



# TORRES SHIRE COUNCIL

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ABN: 34 108 162 398

Our Ref: IDAS 22/05  
Enquire to: Joseph Sabatino  
Telephone: (07) 4083 1213

25 July 2022

Perina Drummond  
c/- RPS Australia East Pty Ltd  
PO Box 1949  
Cairns Qld 4870

Delivered via email – [Patrick.Clifton@rpsgroup.com.au](mailto:Patrick.Clifton@rpsgroup.com.au)

Dear 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 19 July 2022.

### APPLICATION DETAILS

Application No:	IDAS 22/05
Approval Sought:	Development Permit for Reconfiguring a Lot
Description of the Development	1 into 2 lots, and access easement
Planning Scheme:	<i>Torres Shire Planning Scheme 2022</i>

### LOCATION DETAILS

Street Address:	14 Hargrave Street, Thursday Island
Real Property Description:	Lot 54 on SP217636

### DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (1 into 2 Lots) and Access Easement

**CURRENCY PERIOD**

The use of the subject land must be commenced within a period of four (4) years from the date the approval takes effect, in accordance with section 71 of the *Planning Act 2016*. Should the subject use not be commenced prior to the expiry of such period, this approval will lapse.

**ASSESSMENT MANAGER CONDITIONS**

This approval is subject to the conditions in *Attachment 1*.

**PROPERLY MADE SUBMISSIONS**

Not applicable – no part of the application required public notification.

**REFERRAL AGENCIES**

There were no referral agencies as part of this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

- Development Permit for Operational Work

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

Not Applicable

**APPROVED PLANS AND SPECIFICATIONS**

The approved plans are attached to this Decision Notice (*Attachment 2*).

**RIGHTS OF APPEAL**

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

**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: 25 July 2022

- 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 of the *Planning Act 2016*).

## CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

### A ASSESSMENT MANAGER (COUNCIL) CONDITIONS

#### 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.

Plan/Document Name	Drawing Number	Sheet No.	Date
Reconfiguration of a Lot	PR152197-1	1	16-05-20221

*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 EASEMENTS**

- 3.1 An access and services easement, a minimum width of 4 metres, burdening proposed Lot 10 to the benefit of proposed Lot 11 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 within the proposed lot boundary the existing services must be relocated or contained within required easements.

*Timing: Prior to Council endorsement of the Survey Plan.*

### **4.0 ACCESS - DESIGN & CONSTRUCTION**

- 4.1 Each lot must be provided with an access crossover from Hargrave Street. The existing crossover may be extended to meet the requirements of this condition.

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

- 4.2 Design and construct a sealed vehicle access crossover in accordance with the FNQROC Development Manual, relevant Australian Standards, Manual of Uniform Traffic Control Devices, approved plans and the provisions of a Development Permit for Operational Work.

*Timing: Prior to Council endorsement of the Survey Plan.*

- 4.3 Design and construct a sealed access driveway a minimum width of 3 metres extending the length of the easement burdening proposed Lot 10.

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

### **5.0 ENGINEERING WORK – STORMWATER DRAINAGE WORKS**

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

*Timing: At all times.*

- 5.2 Design and construct all stormwater drainage works for the development generally in accordance with the FNQROC Development Manual, Queensland Urban Drainage Manual (QUDM) and the provisions of a Development Permit for Operational Work.

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

### **6.0 WATER SUPPLY**

- 6.1 Connect all lots to Council's reticulated water supply network. Each lot must be provided with a separate water service connection.

*Timing: Prior to Council endorsement of the Survey Plan.*

## **7.0 SEWERAGE CONNECTION**

- 7.1 Connect all lots to Council's reticulated sewerage network. Each lot must be provided with a separate sewerage connection point, located wholly within its respective boundary.

*Timing: Prior to Council endorsement of the Survey Plan.*

## **8.0 WATER SUPPLY AND SEWERAGE – DESIGN, CONSTRUCTION & MAINTENANCE**

- 8.1 Design and construct all Water Supply and Sewerage connection works generally in accordance with the approved plans, FNQROC Development Manual and the provisions of a Development Permit for Operational Works.

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

## **9.0 REDUNDANT WATER AND SEWERAGE INFRASTRUCTURE**

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

*Timing: Prior to Council endorsement of the Survey Plan.*

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

- 10.1 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 unless where permitted in accordance with an Operational Works Permit, or cause a nuisance or worsening to adjoining properties or infrastructure.

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

- 10.2 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 works.*

- 10.3 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: At all times.*

## **11.0 OPERATIONAL WORK – ACCESS, STORMWATER, SERVICES, AND SEWERAGE AND WATER INFRASTRUCTURE WORKS**

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

*Timing: At all times.*

- 11.2 Obtain a Development Permit for Operational Work for the access crossover, access driveway, stormwater and services within the easement and connection to water and sewerage.

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

## **12.0 ELECTRICITY & TELECOMMUNICATIONS**

- 12.1. Conduits for electricity and telecommunication services must be provided within the easement.

*Timing: Prior to Council endorsement of the Survey Plan.*

- 12.2 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.*

### **13.0 AMENITY AND ENVIRONMENTAL HEALTH**

- 13.1 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.*

### **14.0 COMPLIANCE**

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

### **15.0 OUTSTANDING CHARGES**

- 15.1 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**

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.
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. 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.
6. 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.
7. 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.
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,

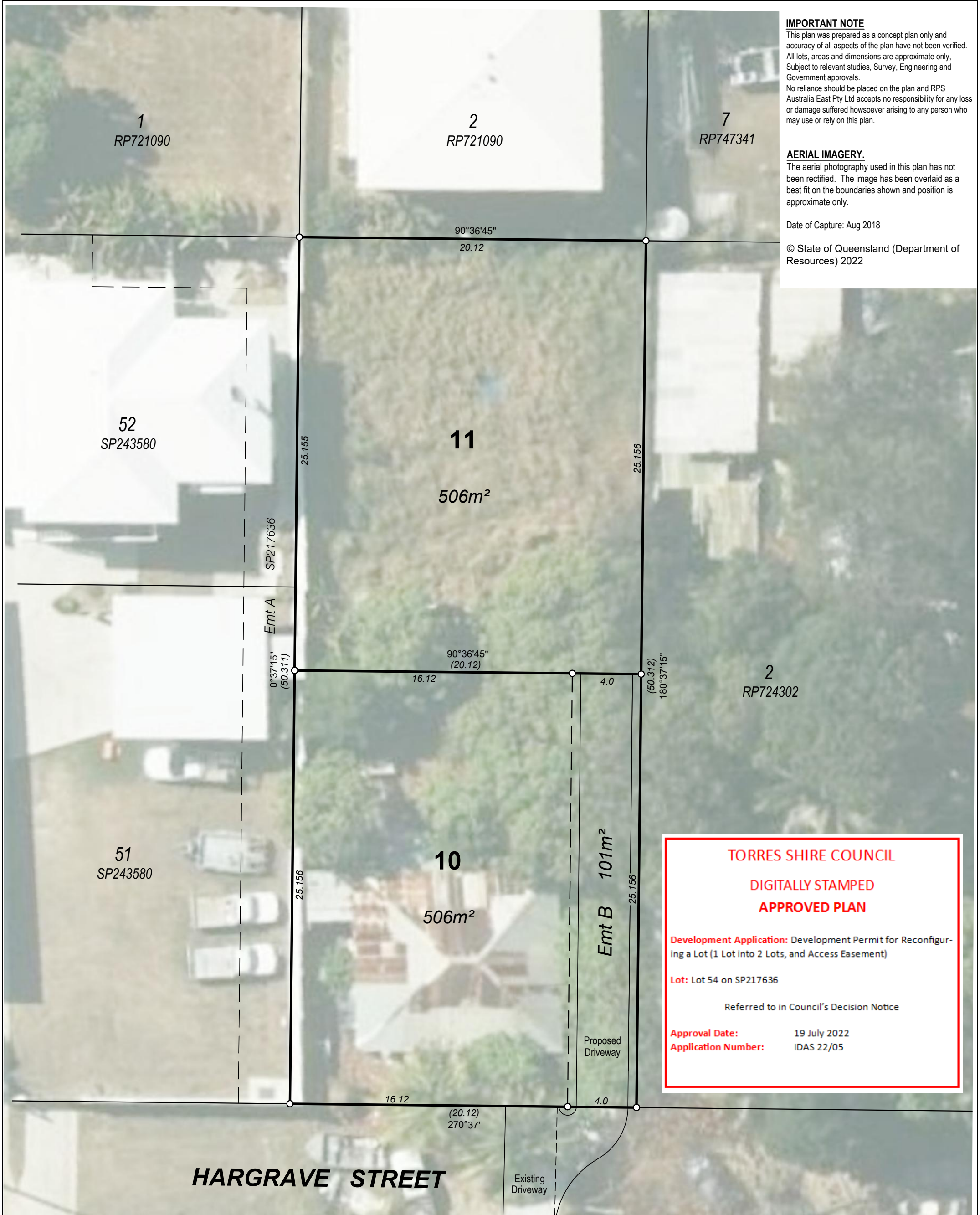
wastewater, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council.

9. 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.
10. 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.

## APPROVED PLANS

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





**IMPORTANT NOTE**  
 This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

**AERIAL IMAGERY.**  
 The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Date of Capture: Aug 2018  
 © State of Queensland (Department of Resources) 2022

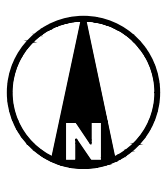
**TORRES SHIRE COUNCIL**  
**DIGITALLY STAMPED**  
**APPROVED PLAN**

**Development Application:** Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots, and Access Easement)

**Lot:** Lot 54 on SP217636

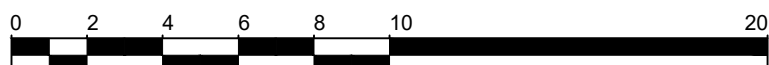
Referred to in Council's Decision Notice

**Approval Date:** 19 July 2022  
**Application Number:** IDAS 22/05



**RECONFIGURATION OF A LOT**  
 Plan of Lots 10 & 11 and Emt B in Lot 10  
 Cancelling Lot 54 on SP217636

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## 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

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Application No:	IDAS 22/05
Applicant:	Perina Drummond c/- RPS Australia East Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	1 Lot into 2 Lots, and Access Easement
Street Address:	14 Hargrave Street, Thursday Island
Real Property Description:	Lot 54 on SP217636
Planning Scheme:	Torres Shire Planning Scheme 2022
Land Zoning:	Low-Medium Density Residential Zone
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot
Date of Decision:	19 July 2022

### ASSESSMENT BENCHMARKS

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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*)**

This application was not impacted by any matters within the SPP.

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

##### Standard Outcomes

- Low-Medium Density Residential

- Reconfiguring a Lot
- Works, Services and Infrastructure
- Airport Environs
- Coastal Hazards
- Environmental Significance
- Heritage
- Potential and Actual Acid Sulfate Soils Overlay

Merit Outcomes

- General
- Reconfiguring a Lot
- Environmental Significance.

**Local Categorising Instrument (Variation Approval)**

Not applicable.

**Local Categorising Instrument (Temporary Local Planning Instrument)**

Not applicable.

**PUBLIC NOTIFICATION**

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Not applicable – no part of the application required public notification.

**REASONS FOR THE DECISION**

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

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2022.
- The proposed lot are adequate size and dimension to accommodate proposed lots are sufficient is size to accommodate residential development consistent with the Low-Medium Density zone.

**REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

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Not applicable.

**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Not applicable.

**OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017**

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Not applicable.

**OTHER DETAILS**

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If you wish to obtain more information about Council’s decision, including a copy of Council’s Decision Notice and any conditions or plans relating to the development, please refer to Council’s website.

## APPEAL RIGHTS

(*Planning Act 2016 & Planning Regulation 2017*)

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For certain 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*).

### **Appeal by an Applicant**

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application;
- a provision of the development approval;
- the decision to give a preliminary approval when a development permit was applied for;
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the *Planning Act 2016*.

### **Appeal by an Eligible Submitter**

An eligible submitter for a development application may appeal to the Planning and Environment Court against the decision to approve the application, to the extent the decision relates to:

- any part of the development application that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the *Planning Act 2016*.

Attachment 4 is an extract from the *Planning Act 2016* that sets out the applicant's appeal rights and the appeal rights of a submitter.

To stay informed about any appeal proceedings which may relate to this decision visit:

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution/pe-court-database>.