



# TORRES SHIRE COUNCIL

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

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Email: [admin@torres.gld.gov.au](mailto:admin@torres.gld.gov.au)  
ABN 34 108 162 398

DATE: 21 June 2024

Our Ref: IDAS24/05  
Enquire to: Ed Kulpa  
Telephone: (07) 4069 1336

IWTS Investments Pty Ltd and Adventuredave Pty Ltd  
c/- McPeake Town Planning Qld Pty Ltd  
PO Box 5829  
CAIRNS QLD 4870

Email: [approvals@jamesmcpeake.com.au](mailto: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 18 June 2024.

### APPLICATION DETAILS

Application No:	IDAS24/05
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development	Nature-Based Tourism (accommodation for a maximum of six guests)
Planning Scheme:	<i>Torres Shire Council Planning Scheme 2022</i>

### LOCATION DETAILS

Street Address:	Albany Island
Real Property Description:	Lot 18 SP120091

### DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use – Nature-Based Tourism (accommodation for a maximum of six guests)

#### CURRENCY PERIOD

The use of the subject land must be commenced within a period of six (6) 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

There were no referral agencies as part of this application.

#### FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Plumbing and Drainage Work
- Development Permit for Building 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 (Attachment 4).

#### 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: 19.06.2024

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*).

## **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 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 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.

<b>Document Name</b>	<b>Revision</b>	<b>Date</b>	<b>Drawn by</b>
Site Plan	Adventuredave SP1 b	7/05/24	McPeake Town Planning
Updated ground floor plan	n/a	22/05/2024	McPeake Town Planning
Updated first floor plan	n/a	22/05/2024	McPeake Town Planning

*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 LIMITATION OF APPROVED USE**

- 3.1 The Nature-Based Tourism use is limited to tourist accommodation within the building identified as 'Accommodation' on the approved plan of development.

*Timing: At all times.*

- 3.2 The maximum number of guests accommodated within the approved use must not exceed six (6) guests at any one time.

*Timing: At all times.*

#### **4.0 BUILDING RELOCATION OR DEMOLITION**

- 4.1 The Staff Quarters and Boat Shed buildings must be demolished or relocated within the boundary of the site in accordance with the approved plan of development.

*Timing: Within twelve (12) months of the approval taking effect.*

#### **5.0 EVIDENCE OF OTHER REQUIRED APPROVALS**

- 5.1 The applicant must provide written evidence to Council that all other relevant approvals have been obtained for the building identified as 'Accommodation' on the approved plan of development, including Building Approval, Final Inspection Certificate or Certificate of Occupancy and Plumbing and Drainage Approvals.

*Timing: Within four (4) months of the approval taking effect.*

- 5.2 The applicant must provide written evidence to Council that all other relevant approvals have been obtained for all structures (excluding the building identified as 'Accommodation'), including Building Approvals, Final Inspection Certificate or Certificate of Occupancy and Plumbing and Drainage Approvals.

*Timing: Within twelve (12) months of the approval taking effect.*

#### **6.0 WATER SUPPLY**

- 6.1 A potable water supply must be provided to the development.

*Timing: At all times.*

#### **7.0 BUSHFIRE MANAGEMENT PLAN**

- 7.1 A Bushfire Management Plan must be prepared and submitted for approval by Council's delegated officer. The approved plan must be kept available onsite and subject to annual review.

*Timing: Within four (4) months of the approval taking effect and at all times.*

#### **8.0 STORMWATER**

- 8.1 Site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

*Timing: At all times.*

#### **9.0 ELECTRICITY**

- 9.1 The development must be connected to a reliable electricity supply.

*Timing: At all times.*

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

- 11.1 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.*

## **B. ASSESSMENT MANAGER (COUNCIL) 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. 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.
5. 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.
6. 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.
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. 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>

## APPROVED PLANS

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



TORRES SHIRE COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

Development Application: Development Permit for Material Change of Use—Nature-Based Tourism (accommodation for a maximum of six persons)

Lot details: Lot 18 SP120091

Referred to in Council's Decision Notice

Approval Date: 21 June 2024  
Application Number: IDAS 24/05



**ALBANY PASS**

Cadastral boundary distances derived from survey plan SP120091 in the Qld DNR

Aerial underlay from Qld GLOBE



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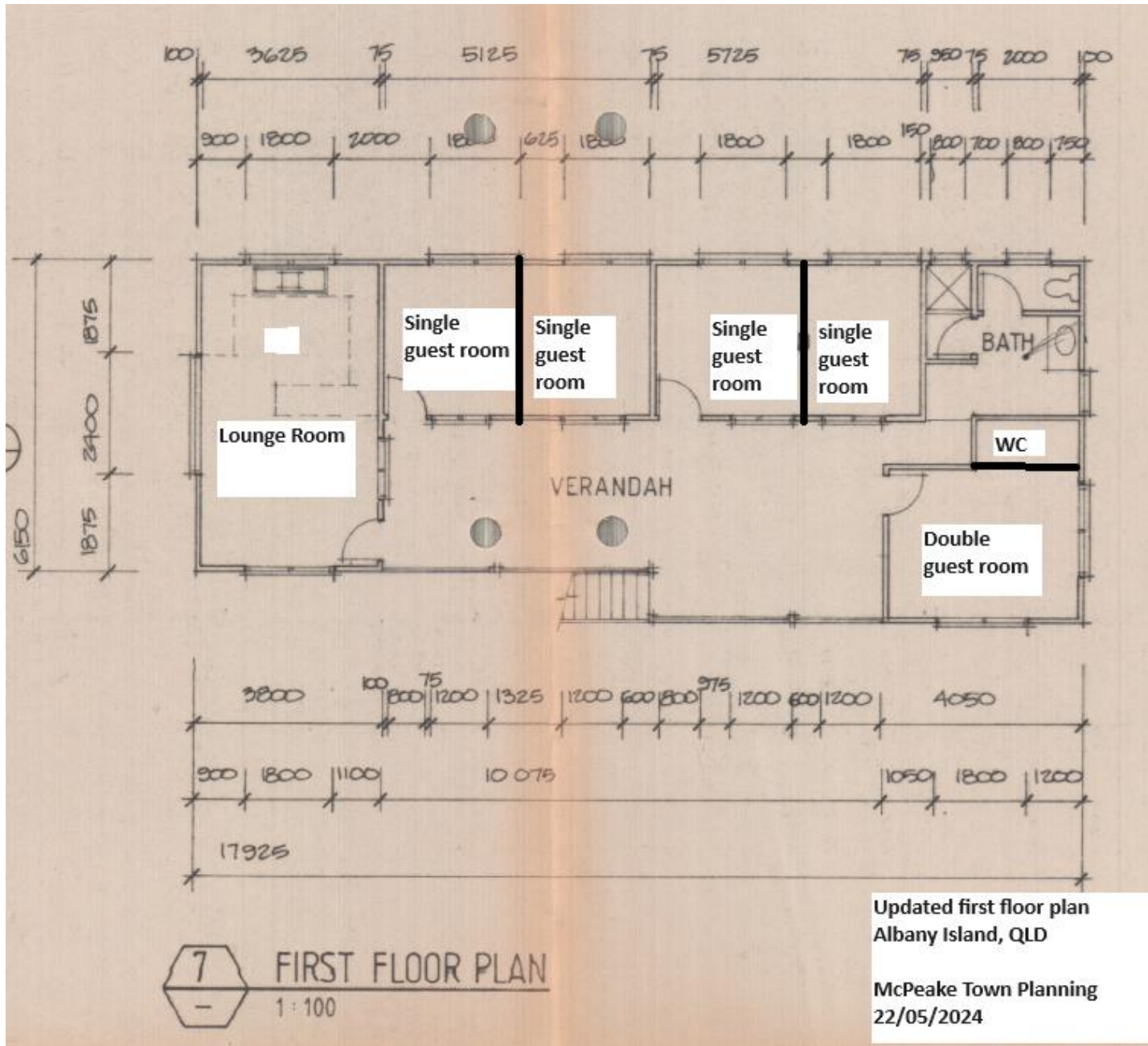
**Site Plan**  
Albany Island  
Lot 18 on SP120091  
Torres Shire

Client: Adventuredave Pty Ltd

Scale 1:800  
Revision b - 7/05/24  
Dwg no: Adventuredave SP1 b







TORRES SHIRE COUNCIL

DIGITALLY STAMPED  
APPROVED PLAN

Development Application: Development Permit for Material Change of Use—Nature-Based Tourism (accommodation for a maximum of six persons)

Lot details: Lot 18 SP120091

Referred to in Council's Decision Notice

Approval Date: 21 June 2024  
Application Number: IDAS 24/05

## 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:	IDAS24/05
Applicant:	IWTS Investments Pty Ltd an Adventuredave Pty Ltd c/ McPeake Town Planning Qld Pty Ltd
Proposal:	Development Permit for Material Change of Use
Description of the Development:	Nature-Based Tourism (accommodation for a maximum of six guests)
Street Address:	Albany Island
Real Property Description:	Lot 18 SP120091
Planning Scheme:	Torres Shire Council Planning Scheme 2022
Land Zoning:	Environmental Management and Conservation
Assessment Type:	Code

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use
Date of Decision:	18 June 2024

### 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)**

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

##### Standard Outcomes

- Bushfire Hazard Area Overlay

- Coastal Hazard Area Overlay
- Environmental Significance Overlay
- Heritage Overlay

#### Merit Outcomes

- General
- Amenity and Privacy
- Built Form and Development Design
- Environmental Significance
- Natural Hazards including Climate Change
- Infrastructure and Services
- Land Constraints
- Land Use
- Landscaping
- 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:

- The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2022.
- The development application is seeking to legitimise an existing land use activity providing low scale tourism accommodation to support nature based tourist activities.

#### **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)