



TORRES SHIRE COUNCIL

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

P.O Box 171
THURSDAY ISLAND 4875

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

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

DATE: 7 December 2022

Our Ref: IDAS 22/10
Enquire to: Ed Kulpa
Telephone: (07) 4069 1336

Kurt Cowell
c/- McPeake Town Planning QLD Pty Ltd
PO Box 5829
Cairns QLD 4870

E-mail: approvals@jamesmcpeake.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 22 November 2022.

APPLICATION DETAILS

Application No: IDAS 22/10
Approval Sought: Development Permit for Reconfiguring a Lot
Description of the Development: 1 Lot into 2 Lots
Planning Scheme: *Torres Shire Council Planning Scheme 2022*

LOCATION DETAILS

Street Address: 15 Poruma Street, Thursday Island
Real Property Description: Lot 19 on T80723

DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots).

CURRENCY PERIOD

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

ASSESSMENT MANAGER CONDITIONS

This approval is subject to the conditions in Attachment 1.

PROPERLY MADE SUBMISSIONS

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

REFERRAL AGENCIES

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 1 and Table 3 – Reconfiguring a lot near a State transport corridor and reconfiguring a lot near a State-controlled road intersection.

FURTHER DEVELOPMENT PERMITS REQUIRED

Not applicable

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: 7.12.22

- 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

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
Survey Plan – Additional Sheet	SP339688	03/03	17-10-2022

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

- 3.1 Vehicle access to the new lots is to be achieved via the existing access crossover from Poruma Street.

Timing: 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.

5.0 WATER SUPPLY

- 5.1 Connect all lots to Council's reticulated water supply network.

Timing: Prior to Council endorsement of the Survey Plan.

- 5.2 Provide evidence that each lot has been provided with a separate water service connection and meter.

Timing: Prior to Council endorsement of the Survey Plan.

6.0 SEWERAGE CONNECTION

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

Timing: Prior to Council endorsement of the Survey Plan.

- 6.2 Provide evidence that each lot has been provided with a separate sewerage connection point, which is located wholly within its respective boundary.

Timing: Prior to Council endorsement of the Survey Plan.

7.0 WATER SUPPLY AND SEWERAGE – DESIGN, CONSTRUCTION & MAINTENANCE

- 7.1 Design and construct all Water Supply and Sewerage connection works generally in accordance with the FNQROC Development Manual.

Timing: Prior to Council endorsement of the Survey Plan.

8.0 REDUNDANT WATER AND SEWERAGE INFRASTRUCTURE

- 8.1 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.

9.0 SITE WORKS AND EROSION AND SEDIMENT CONTROL

- 9.1 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.

10.0 ELECTRICITY & TELECOMMUNICATIONS

- 10.1. 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.

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

Timing: Prior to Council endorsement of the Survey Plan.

11.0 AMENITY AND ENVIRONMENTAL HEALTH

- 11.1 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.

12.0 COMPLIANCE

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

Timing: Prior to Council endorsement of the Survey Plan

13.0 OUTSTANDING CHARGES

- 13.1 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.

Timing: Prior to Council endorsement of the Survey Plan

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. Infrastructure Charges must be paid to Council as indicated on the Infrastructure Charges Notice at the rate applicable at the time of payment.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. A Development Approval for Building Work may be required for a change of classification for the change of use of the former shop to a dwelling house.
5. A Plumbing and Drainage approval will be required for any new water or sewerage connections.
6. The existing access driveway within the Poruma Street road reserve must not be used for the permanent parking of vehicles or as a storage area.

7. 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.
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.

CONDITIONS IMPOSED BY A REFERRAL AGENCY

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



SARA reference: 2210-31370 SRA
 Council reference: IDAS 22/10

4 November 2022

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

Attention: Joseph Sabitino

Dear Dalassa Yorkston

SARA response—Reconfiguring a Lot (1 lot into 2 lots) at 15 Poruma Street, Thursday Island (Lot 19 on T20723)

(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 10 October 2022.

Response

Outcome:	Referral agency response – with conditions
Date of response:	4 November 2022
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 (1 lot into 2 lots)
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 3 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

SARA reference: 2210-31370 SRA
Assessment manager: Torres Shire Council
Street address: 15 Poruma Street, Thursday Island
Real property description: Lot 19 on T20723
Applicant name: Kurt Cowell
Applicant contact details: C/- McPeake Town Planning
PO Box 5829
Cairns QLD 4870
sai@jamesmpeake.com.au

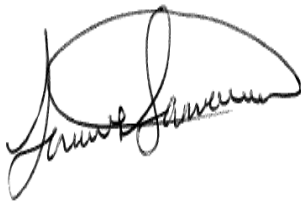
Representations

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 4037 3214 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/Manager (Planning)

cc Kurt Cowell, sai@jamesmpeake.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions

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)

No.	Conditions	Condition timing
Reconfiguring a Lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 and Table 3 – Reconfiguring a lot near a State transport corridor and reconfiguring a lot near a state-controlled road intersection—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):		
1.	Direct access is not permitted between Thursday Island Road and the subject site.	At all times.

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.

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 of the SDAP, in that:

- The proposed development is unlikely to compromise the safety, function, and efficiency of Thursday Island Road (Stephen Street), a state-controlled road, and the Thursday Island Road / Poruma Street intersection.
- Existing vehicle accesses are to Poruma Street, a local road, and are located and constructed in accordance with the appropriate Department of Transport and Main Roads standards.
- Works associated with the development are limited to the provision of separate connections to council services, essential utilities and infrastructure, and will not adversely impact the state-controlled road.

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 provisions

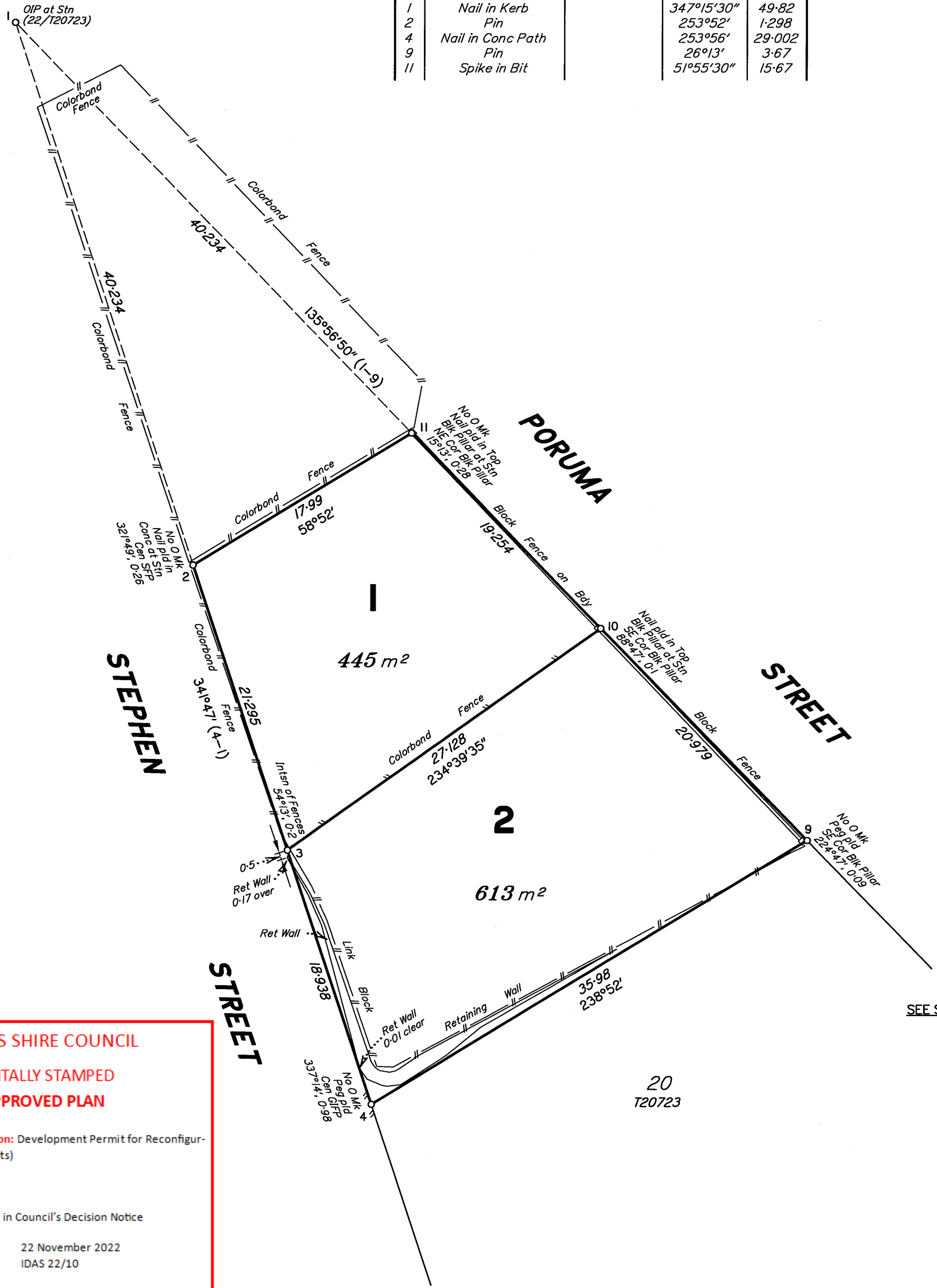
(page left intentionally blank – attached separately)

APPROVED PLANS

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

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	Nail in Kerb		347°15'30"	49.82
2	Pin		253°52'	1.298
4	Nail in Conc Path		253°56'	29.002
9	Pin		26°13'	3.67
11	Spike in Bit		51°55'30"	15.67



SEE SHEET 1

SEE SHEET 1

TORRES SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application: Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots)

Lot: Lot 19 on T80723

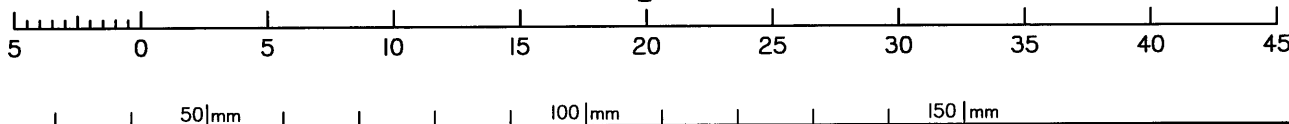
Referred to in Council's Decision Notice

Approval Date: 22 November 2022

Application Number: IDAS 22/10

Peg placed at all new corners, unless otherwise stated.

Scale 1:300 - Lengths are in Metres.



State copyright reserved.

Insert Plan Number **SP339688**

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:	IDAS22/10
Applicant:	Kurt Cowell c/- McPeak Town Planning QLD Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	1 Lot into 2 Lots
Street Address:	15 Poruma Street, Thursday Island
Real Property Description:	Lot 19 on T20723
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>
Land Zoning:	Low-Density Residential
Assessment Type:	Code

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots)
Date of Decision:	22 November 2022

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*)

- Natural Hazards Risk and Resilience (Flood Hazard Area)
- Strategic Airports and Aviation Facilities (Wildlife Hazard Buffer Zone, Aviation Facility)
- Transport Infrastructure (State-controlled Road).

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

Standard Outcomes

- Low Density Residential
- Reconfiguring a Lot
- Works, Services and Infrastructure
- Airport Environs
- Potential and Actual Acid Sulfate Soils Overlay

Merit Outcomes

- General
- Reconfiguring a Lot

Local Categorising Instrument (Variation Approval)

- Not applicable.

Local Categorising Instrument (Temporary Local Planning Instrument)

- Not applicable.

PUBLIC NOTIFICATION

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

REASONS FOR THE DECISION

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

- 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 the existing residential development consistent with the Low-Density zone.

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, including a copy of Council's Decision Notice, the assessment manager's assessment report, and any conditions or plans relating to the development, please refer to Council's webpage at <https://www.torres.qld.gov.au/council-services/planning-and-development>

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.statedevelopment.qld.gov.au/planning-framework/dispute-resolution/court-database>