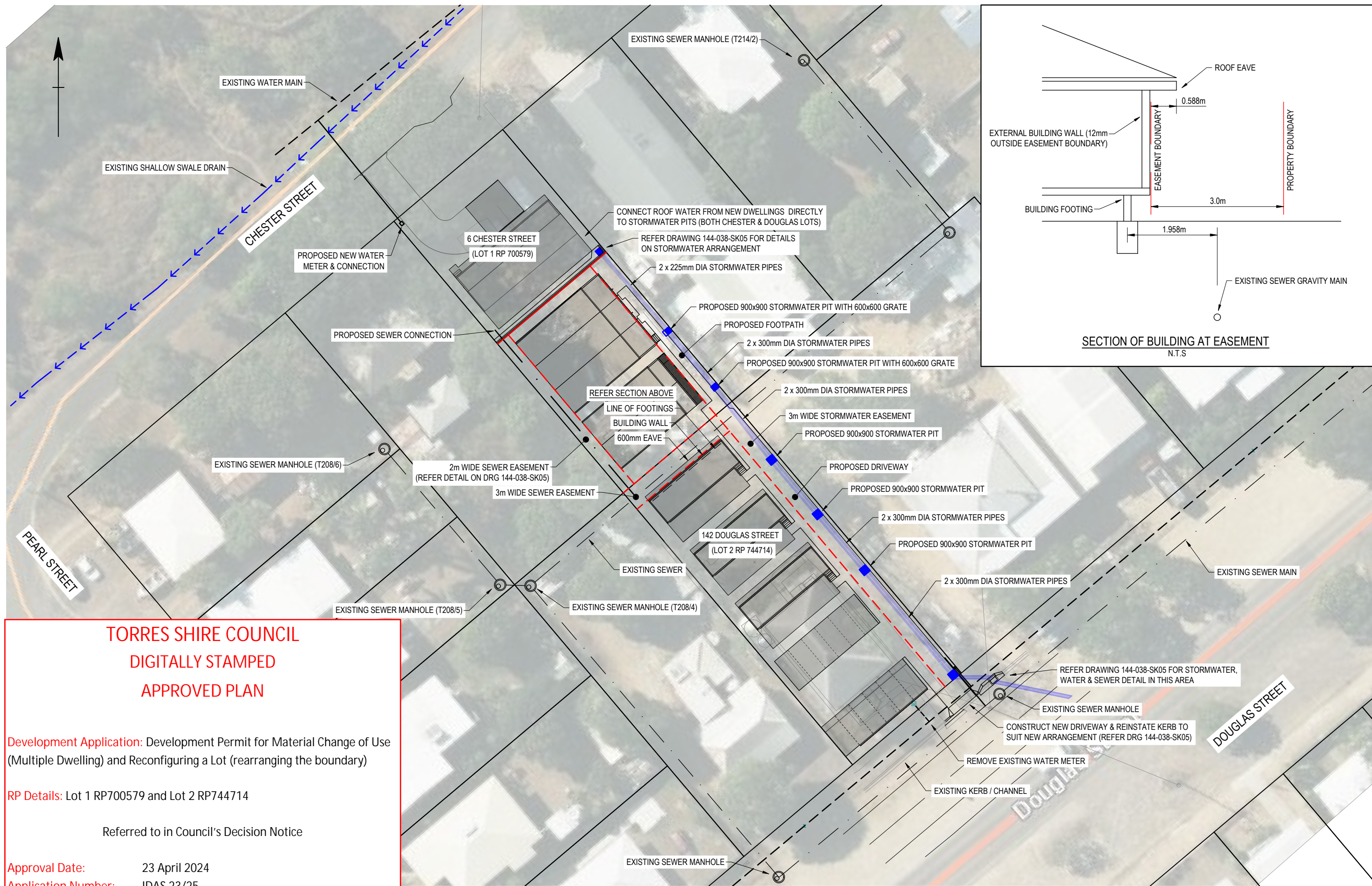
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| 1 | 11.03.24 | INITIAL ISSUE | | |

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**UNITING CHURCH
IN AUSTRALIA**



| | | | |
|----------|----|---------|-----|
| DRAWN | CW | CHECKED | DJW |
| DESIGNED | CW | CHECKED | DJW |
| APPROVED | | | |
| DATE: | | RPEQ: | |

| | |
|--------------------------------------|--------------|
| CHESTER / DOUGLAS STREET DEVELOPMENT | |
| SWEPT PATH ANALYSIS | |
| AUSTROADS B99 VEHICLE - DRIVEWAY | |
| DRAWING NO. | 144-038-SK04 |
| REVISION | 1 |



TORRES SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring a Lot (rearranging the boundary)

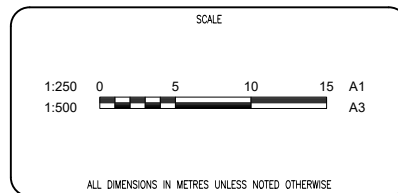
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| NO. | DATE | DESCRIPTION | DESIGN | APPROVED |
|-----|----------|------------------|--------|----------|
| 5 | 05.04.24 | COUNCIL COMMENTS | CW | DJW |
| 4 | 20.03.24 | SECTION ADDED | CW | DJW |
| 3 | 11.03.24 | COUNCIL RFI | CW | DJW |
| 2 | 08.11.23 | REVIEW COMMENTS | CW | DJW |
| 1 | 23.10.23 | INITIAL ISSUE | | |

UNITING CHURCH
 IN AUSTRALIA

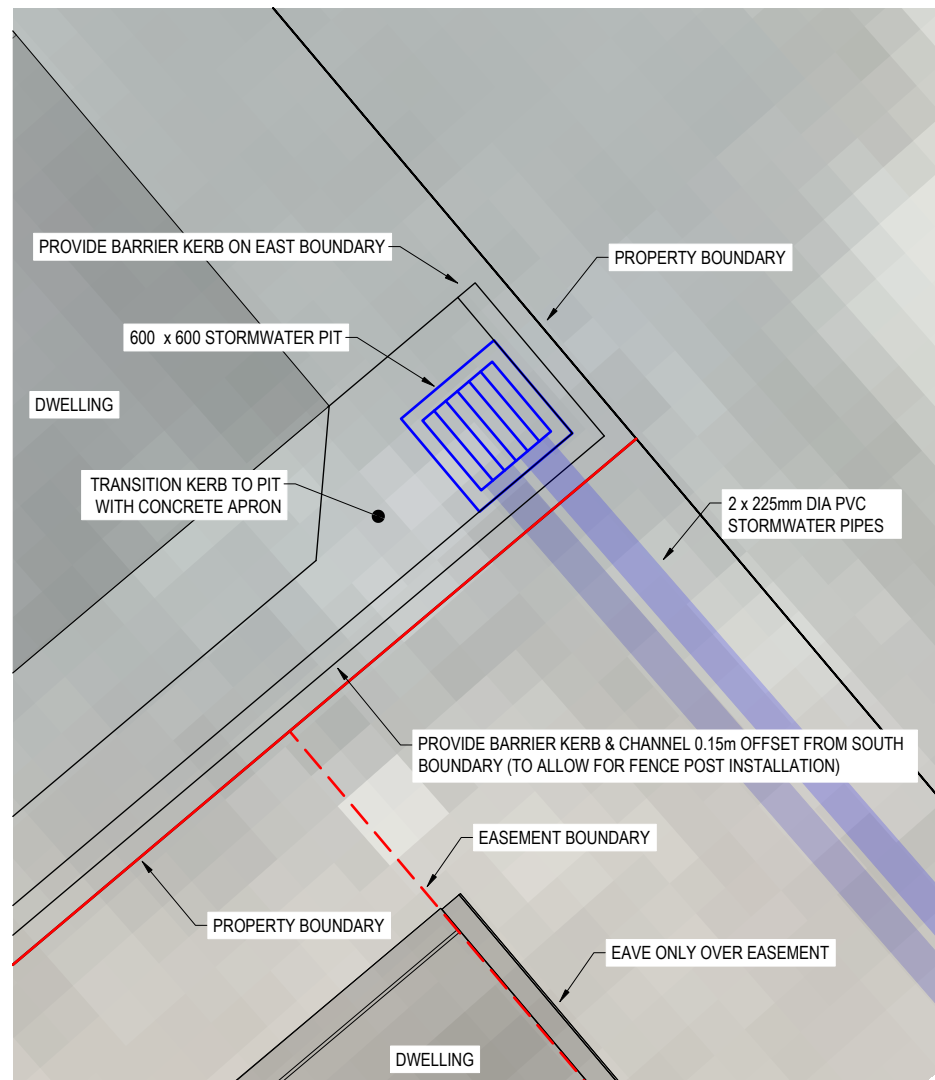


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| DRAWN | CW | CHECKED | DJW |
| DESIGNED | CW | CHECKED | DJW |
| APPROVED | | | |
| DATE: | | RPEQ: | |

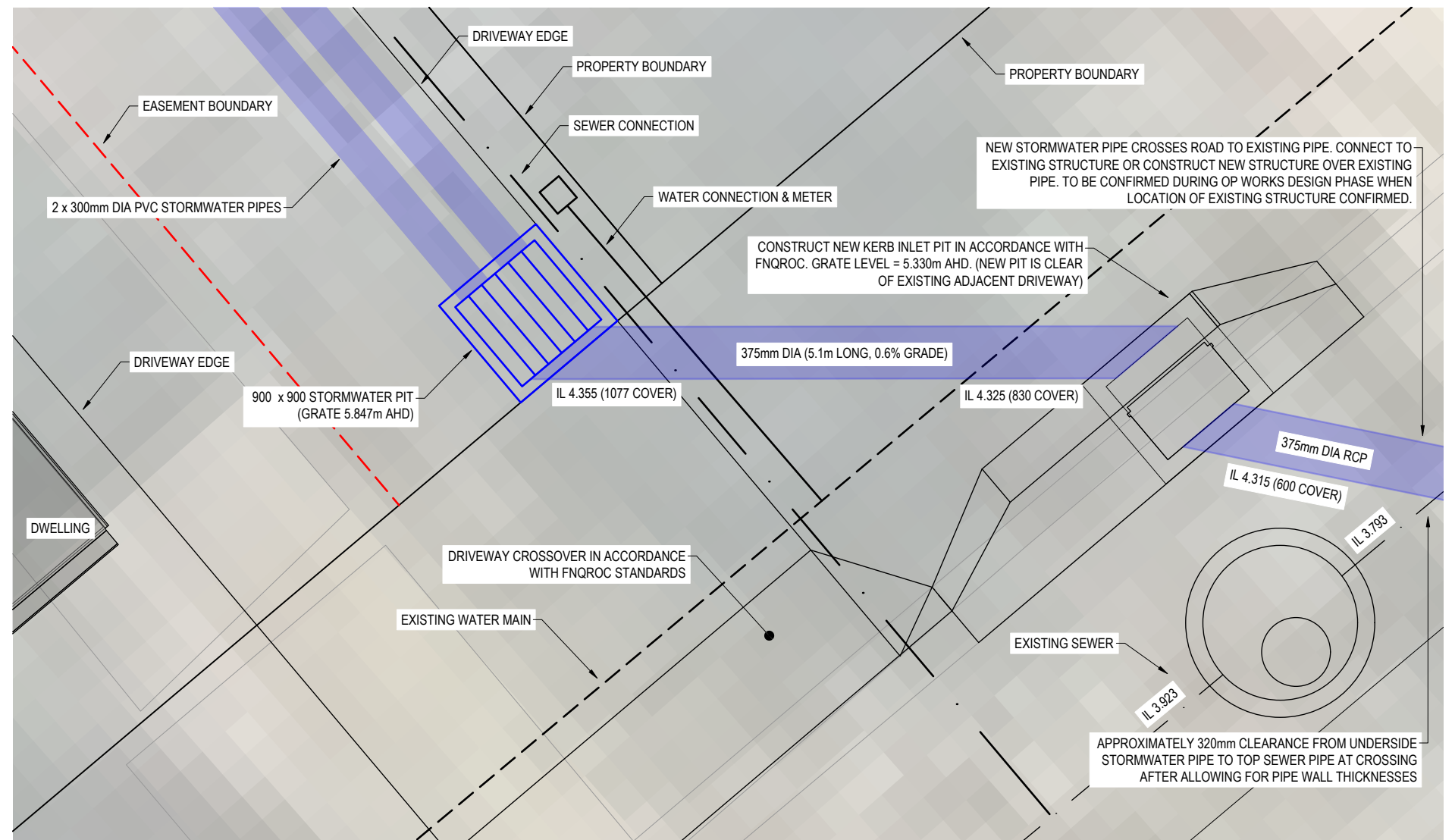
CHESTER / DOUGLAS STREET DEVELOPMENT

ENGINEERING REPORT
 SUPPORTING DRAWING

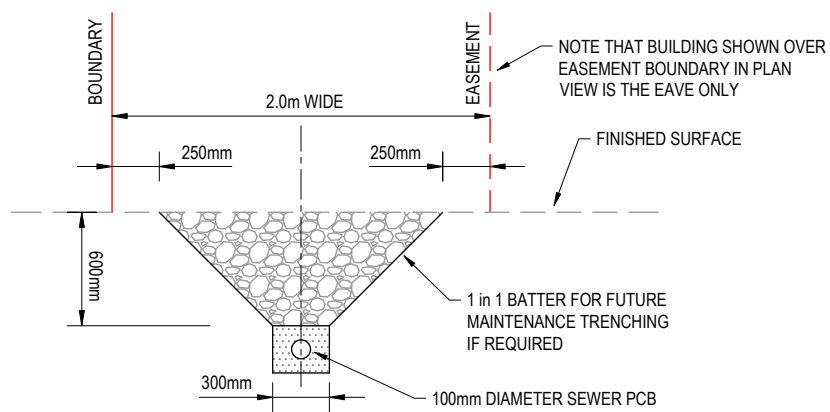
| | | | |
|-------------|--------------|----------|---|
| DRAWING NO. | 144-038-SK01 | REVISION | 5 |
|-------------|--------------|----------|---|



CHESTER STREET LOT DRAINAGE
N.T.S



DOUGLAS STREET LOT DRAINAGE
N.T.S



SEWER PCB EASEMENT DETAIL
N.T.S

TORRES SHIRE COUNCIL
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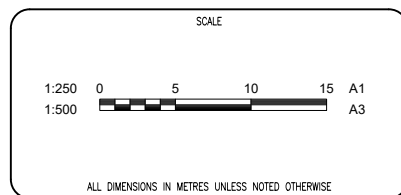
RP Details: Lot 1 RP700579 and Lot 2 RP744714

Referred to in Council's Decision Notice

Approval Date: 23 April 2024
Application Number: IDAS 23/25

| NO. | DATE | DESCRIPTION | DESIGN | APPROVED |
|-----|----------|------------------|--------|----------|
| 2 | 05.04.24 | COUNCIL COMMENTS | CW | DJW |
| 1 | 11.03.24 | INITIAL ISSUE | | |

CLIENT
**UNITING CHURCH
IN AUSTRALIA**



| | | | |
|----------|----|---------|-----|
| DRAWN | CW | CHECKED | DJW |
| DESIGNED | CW | CHECKED | DJW |
| APPROVED | | | |
| DATE: | | RPEQ: | |

| | |
|---|----------------------|
| CHESTER / DOUGLAS STREET DEVELOPMENT | |
| ENGINEERING REPORT | |
| SUPPORTING DRAWING - MISCELLANEOUS DETAILS | |
| DRAWING NO. 144-038-SK05 | REVISION 2 |

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: | IDAS23/25 |
| Applicant: | The Uniting Church in Australia c/ Urban Sync Pty Ltd |
| Proposal: | Development Permit for Material Change of Use and Reconfiguring a Lot |
| Description of the Development: | Multiple Dwelling and Reconfiguring a Lot (rearranging the boundary) |
| Street Address: | 6 Chester Street and 142 Douglas Street, Thursday Island |
| Real Property Description: | Lot 1 RP700579 and Lot 2 RP744714 |
| Planning Scheme: | Torres Shire Council Planning Scheme 2022 |
| 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) and Reconfiguring a Lot (rearranging the boundary) |
| 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

- Low-Medium Density Residential
- Accommodation Activities
- Landscaping
- Parking, Access and Transport
- Reconfiguring a Lot
- Works, Services and Infrastructure
- Airport Environs Overlay
- Heritage Overlay
- Potential and Actual Acid Sulfate Soils Overlay

Merit Outcomes

- General
- Built Form and Development Design
- Amenity and Privacy
- Reconfiguring a Lot
- 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:

- (a) The proposal achieves compliance with the relevant assessment benchmarks in the Torres Shire Council Planning Scheme 2022.
- (b) The proposed lots are adequate size and dimension to accommodate the proposed Multiple Dwelling development and future dwelling house.
- (c) The proposed Multiple Dwelling units are appropriately designed and responsive to the character of Thursday Island.
- (d) The proposed Multiple Dwelling development is consistent with the purpose of the Low-Medium Density Residential zone.
- (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) |
| <p>1 The applicant</p> <p>2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application</p> | <p>The assessment manager</p> | <p>If a concurrence agency starts the appeal—the applicant</p> | <p>If a chosen assessment manager is the respondent—the prescribed assessment manager</p> |
| <p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p> | | | |

| Table 1 | | | |
|--|---|---------------------------------------|---|
| Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the infrastructure charges notice | The local government that gave the infrastructure charges notice | — | — |
| <p>5. Conversion applications</p> <p>An appeal may be made against—</p> <p>(a) the refusal of a conversion application; or</p> <p>(b) a deemed refusal of a conversion application.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The applicant | The local government to which the conversion application was made | — | — |
| <p>6. Enforcement notices</p> <p>An appeal may be made against the decision to give an enforcement notice.</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the enforcement notice | The enforcement authority | — | If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government |

| Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal | | | |
|---|---|---------------------------------------|--|
| 7. Enforcement notices under the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against the decision to give an enforcement notice. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| The person given the enforcement notice | The local government that gave the enforcement notice | — | — |

| Table 2 Appeals to the P&E Court only | | | |
|---|---|---------------------------------------|--|
| 1. Appeals from tribunal An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of— (a) an error or mistake in law on the part of the tribunal; or (b) jurisdictional error. | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| A party to the proceedings for the decision | The other party to the proceedings for the decision | — | — |
| 2. Eligible submitter appeals For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to— (a) any part of the development application or change application that required impact assessment; or (b) a variation request. | | | |

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

| Table 2 Appeals to the P&E Court only | | | |
|---|--|--|---|
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p> | <p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p> | <p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency’s referral response—the concurrence agency</p> | <p>Another eligible submitter for the application</p> |
| <p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p> | | | |
| Column 1 Appellant | Column 2 Respondent | Column 3 Co-respondent (if any) | Column 4 Co-respondent by election (if any) |
| <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: | The Uniting Church in Australia c/ Urban Sync Pty Ltd | | | | | | | | | | |
|---|---|-------------|--------------|------------------|-------------------------------|---------|--------------|-------------|--------------|-------------|--------------|
| APPLICATION: | Development Permit for Material Change of Use (Multiple Dwelling) and Reconfiguring Lot (rearranging the boundary) | | | | | | | | | | |
| FILE REFERENCE: | IDAS23/25 | | | | | | | | | | |
| DATE OF APPROVAL: | 23 April 2024 | | | | | | | | | | |
| AMOUNT OF THE LEVIED CHARGE: <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>\$175,300.80</td> <td>\$30,677.65</td> <td>\$144,623.15</td> </tr> </tbody> </table> | | | Development Type | Adopted Infrastructure Charge | Credits | Total Charge | Residential | \$175,300.80 | \$30,677.65 | \$144,623.15 |
| Development Type | Adopted Infrastructure Charge | Credits | Total Charge | | | | | | | | |
| Residential | \$175,300.80 | \$30,677.65 | \$144,623.15 | | | | | | | | |
| 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 1 RP700579 and Lot 2 RP744714 | | | | | | | | | | |
| SITE ADDRESS | 6 Chester Street and 142 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

ADOPTED CHARGES – MATERIAL CHANGE OF USE

Water Supply

| Adopted Charges Development Description | Units of Measure | Charge Rate | Reference | Amount |
|---|------------------|-------------|--------------|-------------|
| Residential (for dwelling with 2 or less bedrooms) | Eight (8) | \$6,573.78 | CR Table 2.1 | \$52,590.24 |

Sewerage

| Adopted Charges Development Description | Units of Measure | Charge Rate | Reference | Amount |
|---|------------------|-------------|--------------|-------------|
| Residential (for dwelling with 2 or less bedrooms) | Eight (8) | \$5,478.15 | CR Table 2.1 | \$43,825.20 |

Transport

| Adopted Charges Development Description | Units of Measure | Charge Rate | Reference | Amount |
|---|------------------|-------------|--------------|-------------|
| Residential (for dwelling with 2 or less bedrooms) | Eight (8) | \$3,286.89 | CR Table 2.1 | \$26,295.12 |

Community Facilities and Parks

| Adopted Charges Development Description | Units of Measure | Charge Rate | Reference | Amount |
|---|------------------|-------------|--------------|-------------|
| Residential (for dwelling with 2 or less bedrooms) | Eight (8) | \$2,191.26 | CR Table 2.1 | \$17,530.08 |

Stormwater

| Adopted Charges Development Description | Units of Measure | Charge Rate | Reference | Amount |
|---|------------------|-------------|--------------|-------------|
| Residential (for dwelling with 2 or less bedrooms) | Eight (8) | \$4,382.52 | CR Table 2.1 | \$35,060.16 |

| | |
|-----------------------------|---------------------|
| TOTAL ADOPTED CHARGE | \$175,300.80 |
|-----------------------------|---------------------|

CREDIT

| Adopted Charges Development Description | Water Supply | Sewerage | Transport | Community Facilities & Parks | Stormwater | Total |
|---|--------------|------------|------------|------------------------------|------------|--------------------|
| Residential (for dwelling with 3 or more bedrooms) | \$9,203.30 | \$7,669.41 | \$4,601.65 | \$3,067.77 | \$6,135.52 | \$30,677.65 |
| CREDIT | | | | | | \$30,677.65 |

NET ADOPTED INFRASTRUCTURE CHARGES SUMMARY:

| Total Adopted Charge | Total Credit | Total Infrastructure Charge |
|-----------------------------|---------------------|------------------------------------|
| \$175,300.80 | \$30,677.65 | \$144,623.15 |

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

Note: no Infrastructure Charges applicable to Reconfiguring a Lot component as no new additional lots created

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.

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- (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.