



TORRES SHIRE COUNCIL

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

P O Box 171
THURSDAY ISLAND 4875

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

Our Reference: IDAS 21/07

21 July 2021

Viva Energy Australia Ltd
c/- RPS Australia East Pty Ltd
PO Box 1948
CAIRNS QLD 4870

Delivered via email: ian.doust@rpsgroup.com.au

Dear Sir

Decision Notice

Given under section 63 of the Planning Act 2016

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined by Torres Shire Council at the Council Meeting dated 20 July 2021.

Details of the decision are as follows:

APPLICATION DETAILS

Application No:	IDAS 21/07
Street Address:	Airport Road, Horn Island (Horn Island Airport)
Real Property Description:	Proposed Lease AC on SP321498 within Lot 1 on SP142709
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>

DECISION DETAILS

Council on 20 July 2021, decided to issue the following type of approval:

Development Permit for Material Change of Use – General Industry (Fuel Storage).

CURRENCY PERIOD OF APPROVAL

The currency period for this development approval is six (6) years starting the day that this development approval takes effect. (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*.)

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

REFERRAL AGENCIES

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

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

1. Development Permit for Building Works
2. Development Permit for Plumbing and Drainage Works (if required)

PROPERLY MADE SUBMISSIONS

A review of Council's records indicates that one submission was received in support of the development application.

REASONS FOR THE DECISION

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007;
- The development will facilitate ongoing aviation activities associated with the Horn Island Airport;
- The subject site is not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions;
- The lease area ensures the safe operation of the airport and its activities.

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

Not applicable

APPROVED PLANS AND SPECIFICATIONS

The approved plans are attached to this Decision Notice.

RIGHTS OF APPEAL

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

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

Yours faithfully



Dalassa Yorkston
Chief Executive Officer

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

ATTACHMENT 1 – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

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 An Engineer’s Certificate of Construction must be signed and submitted to TSC by a suitably qualified Registered Professional Engineer of Queensland (RPEQ) verifying that all works have been carried out in accordance with the relevant standards and drawings, conditions and specifications contained herein.

Timing: At all times.

2.0 APPROVED PLANS AND DOCUMENTS

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

Plan/Document Name	Drawing Number	Revision	Date
General Civil Site Layout	510299-0000-DWG-CC-0003	A	01/04/21
Site Clearance Layout	510299-0000-DWG-CC-0004	A	01/04/21
Vehicle Movements Layout	510299-0000-DWG-CC-0005	A	01/04/21

Site Services Layout	510299-0000-DWG-CC-0009	A	01/04/21
General Site Layout	510299-0000-DWG-LAY-0004	D	01/04/21
General Site Elevation	510299-0000-DWG-LAY-0010	A	18/03/21

Timing: *At all times.*

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

Timing: *At all times.*

3.0 ACCESS AND PARKING WORKS

- 3.1 Design and construct the vehicle crossovers for the entry/exit points to the internal gravel road in accordance with the approved plans and the relevant *FNQROC Development Manual* standard.

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

- 3.2 Provide a minimum of two (2) staff/visitor car parking spaces.

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

- 3.3 Design and construct all car parking and vehicle manoeuvring areas in accordance with the approved plans, *FNQROC Development Manual*, *Australian Standard AS2890 "Off Street Car Parking"*, *Manual of Uniform Traffic Control Devices (Queensland)*.

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

- 3.4 All car parking and vehicle manoeuvring areas must be constructed and maintained to ensure no dust nuisance occurs within the site and to adjoining properties.

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

- 3.5 Vehicle access to the site is only permitted at the approved vehicle crossover entry points as shown on the approved plans.

Timing: *At all times.*

4.0 STORMWATER AND ROOF AND ALLOTMENT DRAINAGE

- 4.1 All roof and allotment runoff from the development site must be directed to a lawful point of discharge and must not restrict, impair, or change the natural flow of runoff water or cause nuisance to surrounding land or infrastructure.

Timing: *At all times.*

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

Timing: *At all times.*

5.0 WATER SUPPLY

- 5.1 Connect the development to Council's reticulated water network.

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

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

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

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

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

6.0 SERVICES

- 6.1 Electricity services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Timing: *Prior to commencement of the use.*

7.0 AMENITY AND ENVIRONMENTAL HEALTH

- 7.1 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.*

- 7.2 Install and operate all outdoor lighting to comply with *AS4282 – 1997 "Control of the Obtrusive Effects of Outdoor Lighting"*.

Timing: *At all times.*

8.0 SITE WORKS AND 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 commencement of the use.

- 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 be available for inspection by TSC officers during the construction phase.

Timing: Prior to commencement of the use.

- 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 commencement of the use.

9.0 ASSET MANAGEMENT

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

Timing: At all times.

10.0 BUSHFIRE MANAGEMENT

- 10.1 Prepare and submit to the satisfaction of TSC a Bushfire Management Plan which addresses the risk and ongoing management of the threat of bushfire.

Timing: Prior to commencement of the use.

ADVISORY NOTES

1. This approval, granted under the provisions of the Planning Act 2016, shall lapse six (6) years from the day the approval takes effect in accordance with the relevant provisions of s85 of the Planning Act 2016.
2. Prior to commencing any construction activities, the applicant/developer will be required to obtain further development permits for building work, and plumbing and drainage work, as required under relevant legislation for this work.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.

4. 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.

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.

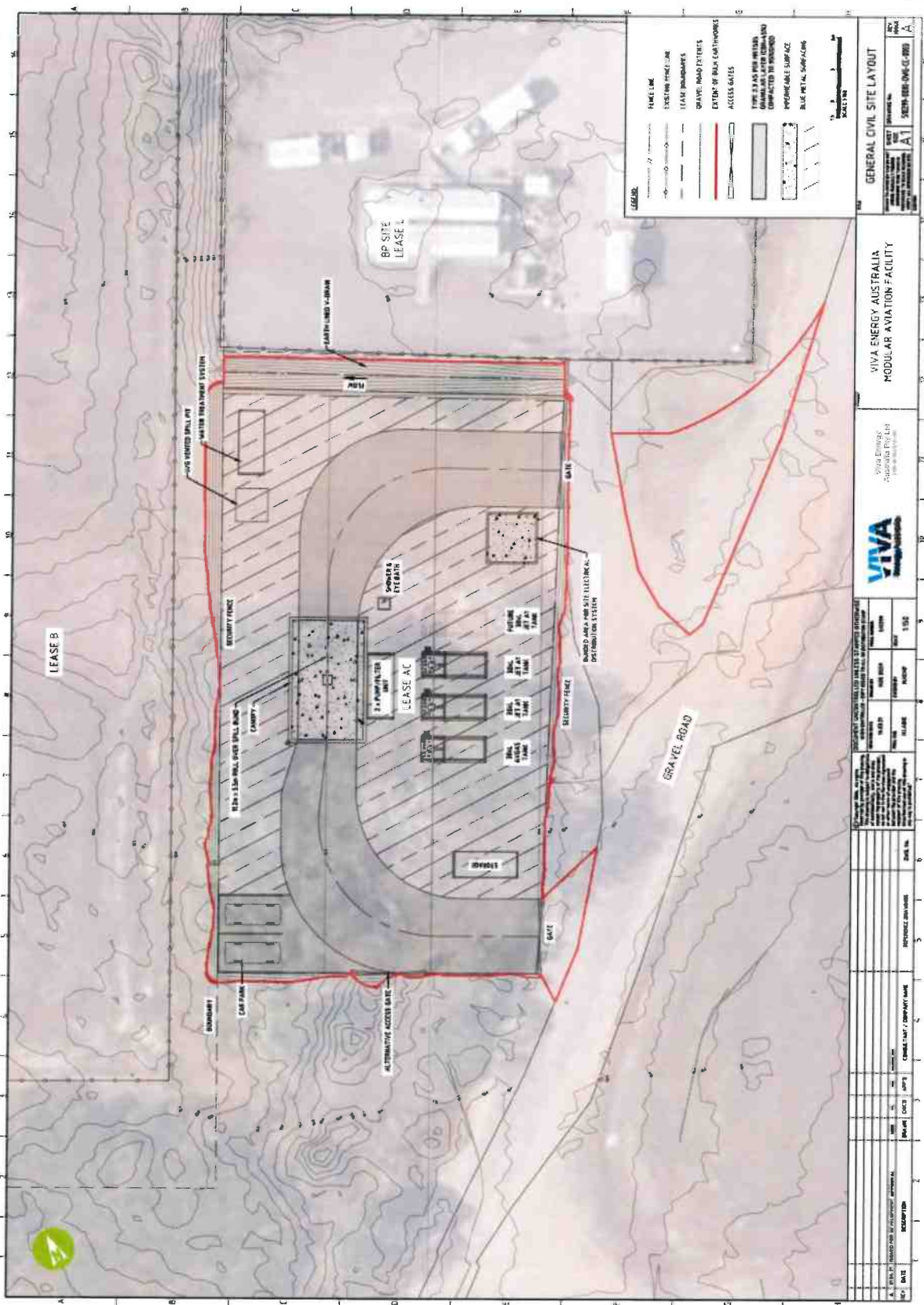
5. In accordance with the Environmental Protection (Water & Wetland Biodiversity) Policy 2019, all sand, silt, mud, paint, cement, concrete, builders waste or rubbish shall not be permitted to enter or be placed where it could reasonably be expected to more into a roadside gutter, stormwater drain or watercourse. On the spot fines apply for such offences.
 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. 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*.
 8. An application to TSC is required for water to be connected to a property. The developer should contact TSC for further information on the necessary forms and application process.
 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>
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Torres Shire Council
 PO Box 171
 THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: DAS 21/107
 Date: 21/07/2021
 Signed: [Signature]
 Position: [Signature]

ATTACHMENT 2 – APPROVED PLANS



GENERAL CIVIL SITE LAYOUT	
DATE	21/07/2021
SCALE	AS SHOWN
<p>VIVA ENERGY AUSTRALIA MODULAR AVIATION FACILITY</p> <p>Viva Energy Australia Pty Ltd 100% owned by Viva Energy</p> <p>VIVA</p>	
PROJECT NO.	21/107
CLIENT	VIVA ENERGY AUSTRALIA
DESIGNER	DAVID BRIDGES ARCHITECTURE
DATE OF ISSUE	21/07/2021
DATE OF PREVIOUS EDITION	
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
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3	ISSUED FOR PERMIT
4	ISSUED FOR PERMIT
5	ISSUED FOR PERMIT
6	ISSUED FOR PERMIT
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Torres Shire Council
 PO Box 171
 THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: 1025 21/07
 Date: 21/07/2021
 Signed: [Signature]
 Position: DCPS

LEGEND

- PUBLICITY PLATE
- ELECTRICAL CEMENT
- LIVE DRIVE DRAINAGE PIPE
- FENCE LINE
- EXISTING FENCE LINE
- LEASE BOUNDARIES
- GRAVEL ROAD EXISTING
- PIPE PIT PLANT
- EXISTING ELECTRICAL BOY
- ELECTRICAL PANEL PT

0 5 10 15 METRES

[DRAWING TO BE PRINTED IN COLOUR]

SITE SERVICES LAYOUT

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR APPROVAL	21/07/2021	DCPS

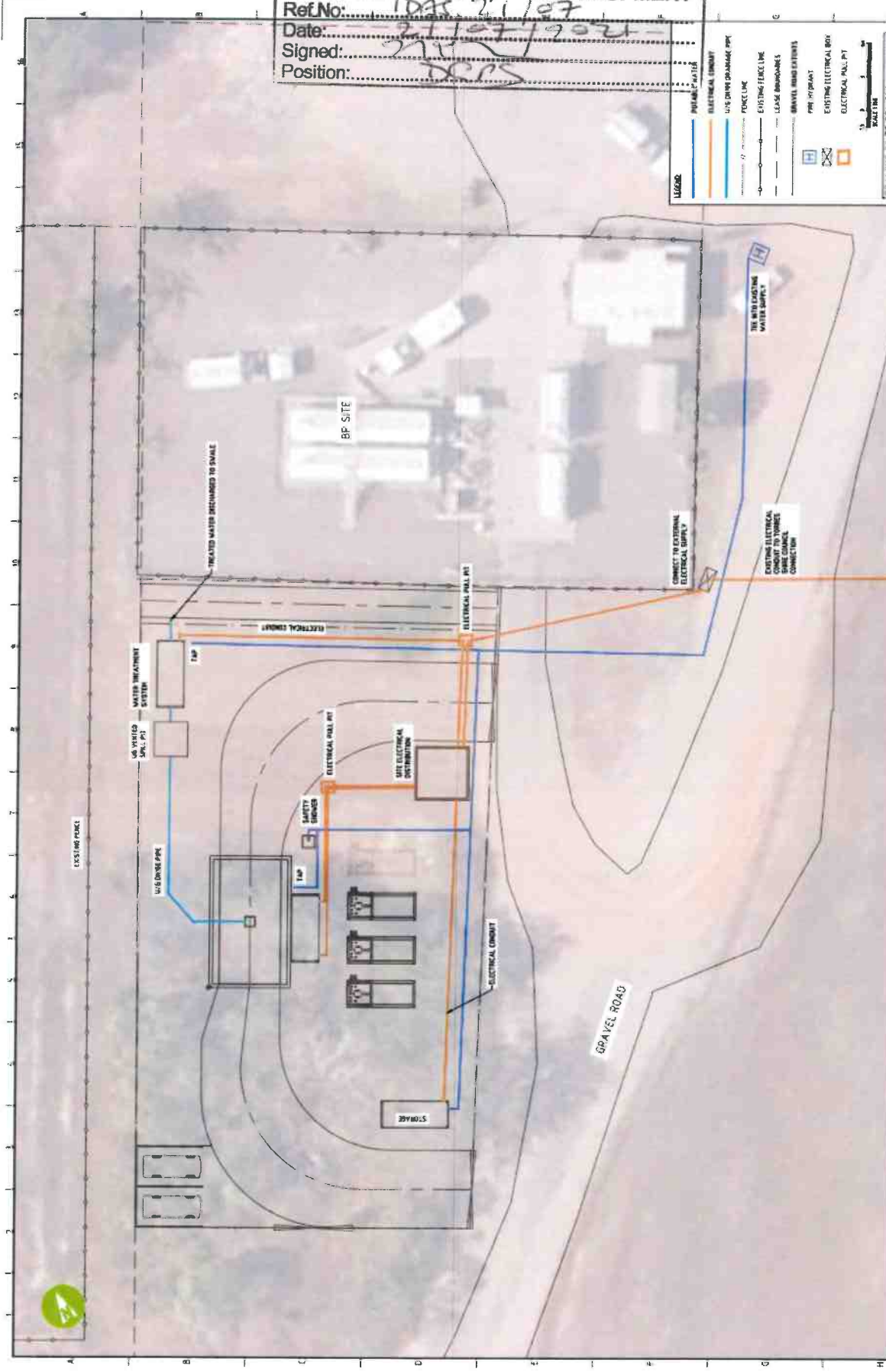
VIVA ENERGY AUSTRALIA
 MODULAR AIR AVIATION FACILITY



PROPOSED DEVELOPMENT DETAILS

PROJECT NO.	1025
DATE	21/07/2021
PROJECT NAME	MODULAR AIR AVIATION FACILITY
CLIENT	VIVA ENERGY AUSTRALIA
DESIGNER	DCPS

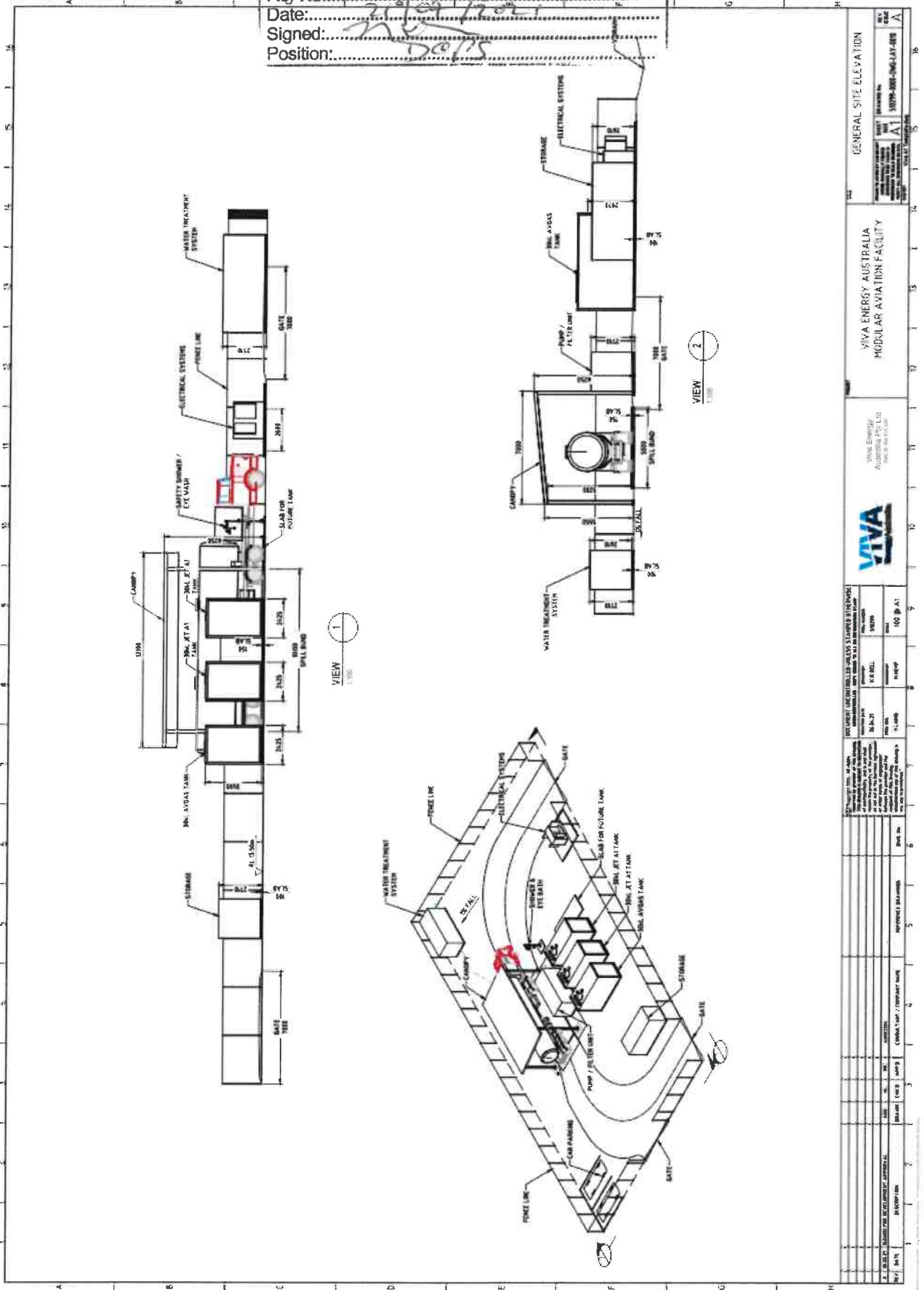
NO.	DATE	DESCRIPTION	BY
1	21/07/2021	ISSUED FOR APPROVAL	DCPS



Torres Shire Council
 PO Box 171
 THURSDAY ISLAND QLD 4875

APPROVED PLAN (S) OF DEVELOPMENT

Ref No: LDK 21107
 Date: 21/09/2021
 Signed: [Signature]
 Position: DCP



GENERAL SITE ELEVATION	
Project No:	LDK 21107
Client:	VIVA ENERGY AUSTRALIA
Scale:	1:100 (P.A.)
Author:	[Name]
Checker:	[Name]
Approved:	[Signature]
Date:	21/09/2021
Sheet No:	1 of 1

ATTACHMENT 3 – NOTICE ABOUT A DECISION NOTICE

NOTICE ABOUT A DECISION NOTICE

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

DESCRIPTION OF THE DEVELOPMENT

Application number:	IDAS 21/07
Property description:	Proposed Lease AC on SP321498 within Lot 1 on SP142709
Approval sought:	Development Permit for Material Change of Use
Description of the development:	General Industry (Fuel Storage)
Decision:	Approved with Conditions
Decision date:	20 July 2021

APPLICABLE ASSESSMENT BENCHMARKS

Planning Scheme:	Torres Shire IPA Planning Scheme 2007 (Version Amendment 1 – 19 January 2016) <ul style="list-style-type: none">• Desired Environmental Outcomes• Special Purpose Zone Code• Cultural Heritage Overlay Code• Natural Features Overlay Code
State Planning Policy (SPP):	State Planning Policy (July 2017)
Planning Regulation 2017:	The application did not trigger any matters prescribed by the regulation.

PUBLIC NOTIFICATION

The application is Impact Assessable. One submission was received in support of the development application.

REASONS FOR THE DECISION

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

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007;
- The development will facilitate ongoing aviation activities associated with the Horn Island Airport;
- The subject site is not subject to defined natural risks or hazards or environmental values that cannot be resolved under exemptions;
- The lease area ensures the safe operation of the airport and its activities.

ATTACHMENT 4 – EXTRACT OF APPEAL PROVISIONS

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