

# TORRES SHIRE COUNCIL



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ABN: 34 108 162 398

18 February 2022

Forster Helicopters Pty Ltd  
c/- Peter Robinson  
PO Box 597  
BUNGALOW QLD 4870

Delivered via email – [peter@prplanning.com.au](mailto:peter@prplanning.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 15 February 2022.

### APPLICATION DETAILS

Application No:	IDAS 21/16
Approval Sought:	Development Permit for Material Change of Use for Undefined Use (Hangar)
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>

### LOCATION DETAILS

Street Address:	Airport Road, Horn Island (Horn Island Airport)
Real Property Description:	Lot 1 on SP142709 (proposed Lease G)

### DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use for Undefined Use (Hangar)

## 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 85(1)(a)(ii) 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

There were no properly made submissions for this application.

## 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

## 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.

## 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: 18 February 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, 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.*

### 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	Date
Site – Floor Plan	Undated
Elevation – Air side	Undated
Elevation – Land side	Undated

**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 crossover to the internal access road in accordance with the relevant *FNQROC Development Manual* standard.

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

### 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 in accordance with the Queensland Urban Drainage Manual (QUDM).

**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 AMENITY AND ENVIRONMENTAL HEALTH**

- 5.1 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.*

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

**Timing:** *At all times.*

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

- 6.1 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.*

- 6.2 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.*

- 6.3 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.*

## **7.0 ASSET MANAGEMENT**

- 7.1 Any alteration necessary to electricity, telephone, water 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.*

## **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.
5. 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.
6. 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.
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. 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*.
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>

## APPROVED PLANS

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

**Development Application:** Development Permit for Material Change of Use for Undefined Use (Hangar)

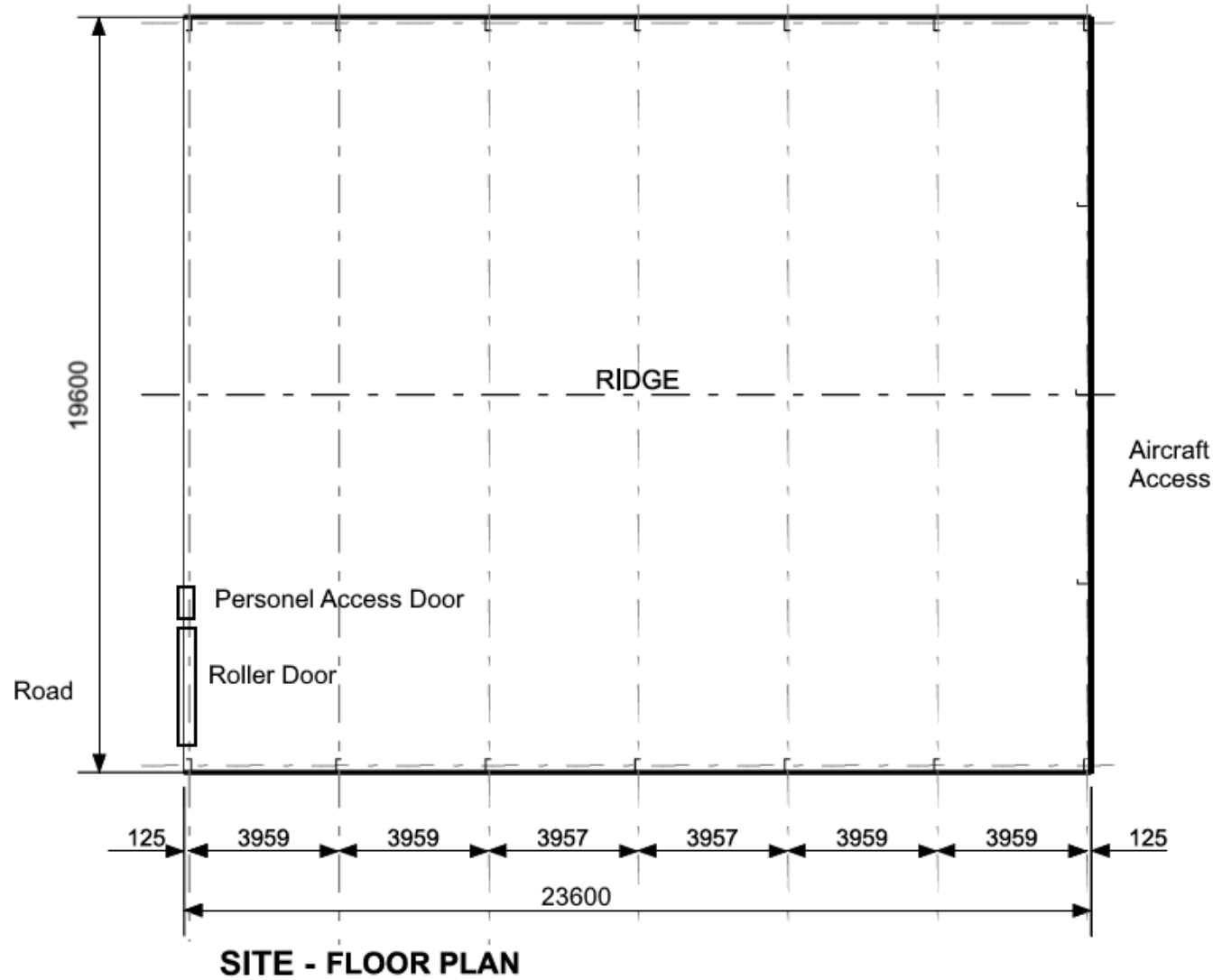
**Lot:** Lot 1 on SP142709 (proposed Lease G)

Referred to in Council's Decision Notice

**Approval Date:** 15 February 2022

**Application Number:** IDAS 21/16

### PROPOSED HANGAR - FORSTER HELICOPTERS P/L



TORRES SHIRE COUNCIL

DIGITALLY STAMPED

**APPROVED PLAN**

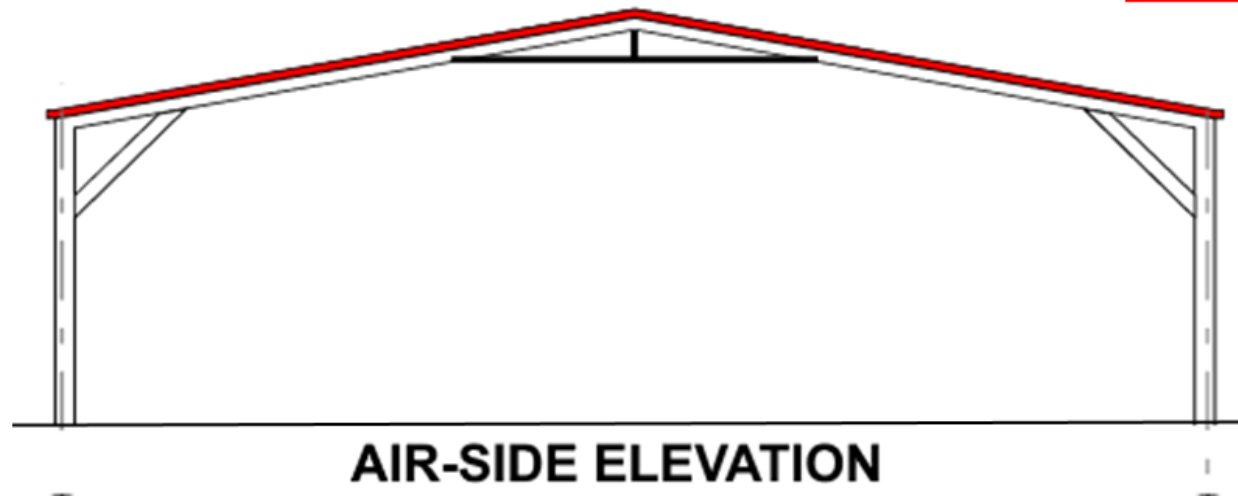
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TORRES SHIRE COUNCIL

DIGITALLY STAMPED

**APPROVED PLAN**

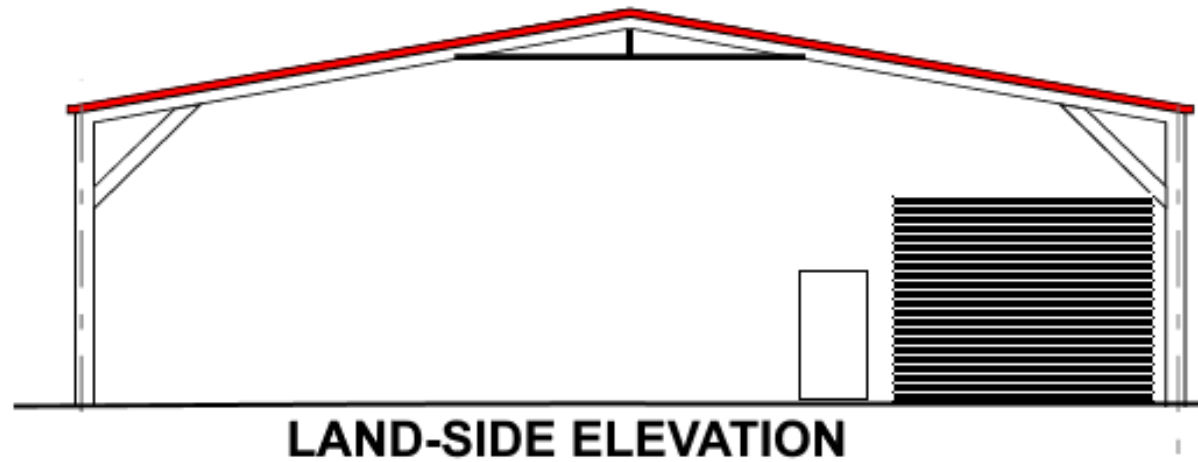
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Referred to in Council's Decision Notice

**Approval Date:** 15 February 2022

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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 21/16
Applicant:	Forster Helicopters Pty Ltd C/- P R Planning
Proposal:	Development Permit for Material Change of Use for Undefined Use (Hangar)
Description of the Development:	Undefined Use (Hangar)
Street Address:	Airport Road, Horn Island
Real Property Description:	Lot 1 on SP142709 (Proposed Lease G)
Planning Scheme:	<i>Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016)</i>
Land Zoning:	Special Purpose Zone
Assessment Type:	Impact

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use for Undefined Use (Hangar)
Date of Decision:	15 February 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)**

- Biodiversity
  - MSES – Wildlife habitat (endangered or vulnerable)
  - MSES – Regulation vegetation (category B, essential habitat, wetland, and intersecting a watercourse)
  - MSES – High ecological significance wetlands
- Coastal Environment
  - Coastal management district
- Natural Hazards Risk and Resilience
  - Flood hazard area (Local Government flood mapping area)
  - Flood hazard area (Level 1 – Queensland floodplain assessment overlay)
  - Bushfire prone area
  - Erosion prone area
  - Medium storm tide inundation area
  - High storm tide inundation area
- Strategic Airports and Aviation Facilities
  - Light restriction zone
  - Lighting area buffer 6km
  - Wildlife hazard buffer zone
  - Aviation facility
- Active Transport Corridor
  - Active transport corridor

## **Local Categorising Instrument (Torres Shire Planning Scheme 2007 (Version Amendment 1 – 19 January 2016):**

- Special Purposes Zone Code
- Cultural Heritage Overlay Code
- Natural Areas Overlay Code

## **Local Categorising Instrument (Variation Approval)**

- Not applicable.

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

- Not applicable.

## **PUBLIC NOTIFICATION**

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No submissions received.

## **REASONS FOR THE DECISION**

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

- (a) The proposal is compliant with the assessment benchmarks and consistent with the Torres Shire Council Planning Scheme 2007.
- (b) The development will facilitate ongoing aviation activities associated with the Horn Island Airport.
- (c) The proposed development has been appropriately designed for the subject site.

**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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No additional relevant matters.

**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, please refer to Council's webpage at <https://www.torres.qld.gov.au/homepage/51/development-applications>

## **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>.