



TORRES SHIRE COUNCIL

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

P O Box 171
THURSDAY ISLAND 4875

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

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

12 February 2021

Our Ref: IDAS 2020-03
Street address 23 Summers Street, Thursday Island
Enquire to Torres Shire Council
Telephone: (07) 4083 1240

Neville Nakata and
Eleanor Yoko Nakata
c/- RPS Australia East Pty Ltd

Via Email: mark.carter@rpsgroup.com.au

Dear Neville and Eleanor,

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 14 October 2020.

Applicant details

Applicant name: Neville Nakata and
Eleanor Yoko Nakata
c/- RPS Australia East Pty Ltd
contact details: mark.carter@rpsgroup.com.au

Application details

Applicant Number: IDAS 2020-03 – 23 Summers Street, Thursday Island
Approvals sought: Development Permit for a Reconfiguration of a Lot
Description of the development: Reconfiguration of a Lot (1 into 2 and access easement)

Location details

Street address: 23 Summers Street Thursday Island
Real property description: Lot 1 on RP700593
Local Government Area: Torres Shire Council

Decision

Date of decision: 27 January 2021
Decision Details: Approved subject to conditions. These conditions are set out in Attachment A.

Infrastructure charges are applicable to the development and the adopted charges notice is given at the same time as this decision.

Details of the approval

Development assessable under the planning scheme:

Code Assessment – Reconfiguration of a Lot (1 into 2 and access easement)

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

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

Reasons for the decision

There is community and economic need for the development, having regard to the following:

- a. The development will be located in an area zoned for residential purposes and the scale and intensity of the proposed lot is consistent with the outcomes of the zone.
- b. No significant environmental residual impact is resultant from the proposal;
- c. The development is serviceable by urban infrastructure.
- d. 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.
- e. The proposal will cater for the growing demand for residential housing need in the region in a location that is serviced and well situated amongst the existing township on Thursday Island.
- f. Infrastructure charges will be applied in this case.

Referral Agencies

The proposed development did not trigger a referral to any agencies.

Other requirements under section 43 of the Planning Regulation

Not Applicable

Approved plans and specifications

The approved plans are attached to this decision notice.

Currency period for the approval

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

- 4 years from the date the approval takes effect.

Rights of appeal

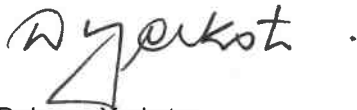
The rights of applicants to appeal to the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see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

A handwritten signature in black ink, appearing to read 'D Yorkston', with a small dot at the end.

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*).

An Adopted infrastructure charges notice is attached.

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

23 Summers Street, Thursday Island

<u>PLANNING</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 carry out the development and construction of any building or operational works generally in accordance with:</p> <ul style="list-style-type: none"> a. The plans, specifications, facts and circumstances as set out in the application submitted to Council, as amended; b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme; and c. 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. <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>						
Approved Plans							
<p>2. The approved Plans of Development as follows dated and reports of Development are as follows as part of the decision:</p> <table border="1" data-bbox="180 1641 762 1827"> <thead> <tr> <th data-bbox="180 1641 411 1704">Plan Description</th> <th data-bbox="419 1641 611 1704">Reference</th> <th data-bbox="619 1641 762 1704">Date</th> </tr> </thead> <tbody> <tr> <td data-bbox="180 1715 411 1827">Reconfiguration of a Lot – Plan of Lots 10 & 11</td> <td data-bbox="419 1715 611 1827">PR147991-1 Issue A</td> <td data-bbox="619 1715 762 1827">24 October 2020</td> </tr> </tbody> </table>	Plan Description	Reference	Date	Reconfiguration of a Lot – Plan of Lots 10 & 11	PR147991-1 Issue A	24 October 2020	<p>Prior to any site works commencing, while the development occurs and to be maintained.</p>
Plan Description	Reference	Date					
Reconfiguration of a Lot – Plan of Lots 10 & 11	PR147991-1 Issue A	24 October 2020					
Plan of Subdivision							
<p>3. Submit to Council a Survey Plan for endorsement, in accordance with the approved plan except where modified to comply with the conditions of approval, following compliance with the relevant</p>	<p>Prior to the sealing of the plan of survey.</p>						

PLANNING	TIMING FOR COMPLIANCE
conditions and requirements.	
Easement	
<p>4. The applicant is to provide written confirmation of the location of existing services for the subject land. In any instance where existing services are contained within another lot, the applicant shall either:</p> <p>a. Relocate the services to comply with this requirement; or</p> <p>b. Arrange registration of necessary easements over services located within another lot prior to or in conjunction with submission of the Plan of Survey creating the lot.</p>	Prior to the sealing of the plan of survey.
Environmental	
<p>5. 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.</p>	While site works are occurring.
<p>6. 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 at all times.</p>	While site works are occurring and to be maintained during all construction activities.
Fences	
<p>7. A 1.8 metre fence must be erected between the two new lots.</p> <p>All fences are to be placed on the correct surveyed boundary alignment to the satisfaction of Council's Delegated Officer.</p>	Prior to the sealing of the plan of survey and to be maintained at all times.
SITE WORKS AND EROSION AND SEDIMENT CONTROL	
<p>8. 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 while site works are occurring and to be maintained.</p> <p>a. Prepare and implement an</p>	Prior to site works commencing and to be maintained during site works at all times.

PLANNING	TIMING FOR COMPLIANCE
<p>Erosion and Sediment Control Strategy (ESCS) in accordance with the FNQROCDM Design Guideline D5 (Stormwater Quality) as it relates to the construction phase prior to building works or earthworks commencing, whichever commences sooner. The ESCS must be available for inspection by Council officers during the construction phase.</p> <p>b. 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).</p> <p>The plan(s) and program must be prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or Registered Professional Engineer Qld (RPEQ) with suitable qualifications and experience in erosion and sediment control and must be certified by a CPESC.</p> <p>Documentary evidence demonstrating appropriate qualifications in erosion and sediment control must be provided to the Council upon request.</p> <p>At least 10 days prior to either the pre-start meeting or commencement of site works, submit copies of all required documentation, including design certificates to Council.</p>	
ENGINEERING	TIMING FOR COMPLIANCE
Engineering Certification	
<p>9. 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.</p>	<p>Prior to the issuing of a Development Permit for Building Works or Operational works.</p>
<p>10. Submit to Council, an Operational Work application for all works that will become Council infrastructure and for earthworks, stormwater, and roadworks.</p> <p>Complete all works approved and works required by conditions of this development approval and/or any related approvals at no cost to Council, prior to Council's endorsement of the</p>	<p>Prior to commencement of the use and to be maintained</p>

<u>PLANNING</u>	<u>TIMING FOR COMPLIANCE</u>
Survey Plan unless stated otherwise.	
11. Be responsible for any alteration necessary to electricity, telephone, water mains, sewer mains, stormwater drainage systems or easements and/or other public utility installations resulting from the development or from road and drainage works required in connection with the development.	As indicated
<p>12. Submit to Council, certification from a Registered Professional Engineer of Queensland (RPEQ-Civil) that all works authorised by this development approval and any related approval issued by Council have been designed and constructed in accordance with the requirements of the development approval:</p> <p>a. submit a Design Certificate with the application; and</p> <p>b. submit a Construction Supervision Certificate at completion of the approved works and prior to Council's acceptance of the works on-maintenance.</p>	Prior to commencement of the use and to be maintained
Public Utilities	
13. Protect Existing Infrastructure where there is existing infrastructure in the vicinity of the proposed work, the new work must not damage or compromise the working ability of the existing infrastructure. Where alterations to public utility mains, existing mains, services or installations are necessitated by the development, prior to alterations commencing, the developer must notify Council or the relevant infrastructure provider and obtain agreement to the alterations. The developer must meet the costs of the alterations.	While site works are occurring and to be maintained
14. 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 commencement of the use and to be maintained
Stormwater	
<p>15. All stormwater within or entering 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 on any future lot or downstream of the development site.</p> <p>a. 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</p>	<p>At all times</p> <p>Prior to commencement of the use and to be maintained</p>

PLANNING	TIMING FOR COMPLIANCE
<p>of runoff water or cause nuisance to surrounding land or infrastructure.</p> <p>b. All stormwater infrastructure must be designed, constructed and maintained in accordance with the FNQROCDM and the <i>Queensland Urban Drainage Manual</i>.</p> <p>c. Submit to Council, evidence of written consent for a lawful point of discharge from the owners of properties affected by any stormwater discharge from the site.</p> <p>16. Submit RPEQ certification to Torres Shire Council, prior to commencement of the use, that all stormwater drainage is constructed in accordance with the conditions above. All private stormwater and drainage infrastructure is to be maintained at all times at no cost to Council.</p>	
SEWERAGE AND WATER	
<p>17. Connect the development to Councils reticulated sewerage and water network.</p> <ul style="list-style-type: none"> • Design and construct all sewerage and water works in accordance with the approved plans, FNQROCDM, <i>Water Supply (Safety and Reliability) Act</i> and the <i>Plumbing and Drainage Act</i>. • Remove all redundant sewerage and water infrastructure, including but not limited to pipes and connection points. 	<p>Prior to commencement of the use and to be maintained</p>
UTILITIES	
<p>Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.</p>	<p>Prior to commencement of the use and to be maintained</p>
Retaining walls	
<p>Design and construct all retaining walls and associated fences, in accordance with the relevant Australian Standards and the FNQROCDM.</p> <p>All retaining walls including the footings, must be located wholly within the property boundary of the site where works are occurring</p> <p>- Retaining walls to stabilise excavation must be set back off property boundaries to accommodate subsoil drainage without encroachment into the neighbouring property. This set back may vary depending on the height,</p>	<p>Prior to site/operational/building work commencing and to be maintained.</p>

<u>PLANNING</u>	<u>TIMING FOR COMPLIANCE</u>
<p>structure and design of the retaining wall, including loadings from neighbouring properties, and to provide a surface drain along the top of the retaining wall</p> <ul style="list-style-type: none"> - Retaining walls that are greater than 1.0m in height must be vertically and horizontally tiered by a ratio of 1:1 unless an alternative has been approved by Development Services - Runoff from surface drains and subsoil drainage associated with the retaining wall must be collected and conveyed to a lawful point of discharge and must not cause any ponding, nuisance or disturbance to adjacent property owners - Retaining walls in excess of 1.0m in height must be designed and certified by a Registered Professional Engineer Queensland - Retaining walls facing onto Council property (including the road reserve and parkland) must not be constructed from timber. 	
<u>ADVICE</u>	
<p>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 provision s85 of the Planning Act 2016</p>	
<p>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.</p>	
<p>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.</p>	
<p>Pursuant to the <i>Building and Construction Industry (Portable Long Service Leave) Act 1991</i>, 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"> • 6.30am to 6.30pm, Monday to Saturday; • With no work on Sundays, Public Holidays and whilst a funeral or tombstone opening is being held in the vicinity of the activity. <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>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</p>	

PLANNING**TIMING FOR COMPLIANCE**

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”).



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NOTICE ABOUT A DECISION Lot 1 on RP700593

DESCRIPTION OF THE DEVELOPMENT

Applicant Number: IDAS 2020-03 – 23 Summers Street, Thursday Island

Approvals sought: Development Permit for a Reconfiguration of a Lot

Description of the development: Reconfiguration of a Lot (1 into 2 and access easement)

Decision: Approved with conditions

Decision Date: 27 January 2021

APPLICABLE ASSESSMENT BENCHMARKS

Planning Scheme: Torres Shire IPA Planning Scheme (17 July 2007)

- Residential Zone Precinct 1

SUBMISSIONS

The application is Code Assessable and no submissions were received.

REASONS FOR THE DECISION

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

- a. The development will be located in an area zoned for residential purposes and the scale and intensity of the proposed lot is consistent with the outcomes of the zone.
- b. No significant environmental residual impact is resultant from the proposal;
- c. The development is serviceable by urban infrastructure.
- d. 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.
- e. The proposal will cater for the growing demand for residential housing need in the region in a location that is serviced and well situated amongst the existing township on Thursday Island.

SUMMERS STREET





Torres Shire Council

INFRASTRUCTURE CHARGES NOTICE

(section 52 and schedule 16 of Planning Act 2016)

APPLICANT: Neville Nakata and
Eleanor Yoko Nakata
c/- RPS Australia East Pty Ltd

Via Email: mark.carter@rpsgroup.com.au

APPLICATION: Reconfiguration of a Lot (1 into 2 and access easement)

Notice Number: ICN Lot 1 on RP700593

DATE: 27 of January 2021

FILE REFERENCE: IDAS 2020-03 23 Summers Street, Thursday Island

AMOUNT OF THE LEVIED CHARGE:

(Details of how these charges were calculated are shown overleaf)

Development Type	Adopted Infrastructure Charge	Credits	Total Charge
Reconfiguration of a Lot	\$28,335.90 per lot x 2	\$28,335.90 0	\$28,335.9 0

AUTOMATIC INCREASE OF LEVIED CHARGE: The amount of the levied charge is subject to an automatic increase. Refer to the General Information attached to this notice for more information on how the increase is worked out.

LAND TO WHICH CHARGE APPLIES: Lot 1 on RP700593

SITE ADDRESS 23 Summers Street Thursday Island

PAYABLE TO: Torres Shire Council

WHEN PAYABLE: Reconfiguration of a Lot – when the local government approves the plan of subdivision

OFFSETS OR REFUNDS NIL

This charge is made in accordance with Council's Charges Resolution (No.2) 2018 and section 52 and Schedule 16 of the Planning Regulation 2017.

DETAILS OF CALCULATION

ADOPTED CHARGES

Water Supply

Development Description	Units of Measure	Charge Rate	Reference	Amount
Reconfiguration of a Lot	2 Lots	\$ 8,500.77	CR Table 2.1	\$17,001.54

Sewerage

Development Description	Units of Measure	Charge Rate	Reference	Amount
Reconfiguration of a Lot	2 lots	\$7,083.98	CR Table 2.1	\$14,167.96

Transport

Development Description	Units of Measure	Charge Rate	Reference	Amount
Reconfiguration of a Lot	2 lots	\$4,250.39	CR Table 2.1	\$8,500.78

Community Facilities and Parks

Development Description	Units of Measure	Charge Rate	Reference	Amount
Reconfiguration of a Lot	2 lots	\$2,833.59	CR Table 2.1	\$5,667.18

Stormwater

Development Description	Units of Measure	Charge Rate	Reference	Amount
Reconfiguration of a Lot	2 lots	\$5,667.17	CR Table 2.1	\$11,334.51

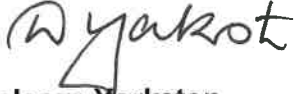
Adopted Charges Development Description	Water Supply	Sewerage	Transport	Community Facilities & Parks	Stormwater	Total
Reconfiguration of a Lot x 2	\$17,001.54	\$14,167.96	\$8,500.78	\$5,667.18	\$11,334.51	\$56,671.80
DISCOUNT	Existing lot discount as per section 3.0 of the Adopted Infrastructure Charges Resolution No.2, 2018, Part 3.1 (c)					\$28,335.90

LEVIED CHARGE

The adopted infrastructure charge for Reconfiguration of a Lot (1 into 2 and access easement) under the Adopted Infrastructure Charges Resolution is the applicable charge rate.

Development	Adopted Charge	Rate	Total
Demand			
Reconfiguration of a Lot (1 into 2 and access easement)	\$28,335.90 per lot	2 lots	\$56,671.80

Discount		
Existing lot	Vacant land (1 Lot) discount as per section 3.0 of the Adopted Infrastructure Charges Resolution No.2, 2018, Part 3.1 (c)	\$28,335.90
Total Charges		\$28,335.90



Dalassa Yorkston
Chief Executive Officer

INFORMATION NOTICE

Authority and Reasons for Charge	This Infrastructure Charges Notice has been given in accordance with section 119-123 of the <i>Planning Act 2016</i> to support the Local government's long-term infrastructure planning and financial sustainability.
Appeals	Pursuant to section Chapter 6 of the <i>Planning Act 2016</i> a person may appeal an Infrastructure Charges Notice. Attached is an extract from the <i>Planning Act 2016</i> that details your appeal rights.
Automatic Increase Provision of charge rate (\$)	<p>An infrastructure charge levied by Council is to be increased by the difference between the Producer Price Index (PPI) applicable at the time the infrastructure charge was levied, and PPI Index applicable at the time of payment of the levied charge, adjusted by reference to the 3-yearly PPI Index average¹. If the levied charge is increased using the method described above, the charge payable is the amount equal to the sum of the charge as levied and the amount of the increase.</p> <p>However, the sum of the charge as levied and the amount of the increase is not to exceed the maximum adopted charge the Council could have levied for the development at the time the charge is paid.</p>
GST	The Federal Government has determined that contributions made by developers to Government for infrastructure and services under the <i>Planning Act 2016</i> are GST exempt.
To whom the charge must be paid	<p>Payment of the Charge must be made payable to TORRES SHIRE COUNCIL, PO Box 171, Thursday Island, Qld 4875.</p> <p>The Infrastructure Charge has been calculated in accordance with the charges stated in Council's Charges Resolution. This notice will be escalated to time of payment to the extent permitted under legislation in force at that time.</p> <p>It is requested that you contact Council's Planning and Development Department to confirm that amount payable prior to making payment.</p>

¹ 3-yearly PPI average is defined in section 114 of the *Planning Act 2016* and means the PPI adjusted according to the 3-year moving average quarterly percentage change between financial quarters. PPI is the producer price index for construction 6427.0 (ABS PPI) index number 3101 – Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics.

Payment This notice is due and payable by the due time shown. Cheques, money orders or postal notes should be made payable to TORRES SHIRE COUNCIL and crossed "Not Negotiable". Change cannot be given on cheque payments. Property owners will be liable for any dishonour fees.

Overseas Payees Please forward your infrastructure charges payment by way of a bank draft for the required amount in Australian dollars.

Method of Payment **PAYMENT BY MAIL**

Confirm the current Infrastructure Charge applicable and obtain an updated payment notice from Council's Planning and Development Department.

Mail this updated payment notice immediately with your payment to: TORRES SHIRE COUNCIL, PO Box 171, Thursday Island, Qld 4875.

NOTE: Cheques must be made payable to TORRES SHIRE COUNCIL

PAYMENT AT COUNCIL OFFICES

Confirm the current Infrastructure Charge applicable.

Present written confirmation of charges with your payment to Torres Shire Council Chambers, 68 Douglas Street, Thursday Island.

NOTE: Cheques must be made payable to TORRES SHIRE COUNCIL

PAYMENT MADE BY CREDIT CARD

Credit Cards accepted: Mastercard or Visa

Enquiries Enquiries regarding this Infrastructure Charges Notice should be directed to the TORRES SHIRE COUNCIL, Planning and Development Department, during office hours 9am to 4pm Monday to Friday by phoning (07) 4069 1336 or email at admin@torres.qld.gov.au
