



# TORRES SHIRE COUNCIL

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

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ABN 34 108 162 398

12 May 2020

Our Ref: IDAS 2019\_08 Waiben Esplanade, Thursday Island  
Enquire to Torres Shire Council  
Telephone: (07) 4083 1240

Kenneth Mckenzie  
c/o Property & Resource Planning Pty Ltd  
PO Box 597  
Bungalow, Qld

Via email: [peter@prplanning.com.au](mailto:peter@prplanning.com.au)

**Attention:** Kenneth Mckenzie

## Decision Notice - approval (with conditions)

Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Torres Shire Council on 30 April 2020.

### Applicant details

Applicant name: Kenneth Mckenzie  
C/o Property & Resource Planning Pty Ltd

contact details: PO Box 597  
Bungalow, Qld  
[peter@prplanning.com.au](mailto:peter@prplanning.com.au)

### Application details

**Applicant Number:** IDAS 2019\_08 Waiben Esplanade, Thursday Island  
**Approvals sought:** Development Permit for a Material Change of Use  
**Description of the development:** Dwelling House

### Location details

Street address: 20 Waiben Esplanade, Thursday Island  
Real property description: Lot 20 T20737  
Local Government Area: Torres Shire Council

### Decision

Date of decision: 30 April 2020  
Decision Details: Approved subject to conditions. These conditions are set out in Attachment 1.

**Infrastructure charges are not applicable** to the development.

### Details of the approval

Development assessable under the planning scheme:  
Code Assessment – Dwelling house

### Conditions

This approval is subject to the conditions in Attachment 1.

### Further development permits

Please be advised that the following development permits are to be obtained before the development can be carried out where necessary under current laws and policies:

1. Development Permit for Building Works;

### **Properly made submissions**

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There were no properly made submissions for this **Code** application.

### **Reasons for the decision**

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- a. The dwelling will be located in an area zoned for residential development;
- b. The scale of the two storey dwelling is consistent with the locality;
- c. No significant environmental residual impact is resultant from the proposal;
- d. The development is serviceable by urban infrastructure;
- e. The proposal achieves the desired environmental outcomes of the Torres Shire planning Scheme and does not present any non-compliance that cannot be overcome by condition of approval;
- f. The proposal will cater for the demand for residential need in the region;
- g. Flood hazard from storm tide inundation is appropriately addressed through the built form of the proposal.

### **Referral Agencies**

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The development application did not require referral to any State agency as part of the assessment.

### **Other requirements under section 43 of the Planning Regulation**

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Not Applicable

### **Approved plans and specifications**

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The approved plans are attached to this decision notice.

### **Currency period for the approval**

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This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*:

- 6 years from the date the approval takes effect.

### **Rights of appeal**

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The rights of applicants to appeal to the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the *Planning Act 2016* are attached.

For further information please contact Torres Shire Council on (07) 4083 1240.

Yours sincerely,



Dalassa Yorkston  
Chief Executive Officer

- Enc. **Attachment 1** – Conditions imposed by the assessment manager  
**Attachment 2** – Approved Plans  
**Attachment 3** – Extract of Appeal Provisions (Chapter 6, Part 1 and Schedule 1 of the *Planning Act 2016*).

## RECOMMENDATION CONDITIONS

It is recommended that the Council approve the development, as per the plans referenced and subject to the following conditions:

### ATTACHMENT 1 – CONDITIONS OF APPROVAL

#### 20 Waiben Crescent Thursday Island

<u>DEVELOPMENT CONDITION</u>	<u>TIMING FOR COMPLIANCE</u>												
<p>1. The Plans of Development, as noted below are approved subject to any alterations. The applicant/owner must at all times during development of the land carry out the development and construction of any building thereon and conduct the approved use generally in accordance with:</p> <ol style="list-style-type: none"> <li>The plans, specifications, facts and circumstances as set out in the application submitted to Council;</li> <li>To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and</li> <li>Any alterations found necessary by Council at the time of examination of Engineering Plans or during construction of the development because of particular engineering requirements.</li> </ol> <p>Except for any variation required to comply with these conditions of approval.</p>	<p>Prior to commencement of the use and to be maintained at all times.</p>												
<b>Approved Plans</b>													
<p>2. The approved Plans of Development are as follows dated 2<sup>nd</sup> September 2019:</p> <table border="1" data-bbox="277 1323 799 1480"> <tbody> <tr> <td>1433 - SD.00</td> <td>COVER SHEET</td> </tr> <tr> <td>1433 - SD.01</td> <td>SITE PLAN &amp; LOCALITY PLAN</td> </tr> <tr> <td>1433 - SD.02</td> <td>FLOOR PLAN</td> </tr> <tr> <td>1433 - SD.03</td> <td>ELEVATIONS</td> </tr> <tr> <td>1433 - SD.04</td> <td>TYPICAL SECTIONS</td> </tr> <tr> <td>1433 - SD.05</td> <td>INDICATIVE PERSPECTIVES</td> </tr> </tbody> </table>	1433 - SD.00	COVER SHEET	1433 - SD.01	SITE PLAN & LOCALITY PLAN	1433 - SD.02	FLOOR PLAN	1433 - SD.03	ELEVATIONS	1433 - SD.04	TYPICAL SECTIONS	1433 - SD.05	INDICATIVE PERSPECTIVES	<p>As indicated.</p>
1433 - SD.00	COVER SHEET												
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1433 - SD.02	FLOOR PLAN												
1433 - SD.03	ELEVATIONS												
1433 - SD.04	TYPICAL SECTIONS												
1433 - SD.05	INDICATIVE PERSPECTIVES												
<p>3. Install and maintain suitable screening to all air conditioning, plant and service facilities located at the rear of the building. The screening structures must be constructed from materials that are consistent with materials used elsewhere on the facade of the building.</p>	<p>Prior to commencement of the use and to be maintained</p>												
<p>4. The development is to be constructed in accordance with the finished floor levels indicated on the approved plans and as follows:</p> <ul style="list-style-type: none"> <li>the minimum habitable floor level required is 4.391m AHD to be immune from storm tide inundation.</li> </ul> <p><i>Note:</i> construction to a higher flood immunity level is compliant with this condition.</p>	<p>Prior to commencement of the use and to be maintained</p>												

<b>DEVELOPMENT CONDITION</b>	<b>TIMING FOR COMPLIANCE</b>
<b>Construction Waste</b>	
5. All construction waste and demolished materials are to be removed from the site while site works occur.	As indicated
<b>Biosecurity</b>	
6. Machinery and construction and landscape materials brought from the mainland or from the Torres Strait Protected Zone must comply with the General Biosecurity Obligation (GBO) which requires that all persons who deal with biosecurity matter or a carrier, if they know or ought reasonably to know that it poses a biosecurity risk, to take all reasonable and practical measures to prevent or minimise the risk.	Prior to the commencement of site works and to be maintained at all times during construction phase of the development.
<b>ENGINEERING</b>	
<b>Engineering Certification</b>	
7. A Registered Professional Engineer of Queensland shall certify engineering drawings and specifications for all engineering works, which shall be submitted in conjunction with an application for a Development Permit for Building Works and/or Operational Works.	Prior to commencing building works
<b>Water Supply and Sewerage Works</b>	
8. The applicant/owner must carry out water supply and sewerage works to connect the proposed development to Council's existing water supply and sewerage network to the satisfaction of Council's Delegated Officer, where necessary.	Prior to survey plan endorsement
<b>Public Utilities</b>	
9. The applicant is responsible for the cost of any alteration to public utilities as a result of complying with conditions of this Development Permit.	Prior to survey plan endorsement
10. Any damage caused to any public utility during the course of construction shall be repaired to ensure it conforms to the Councils Policies and Guidelines relevant to the infrastructure subject to damage.	Prior to survey plan endorsement
<b>Stormwater</b>	
11. All stormwater within or entering the site shall be controlled in such a manner so that it does not cause any public health or safety concerns and/or damage or loss to property and building for subject site or downstream of the subject site.	Prior to survey plan endorsement
12. Stormwater design shall accord to the design and construction standards set down in FNQROC Manual and those of QUDM	Prior to survey plan endorsement
<b>Services</b>	
13. The development must ensure that the flow of all external stormwater from the property is directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the	Prior to commencement of the use and to be maintained



<u>DEVELOPMENT CONDITION</u>	<u>TIMING FOR COMPLIANCE</u>
<p>if the cost of Operational Works exceeds \$80,000, then a portable long service levy is required to be paid. In accordance with Section 77 (1) of the Act, Council is required to sight the approved form issued by the Building and Construction Industry (Portable Long Service Leave) Authority that confirms that the requirements of the Act have been satisfied.</p>	
<p>In accordance with the <i>Environmental Protection Regulation 2008</i>, work involving machinery of any description shall only be carried out on site from:</p> <ul style="list-style-type: none"> <li>• 6.30am to 6.30pm, Monday to Saturday;</li> <li>• With no work on Sundays, Public Holidays and whilst a funeral or tombstone opening is being held in the vicinity of the activity.</li> </ul> <p>A maximum penalty of \$1,500.00 applies to an offence under these provisions.</p>	
<p>In accordance with the Environmental Protection (Water) Policy 2009, 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.</p>	
<p>This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements. Any provisions contained in this approval relating to the enforcement of any of the conditions shall be in addition to all other rights, powers and privileges that the Council may possess or obtain, and nothing contained in these conditions shall be construed so as to prejudice, affect or otherwise derogate or limit these rights, powers and privileges of the Council.</p>	
<p>In accordance with s.86 of the Building Act 1975, the applicant's building certifier must give the approved building documents to Torres Shire Council within 5 days of approving the application and pay the relevant fee.</p>	
<p>Infrastructure Charges Notice: Pursuant to the Planning Act 2016 and the State Planning Regulatory Provision (adopted charges) an Infrastructure Charges Notice is issued for this development permit.</p>	
<p>This development approval does not authorise any activity that may harm Aboriginal cultural heritage. It is advised that under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care").</p>	





**SITE LEGEND & NOTES:**

**NOTE: REFER TO CURRENT 'QDC' DOCUMENT FOR ALL TERMINOLOGY, DEFINITIONS, PERFORMANCE CRITERIA & ACCEPTABLE SOLUTIONS**

**LEGEND:**

- 9m x 9m TRUNCATION AT THE CORNER OF THE 2 ROAD FRONTAGES
- COUNCIL SERVICES (U/G SEWER LINE) + 1.5m SETBACK UNUSABLE AREA
- PROPOSED SETBACKS AS INTERPRETED BY THE CURRENT 'QDC' DOCUMENT

**NOTES:**

- DUE TO THE UNUSABLE AREA ON THE SITE FROM EXIST. COUNCIL SERVICES, IT HAS BEEN ASSUMED THAT THE REMAINING AREA AVAILABLE ON SITE CAN BE ASSESSED AGAINST THE "DESIGN AND SITING STANDARD FOR SINGLE DETACHED HOUSING - ON LOTS 450m<sup>2</sup> AND UNDER"

MP 1.1 - DESIGN AND SITING STANDARD FOR SINGLE DETACHED HOUSING - ON LOTS UNDER 450M<sup>2</sup>

- FOR A DETACHED DWELLING THE MINIMUM ROAD SETBACK IS (ACCESS PLACE AND ACCESS STREET) = **3.0m**

(a) For a detached dwelling the minimum road setback is:  
(i) as in Table A1; or

Street Type	Minimum Frontage setback (m)	Minimum side to corner street (m)
Access place and Access street	3.0	1.0
Collector street	4.0	2.0

- FOR A CORNER LOT THE MINIMUM ROAD SETBACK IS: 3.3m

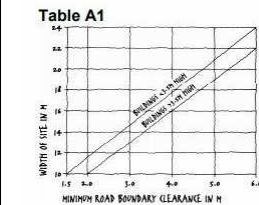
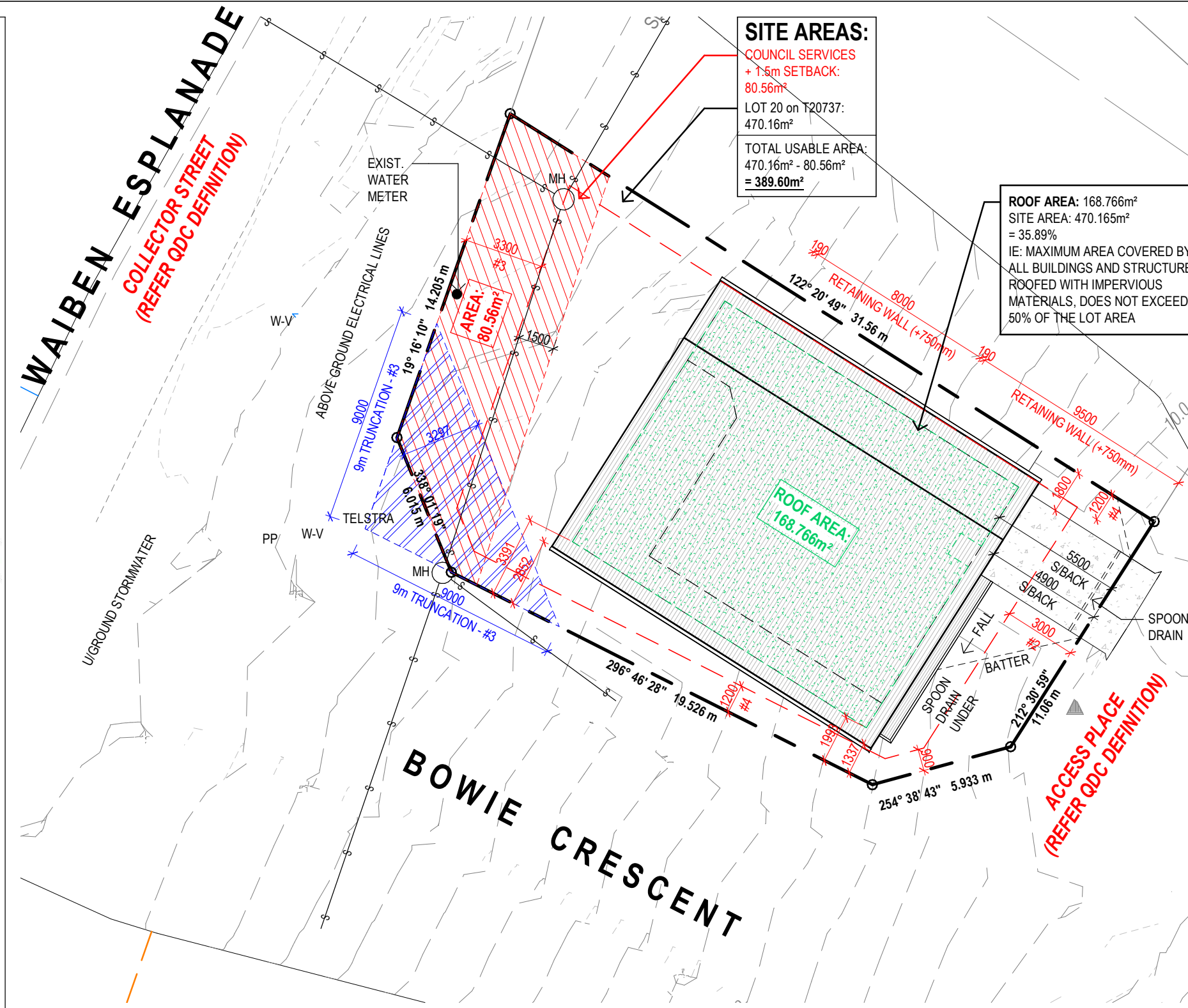
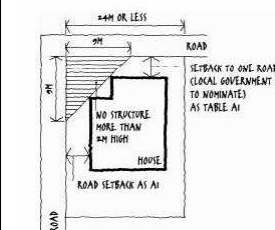


Figure 5

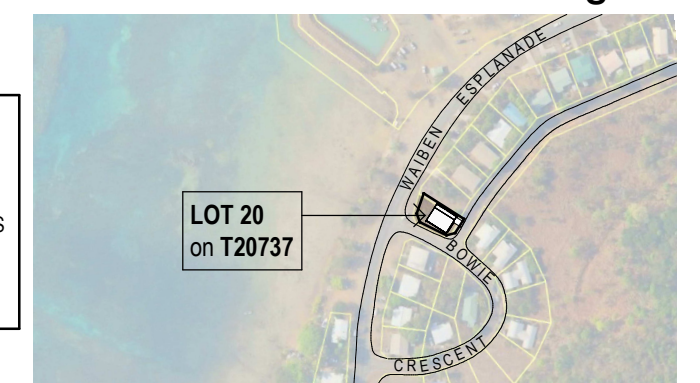
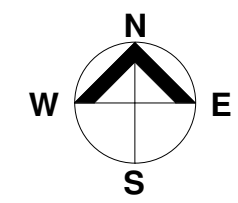


**SITE AREAS:**  
COUNCIL SERVICES + 1.5m SETBACK: 80.56m<sup>2</sup>  
LOT 20 on T20737: 470.16m<sup>2</sup>  
TOTAL USABLE AREA: 470.16m<sup>2</sup> - 80.56m<sup>2</sup> = 389.60m<sup>2</sup>

ROOF AREA: 168.766m<sup>2</sup>  
SITE AREA: 470.165m<sup>2</sup>  
= 35.89%  
IE: MAXIMUM AREA COVERED BY ALL BUILDINGS AND STRUCTURES ROOFED WITH IMPERVIOUS MATERIALS, DOES NOT EXCEED 50% OF THE LOT AREA

**PROPERTY INFORMATION:**

LOT NUMBER 20  
PLAN NUMBER T20737  
SITE AREA 470.165 m<sup>2</sup>



**1 LOCALITY PLAN**  
SCALE - 1 : 5000

**SITE NOTES:**

- BOUNDARY DIMENSIONS IN METRES
- EXISTING SERVICES LOCATIONS ARE INDICATIVE ONLY. CONTRACTOR TO VERIFY ON SITE
- REFER TO SLAB PLAN FOR SETOUT
- REFER TO SERVICES CONSULTANT DRAWINGS FOR WORKS TO NEW & EXISTING SERVICES
- VERIFY ALL BEARING AND DIMENSIONS ON SITE PRIOR TO ANY CONSTRUCTION. ALL MISSING PEGS TO BE REINSTATED PRIOR TO ANY CONSTRUCTION. NOTIFY THIS OFFICE IMMEDIATELY OF ANY DISCREPANCIES IN SETOUT DIMENSIONS.
- DISCLOSURE PLAN ONLY. DO NOT START CONSTRUCTION UNTIL BOUNDARIES ARE CONFIRMED.
- APPROXIMATE POSITION OF SEWER JUMP UP. VERIFY POSITION ON SITE PRIOR TO CONSTRUCTION. CONNECT 100Dia LINE TO COUNCIL REQUIREMENTS.
- THE FILL USED ON THIS SITE WILL HAVE CONTROLLED PLACEMENT.
- ALL WATER TAP AND METER BOX LOCATIONS AS SHOWN TO BE VERIFIED ON-SITE BY BUILDER.
- POSITIONS OF EXISTING SERVICES ARE TAKEN FROM 'AS CONSTRUCTED' DRAWINGS. CONTRACTOR TO ALLOW FOR ANY DISCREPANCIES.

**ABBREVIATIONS:**

A.F.L.	ABOVE FLOOR LEVEL	G1	GATE (900 WIDE)
A.F.F.L.	ABOVE FINISHED FLOOR LEVEL	G2	GATE (3000 WIDE)
APPROX.	APPROXIMATE		
B/H	BULKHEAD	#-#	1200H CHAINMESH FENCE
C.O.S.	CONFIRM ON SITE		
CP	CHROME PLATED		
DIA.	DIAMETER	-E-E	EXISTING ELECTRICITY LINE
EQ	EQUAL		
EXIST.	EXISTING		
MAX.	MAXIMUM		
MIN.	MINIMUM		
NOM.	NOMINATED	-W-W	EXISTING WATER MAIN - EXACT LOCATION TBC ON SITE
O/ALL	OVERALL		
OH	OVERHANG		
OMP	OUTER MOST PROJECTION		
S/BACK	SETBACK		EXISTING SEWER MAIN - EXACT LOCATION TBC ON SITE
TBA	TO BE ADVISED	-S-S	EXISTING SEWER MAIN - EXACT LOCATION TBC ON SITE
TBC	TO BE CONFIRMED		
TYP	TYPICAL		
U.N.O.	UNLESS NOTED OTHERWISE		

**2 SITE PLAN**  
SCALE - 1 : 200

**4. SIDE AND REAR BOUNDARIES:**

Road Frontage in metres	Side and Rear boundary clearances in metres	
	4.5 or less	4.5 to 7.5
14.501 - 15.000	1.425	1.900
14.001 - 14.500	1.350	1.800
13.501 - 14.000	1.275	1.700
13.001 - 13.500	1.200	1.600
12.501 - 13.000	1.125	1.500
12.001 - 12.500	1.050	1.400
11.501 - 12.000	0.975	1.300
11.001 - 11.500	0.900	1.200
10.501 - 11.000	0.825	1.100
10.500 or less	0.750	1.000

AMENDMENTS	DATE	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. DIMENSIONS SHOWN ARE NOMINAL. ALLOWANCE TO BE MADE FOR FINISHED SIZES. VERIFY ALL DIMENSIONS AND SITE CONDITIONS PRIOR TO COMMENCING WORK. THIS DOCUMENT IS AND SHALL REMAIN THE PROPERTY OF CLARKE AND PRINCE PTY LTD. UNAUTHORISED USE OF THIS DOCUMENT IN ANY WAY IS PROHIBITED.
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P2 UPDATED FROM MEETING	23/08/19	
P3 FOR TOWN PLANNING REVIEW	02/09/19	

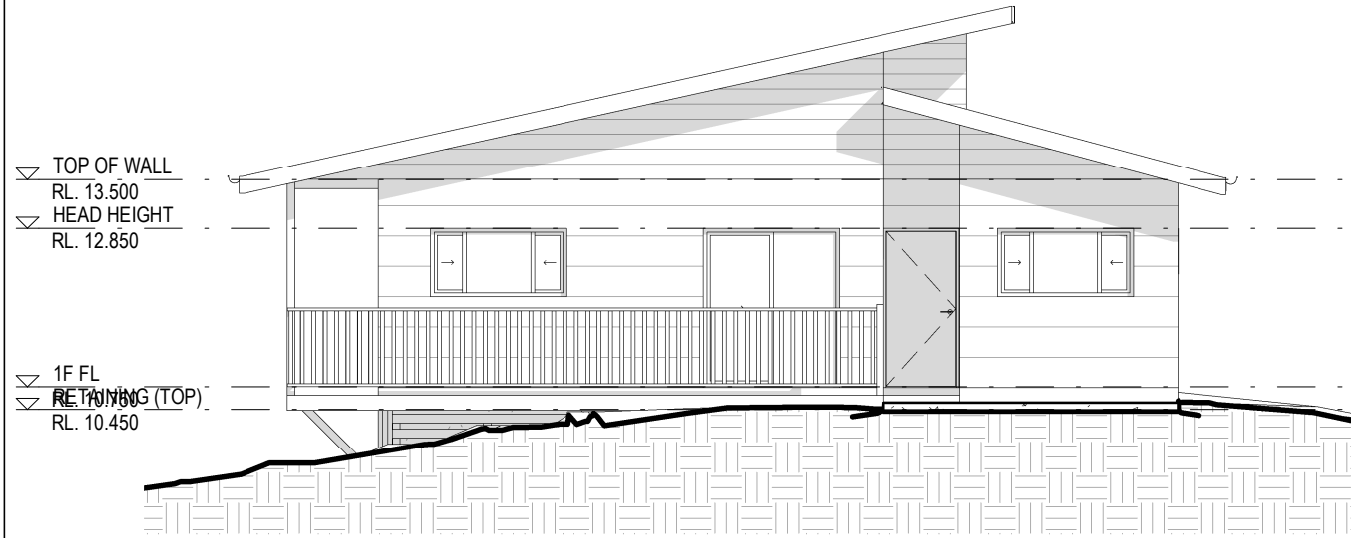
**clarke and prince** ARCHITECTS

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DRAWN	JL	SCALE	As indicated	SIZE	A3	PROJECT	<b>PROPOSED NEW RESIDENCE</b>
APPROVED	MM	DATE	SEP 2019				<b>20 WAIBEN ESPLANADE, THURSDAY ISLAND</b>
						FOR	<b>KEN MCKENZIE</b>
						DWG	<b>SITE PLAN &amp; LOCALITY PLAN</b>
						DWG No.	<b>1433 - SD.01</b>
						STAMP	<b>PRELIMINARY</b>
						ISSUE	<b>P3</b>



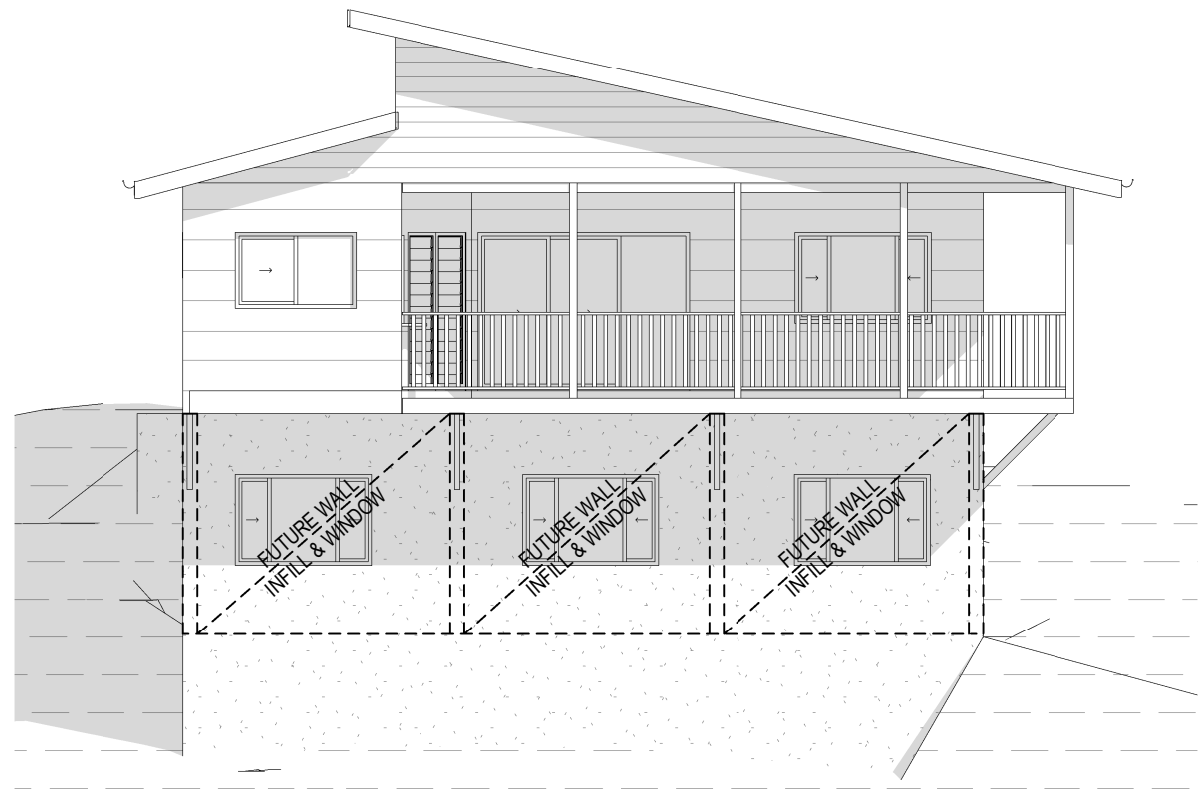




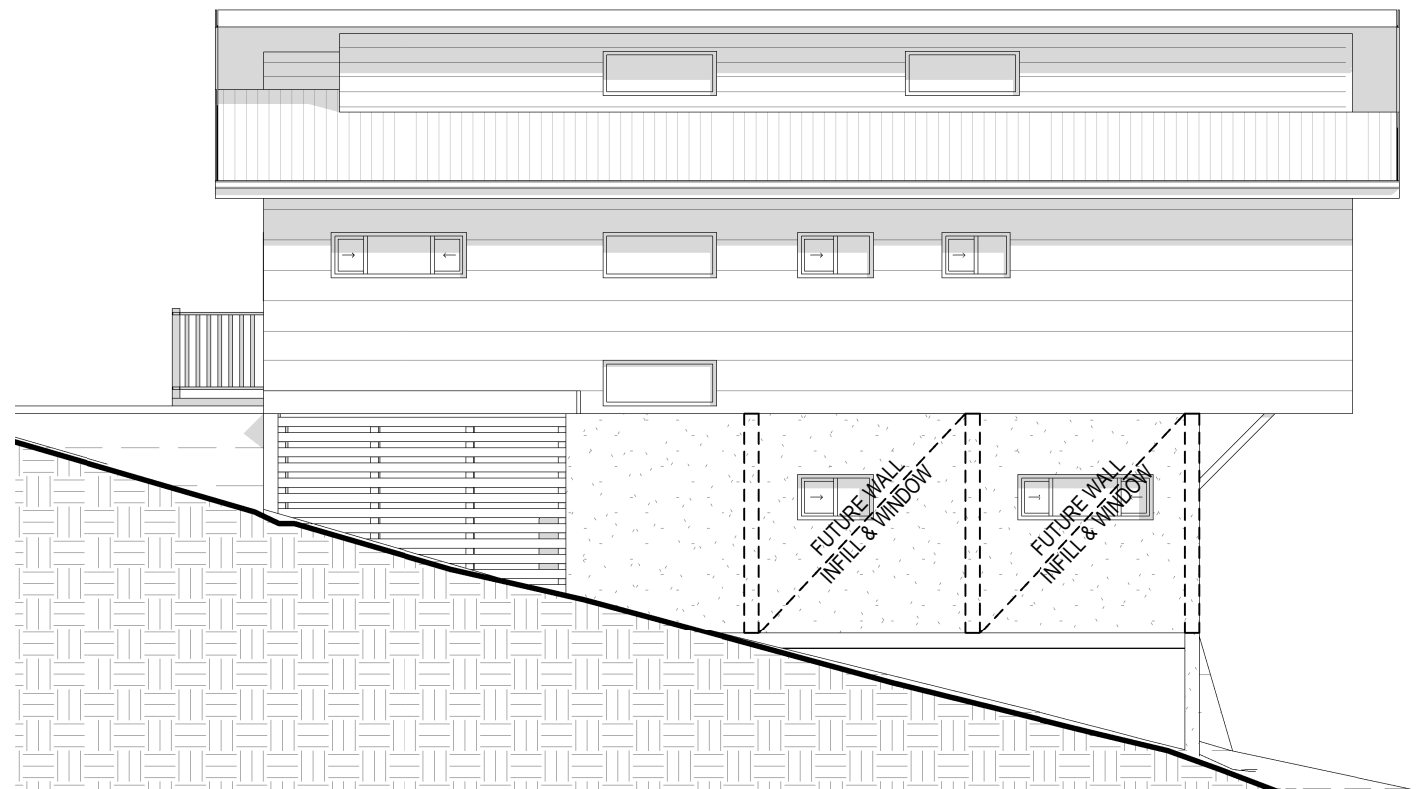
**1 ELEVATION - 1**  
SCALE - 1 : 100



**2 ELEVATION - 2**  
SCALE - 1 : 100



**3 ELEVATION - 3**  
SCALE - 1 : 100



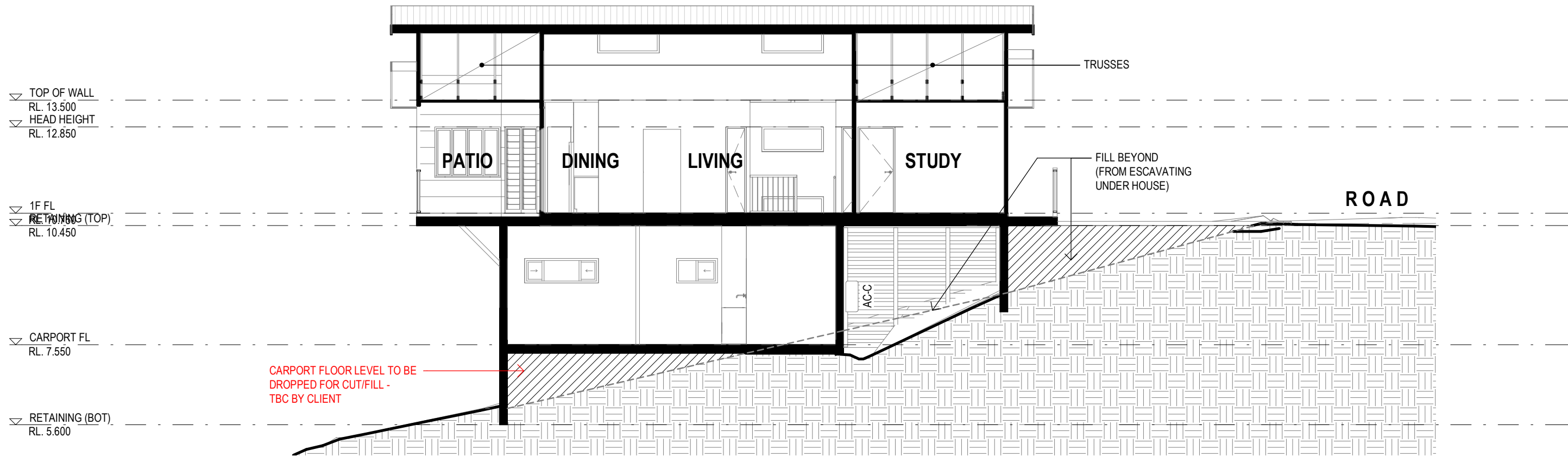
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SCALE - 1 : 100

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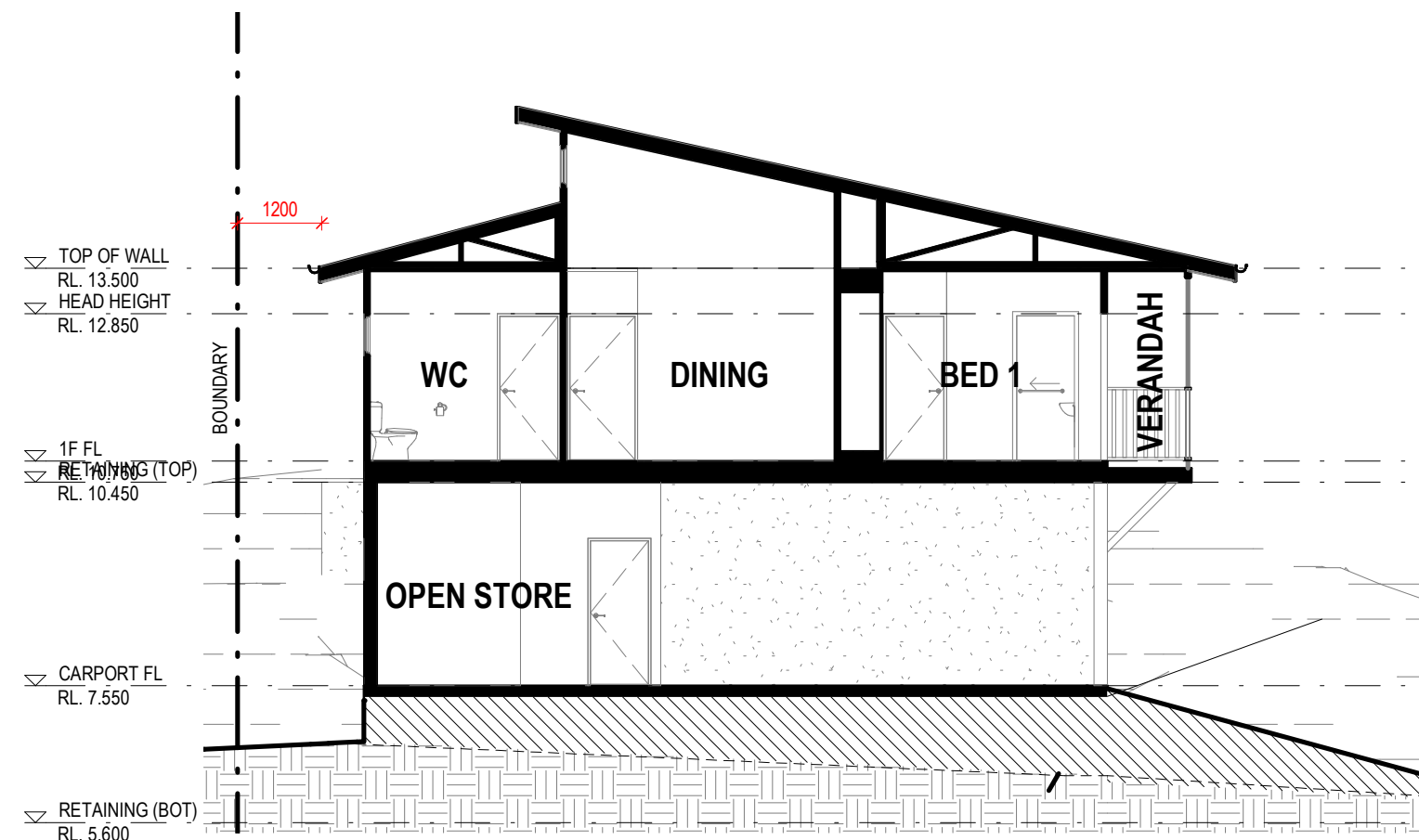


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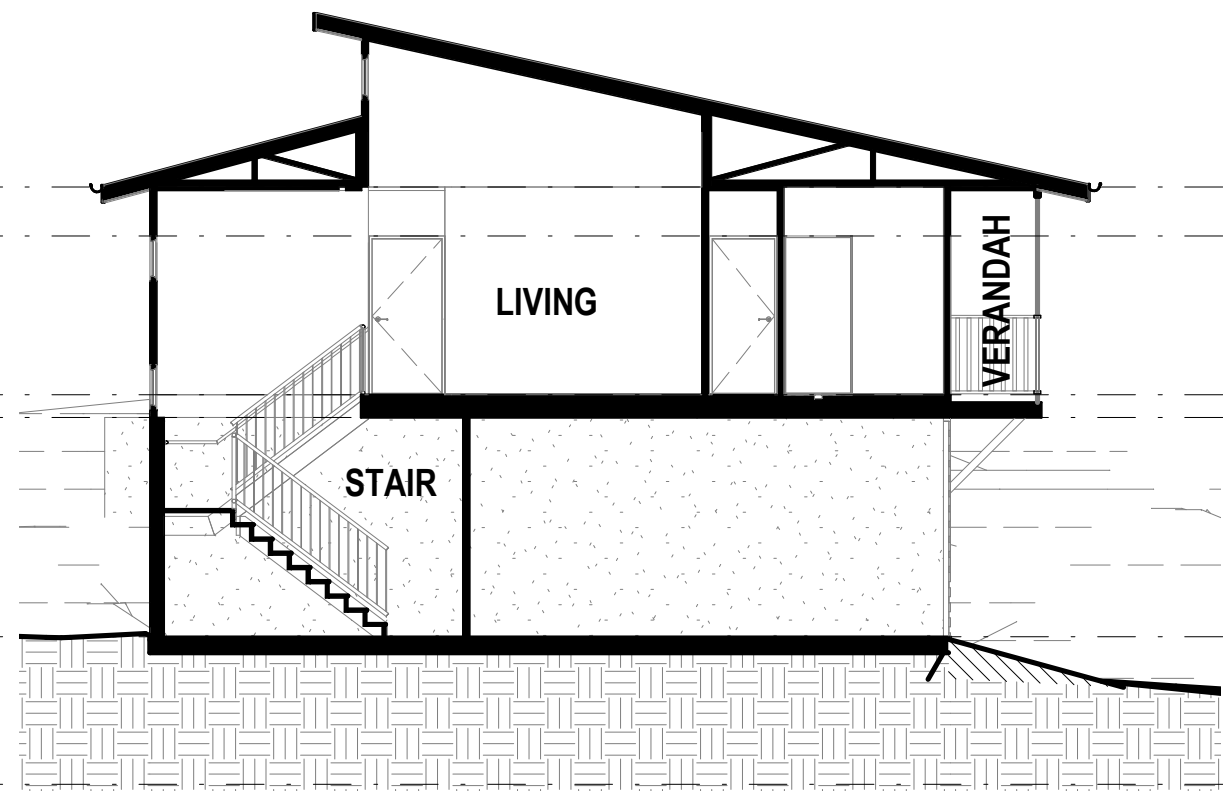
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APPROVED MM	DATE SEP 2019		20 WAIBEN ESPLANADE, THURSDAY ISLAND
			FOR KEN MCKENZIE
			DWG ELEVATIONS
			DWG No. 1433 - SD.03
			STAMP PRELIMINARY
			ISSUE P3



**1 TYPICAL SECTION 1**  
SCALE - 1 : 100



**2 TYPICAL SECTION 2**  
SCALE - 1 : 100



**3 TYPICAL SECTION 3**  
SCALE - 1 : 100

AMENDMENTS	DATE
P1 FOR REVIEW & COMMENT	09/08/19
P2 UPDATED FROM MEETING	23/08/19
P3 FOR TOWN PLANNING REVIEW	02/09/19

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DRAWN	JL	SCALE	1 : 100	SIZE	A3
APPROVED	MM	DATE	SEP 2019		

PROJECT	PROPOSED NEW RESIDENCE		
	20 WAIBEN ESPLANADE, THURSDAY ISLAND		
FOR	KEN MCKENZIE		
DWG	TYPICAL SECTIONS		
DWG No.	1433 - SD.04	STAMP	PRELIMINARY
ISSUE	P3		

