

Our Ref: LM: tt:DA/4431 AD2024/0002538

Your Ref: Endeavour Christian College

17 May 2024

Christian Community Ministries Property Ltd.

12 Charles Street

COOKTOWN QLD 4895

E-mail: nhopper11@bigpond.com

Attention: Norm Hopper

Dear Mr Hopper

Decision Notice – (Minor Change)

Given under section 83 of the *Planning Act 2016*

With reference to your Change Application (Minor) please find attached the relevant Decision Notice, which was approved by the Acting Chief Executive Officer as delegated on **13 May 2024**.

Details of the decision are as follows:

Application Details

Application Number: DA/4431

Street Address: 12 Charles Street COOKTOWN QLD 4895

Real Property Description: Lot 27 on C17945

Planning Scheme: *Cook Shire Council Planning Scheme 2017 v2.0*

Decision Details

The original Decision was dated 17 January 2022.

Council's Acting Chief Executive Officer as delegated on 13 May 2024, decided to issue the following type of approval;

Approval Sought: Change Application (Minor) – Development Permit for Operational Works – Roadworks to Extend Bitumen Seal of Parkinson Street, Cooktown.

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*.

Assessment Manager Conditions

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

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Operational Works

Properly Made Submissions

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

Reason for the Decision

The proposed changes are consistent with the approval and introduce no new impacts.

Referral Agencies

Not applicable - no part of the application required referral.

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Rights of Appeal

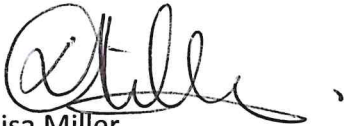
You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely



Lisa Miller

Manager Planning and Environment

| | | |
|------|---------------------|--|
| enc: | Attachment 1 | Conditions Imposed by the Assessment Manager |
| | Attachment 2 | Approved Plans (D24/15162) |
| | Attachment 3 | Notice of Decision – Statement of Reasons (AD2024/0002539) |
| | Attachment 4 | Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i>) |

Attachment 1 - Conditions Imposed by the Assessment Manager (Cook Shire Council)

Attachment 1 - Conditions imposed by the assessment manager (Cook Shire Council)

A. Assessment Manager (Council) Conditions

Approved Plans

1. Carried out the approved development generally in accordance with the approved drawing(s) and/or document(s), see table below and Appendix A, details in response to Council's information Request, and in accordance with: -
 - a. The specifications, facts and circumstances as set out in the application submitted to Council.
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.
 - c. Undertake the works in accordance with the approved plans/supervised by a Registered Professional Engineer Queensland.

| Drawing | Drawing Title | Date |
|--------------------------------------|--|------------|
| CR01;Rev A | Road Layout & Longitudinal Section | 25/10/2021 |
| CR02;Rev A | Proposed Road Sections | 25/10/2021 |
| CR03;Rev A | Details | 25/10/2021 |
| ESC-01;Rev A | Erosion & Sediment Control – North Side | 25/10/2021 |
| ESC-02;Rev A | Erosion & Sediment Control Details | 25/10/2021 |
| Ref no. LM:DA/4431:AD2021/0006771 | Lennox Letter; Information Request Response | 30/11/21 |

| Drawing | Drawing Title | Date |
|--------------------------------------|--|------------|
| CR01;Rec C | Road Layout & Longitudinal Section | 02/05/2024 |
| CR02;Rev C | Proposed Road Sections | 02/05/2024 |
| CR03;Rev B | Details | 02/05/2024 |
| ESC-01;Rev A | Erosion & Sediment Control – North Side | 25/10/2021 |
| ESC-02;Rev A | Erosion & Sediment Control Details | 25/10/2021 |
| Ref no. LM:DA/4431:AD2021/0006771 | Lennox Letter; Information Request Response | 30/11/21 |

Environmental

2. The applicant must ensure during construction that there are no adverse impacts from dust, noise or stormwater runoff on surrounding properties.
3. The applicant must ensure that during construction there is no sand, soil, or silt runoff from the site.

Hours of Work

4. Work involving the operation of construction plan and equipment of description, must only be carried out on site during the following times:

- a) 7.00am to 6.00pm, Monday to Friday;
- b) 7.00am to 5.00pm Saturdays; and
- c) no work is permitted on Sundays or Public Holidays.

No variation to the above working hours is allowed unless otherwise agreed in writing by Council's Chief Executive Officer.

Public Utilities

5. The applicant is responsible for the cost of any alterations to public utilities as a result of complying with the conditions of this approval.

Roadworks

6. The evaluation of the subgrade, confirmation of the final pavement design must be submitted to Council's Manager Engineering approval.

Traffic Management

7. The applicant must have in place a Traffic Management Plan prepared by a qualified Traffic Management Designer during construction, to ensure the safety of pedestrians and vehicle traffic through constructions.

Certificate and Maintenance

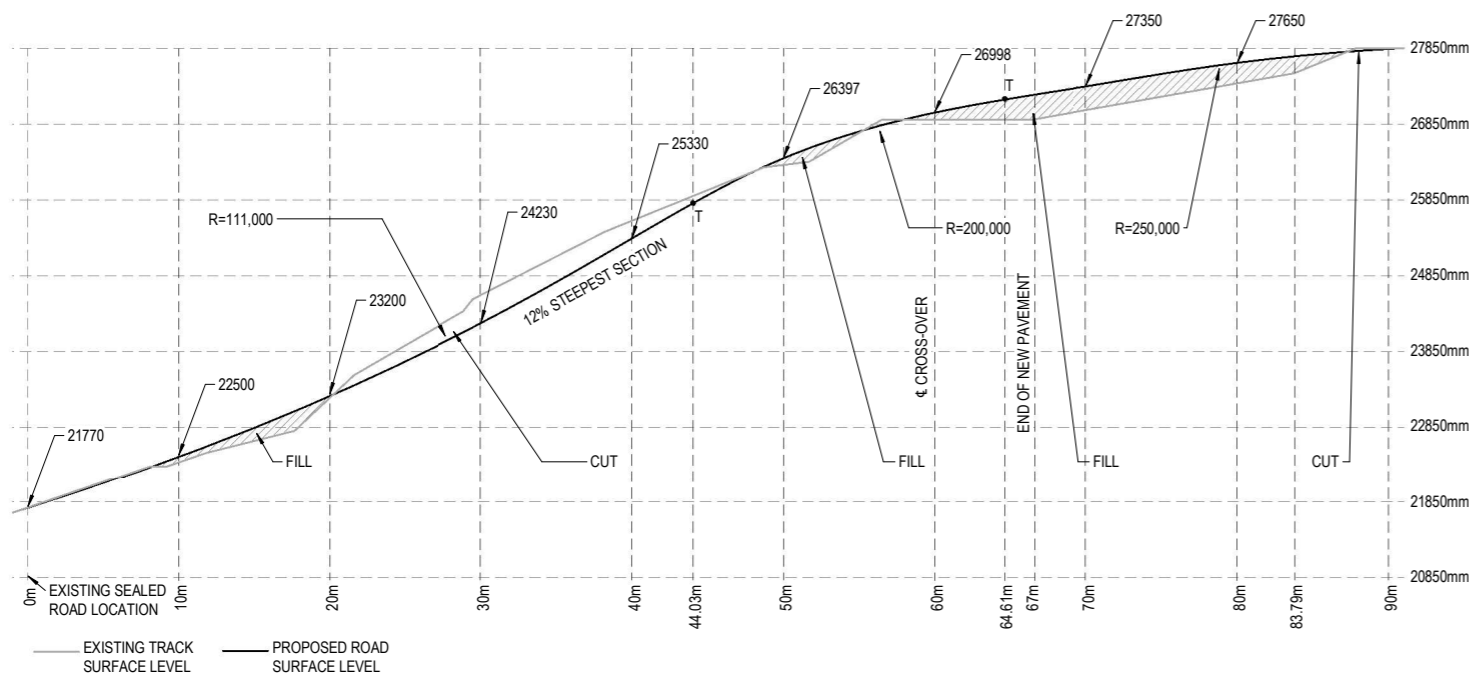
8. Upon completion of the works, certificate from a registered Professional Engineer Queensland is to be submitted to Council stating that the construction works have been carried out properly and in accordance with the plans and specification approved by Council.

The certificate shall set out the full engineering detail of the work as completed and shall show all relevant survey data and levels, together with a bond for 5% of the total works costs, to meet the cost of any maintenance required during a maintenance period no exceeding twelve (12) months from the date of Council's acceptance of the Certification of the operational works from a Registered Professional Engineer Queensland.

B. Advice (Council)

1. The applicant/owner is to ensure all necessary permits required for carrying out the Operational Works are obtained prior to construction associated with this development.
2. Council draws to the applicant's attention that of the heaviest rainfalls in north Queensland can occur during the months of December through to March.
3. The Operational Works approval authorised by this Development Permit must be completed within two (2) years from the commencement of this approval or this approval will lapse.
4. The applicant/owner is to ensure a duty of care is provided to protected flora appearing on the site under the requirements of the *Conservation Act*
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

Attachment 2 – Approved Plans (D24/15162)



1 LONGITUDINAL SECTION
1:250

| CUT & FILL QUANTITIES | |
|-------------------------|-------------------------|
| ROAD | VERGES |
| FILL: 72 m ³ | CUT: 330 m ³ |
| CUT: 48 m ³ | |

ALL EXCESS MATERIAL TO BE STOCKPILED FOR USE ON THE PROPOSED SCHOOL OVAL.

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

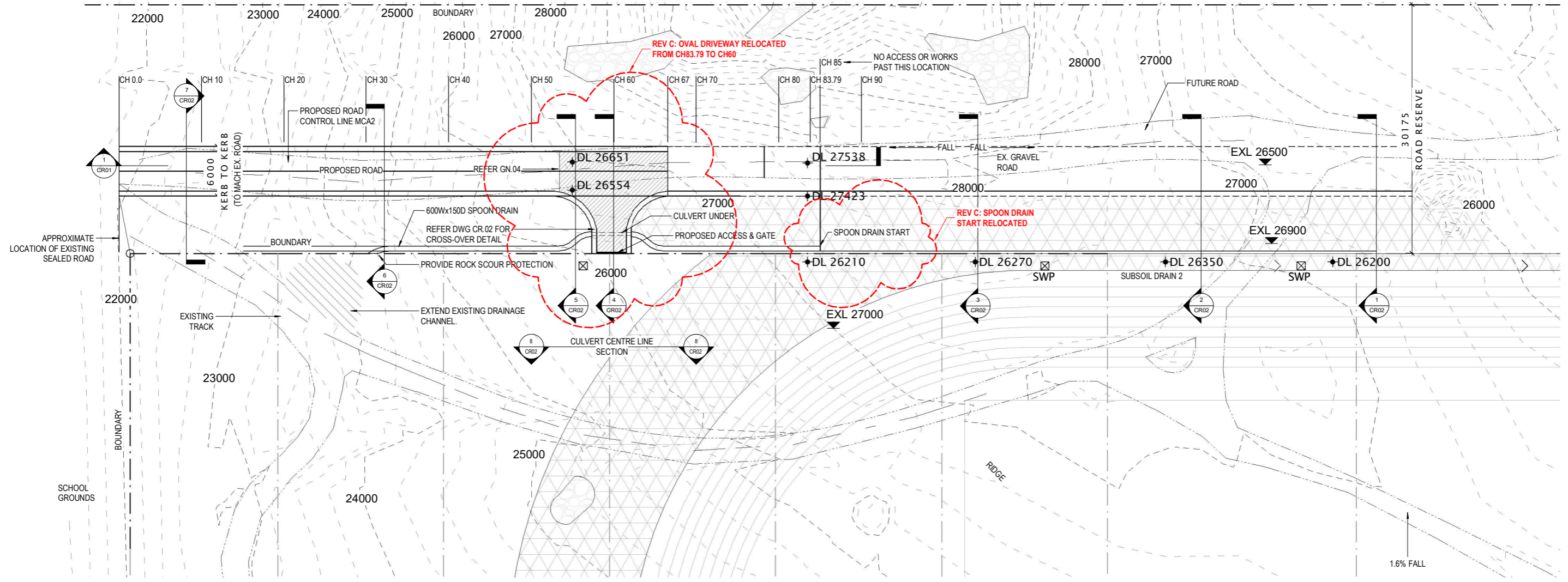
Development Application: Development Permit for Operational Works - Minor Change - Roadworks (Extend bitumen seal on Parkinson Street Cooktown)

Lot: 27 on Plan C17945

Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 May 2024
Application Number: DA/4431

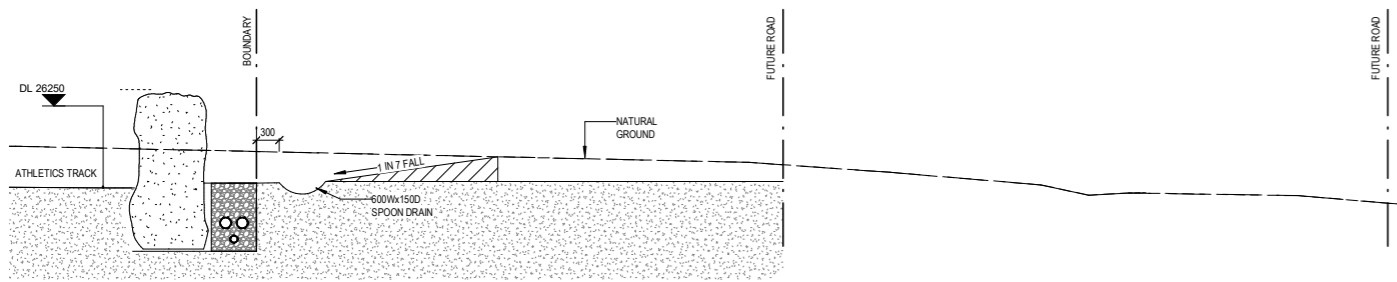
- GENERAL NOTES**
- GN.01. THE SUBGRADE SHALL BE EVALUATED BY AN RPEQ ENGINEER & THE PAVEMENT DESIGN CONFIRMED.
 - GN.02. MINIMUM BASE COURSE CBR SHALL BE 60.
 - GN.03. PROVIDE A BITUMEN WEARING SURFACE OF PRIMER PLUS 2 COAT SPRAYED BITUMEN SEAL ON 16/10 AGGREGATE.
 - GN.04. PROVIDE A 30mm ASPHALT SURFACE TREATMENT WITH A SINGLE COAT SEAL.
 - GN.05. CONCRETE SHALL BE GRADE N25 IN ACCORDANCE WITH AS1379 & AS 3600.



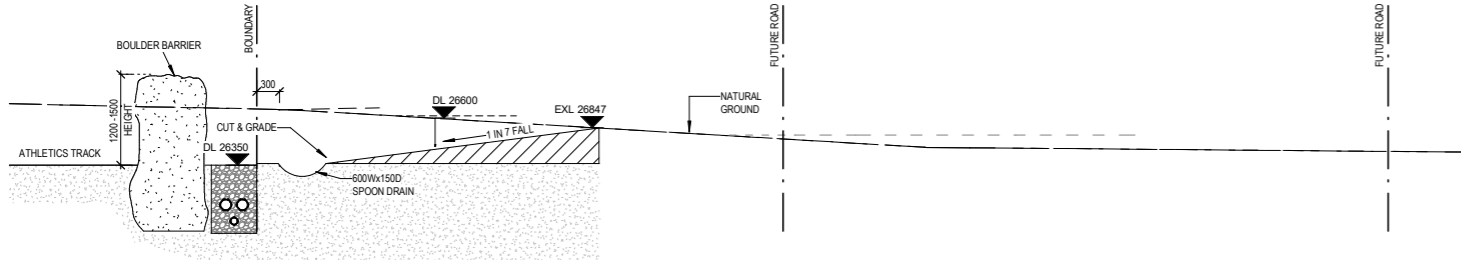
2 ROAD LAYOUT
1:250

| | | | | | | | | | |
|--|------------------|---------------------------|---|--|--|-------------|----------------------|----------|---------|
| <p>REDGATE BUILDING SOLUTIONS PL ABN 35144589426 RPEQ 7279 MIEAust CP Eng NER BSA 1211127 (med-rise) PO BOX 952, EDGE HILL, CAIRNS QLD 4870 TEL: (07) 49325335 E-MAIL: ADMIN@THIRKELL.COM.AU</p> | Rev. | Description | Date | CLIENT | PROJECT | Scale | Date | Drawn | Checked |
| | A | PRELIMINARY CLIENT REVIEW | 27/09/2021 | ENDEAVOUR CHRISTIAN COLLEGE | PROPOSED ACCESS ROAD TO ATHLETICS TRACK AT 12 CHARLES STREET, COOKTOWN QLD | 1:250@A1 | 2/05/2024 2:33:20 PM | RB | GT |
| | B | TENDER ISSUE | 25/10/2021 | THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF REDGATE BUILDING SOLUTIONS PL. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF REDGATE BUILDING SOLUTIONS PL. CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. | | | | | |
| C | DESIGN VARIATION | 02/05/2024 | DRAWING TITLE: ROAD LAYOUT & LONGITUDINAL SECTION | | | | | | |
| | | | | | | Project No. | | Dwg. No. | Rev. |
| | | | | | | 21-068 | | CR01 | C |

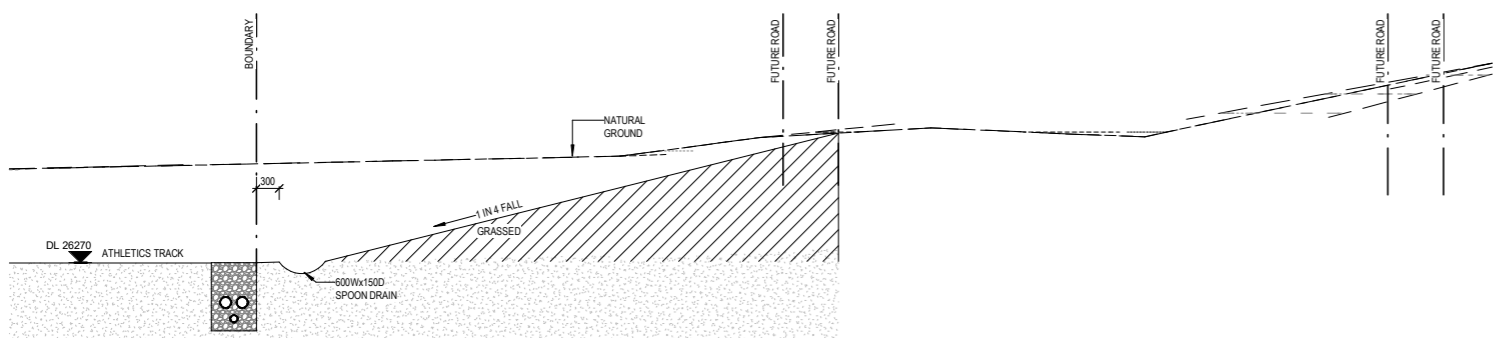
TENDER ISSUE



1 SECTION 1
1:50

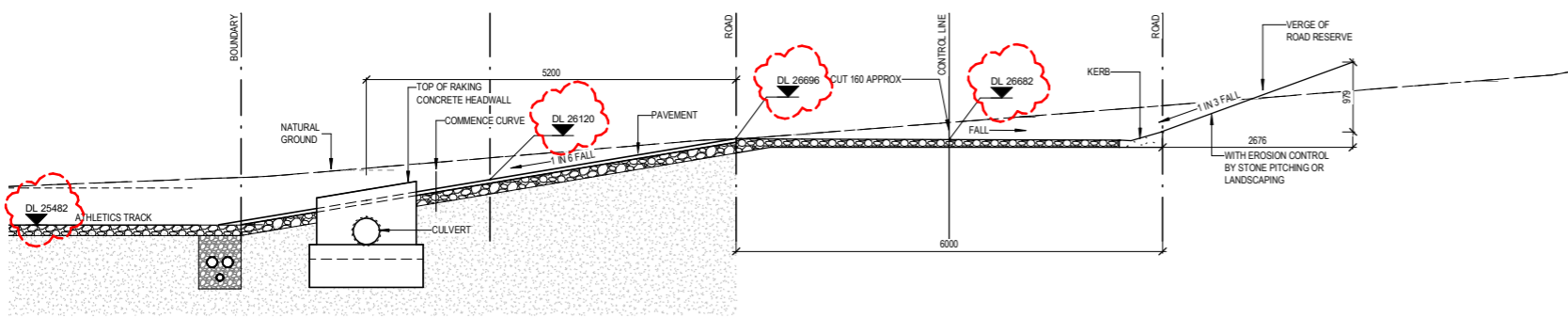


2 SECTION 2
1:50

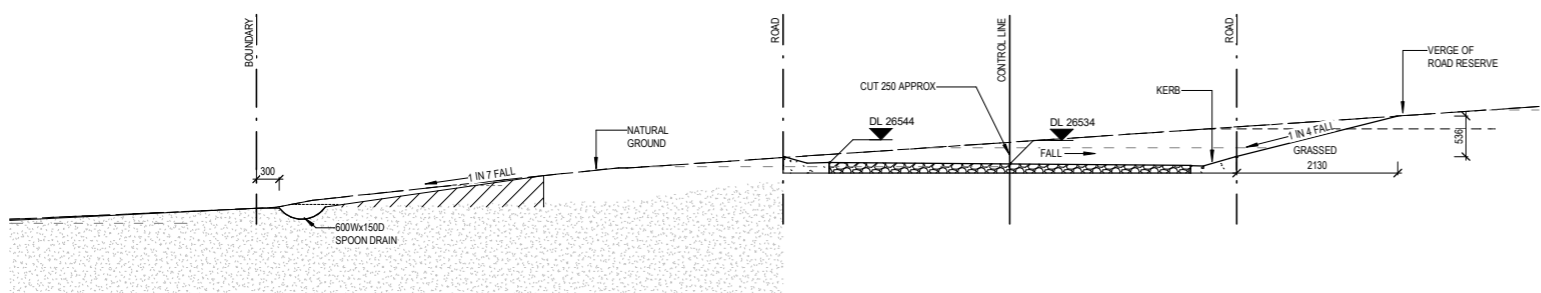


3 SECTION 3
1:50

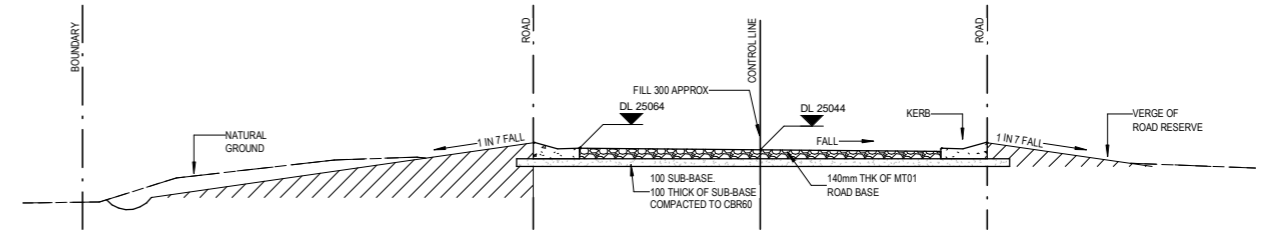
REV C: OVAL DRIVEWAY RELOCATED FROM CH83.79 TO CH60. CHANGE OF LEVELS TO SECTION 4.



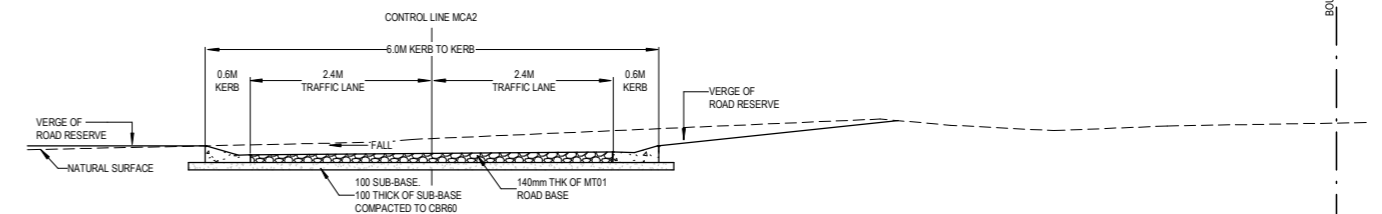
4 SECTION 4
1:50



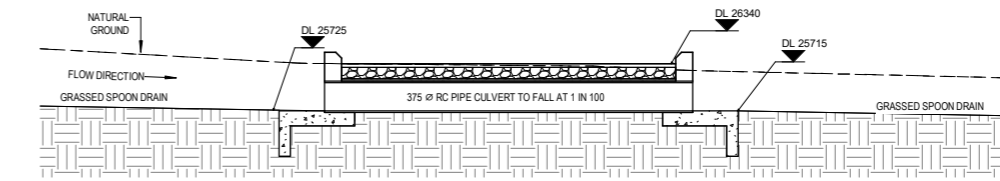
5 SECTION 5
1:50



6 SECTION 6
1:50



7 PROPOSED ROAD CROSS SECTION
1:50



8 CULVERT CENTRE LINE SECTION
1:50

| CULVERT DESIGN | | | | | | | |
|---|-----------|-----------|------|----------|------------|--------|--------|
| REFER SECTION FOR FURTHER DESIGN PARAMETERS | | | | | 1 YEAR ARI | | |
| SUB - CATCHMENT | AREA (HA) | SLOPE SE% | fi | Tc (MIN) | Cy | 5i10 | Q |
| 1 | 0.008 | 0.017 | 0.01 | 5 | 0.7 | 240.66 | 0.0039 |

PROVIDE FNQROC D4.09 MIN PIPE SIZE 375 ø RCP

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Operational Works - Minor Change - Roadworks (Extend bitumen seal on Parkinson Street Cooktown)

Lot: 27 on Plan C17945

Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 May 2024
Application Number: DA/4431

TENDER ISSUE

| | | | | | | | | | |
|---|------|---------------------------|------------|---------------------------------------|---|-----------------------|---------------------------------|------------------|--------------|
| <p>REDGATE BUILDING SOLUTIONS PL ABN 35144689426 RPEQ 7279 MIEAust CP Eng NER BSA 1211127 (med-rise) PO BOX 952, EDGE HILL CAIRNS QLD 4870 TEL (07) 49325335 E-MAIL ADMIN@THIRKELL.COM.AU</p> | Rev. | Description | Date | CLIENT ENDEAVOUR CHRISTIAN COLLEGE | PROJECT PROPOSED ACCESS ROAD TO ATHLETICS TRACK AT 12 CHARLES STREET, COOKTOWN QLD | Scale 1:50@ A1 | Date 2/05/2024 2:33:21 PM | Drawn RB | Checked - |
| | A | PRELIMINARY CLIENT REVIEW | 27/09/2021 | | | | | | |
| | B | TENDER ISSUE | 25/10/2021 | | | | | | |
| | C | DESIGN VARIATION | 02/05/2024 | | | | | | |
| | | | | | | Project No. 21-068 | | Dwg. No. CR02 | Rev C |

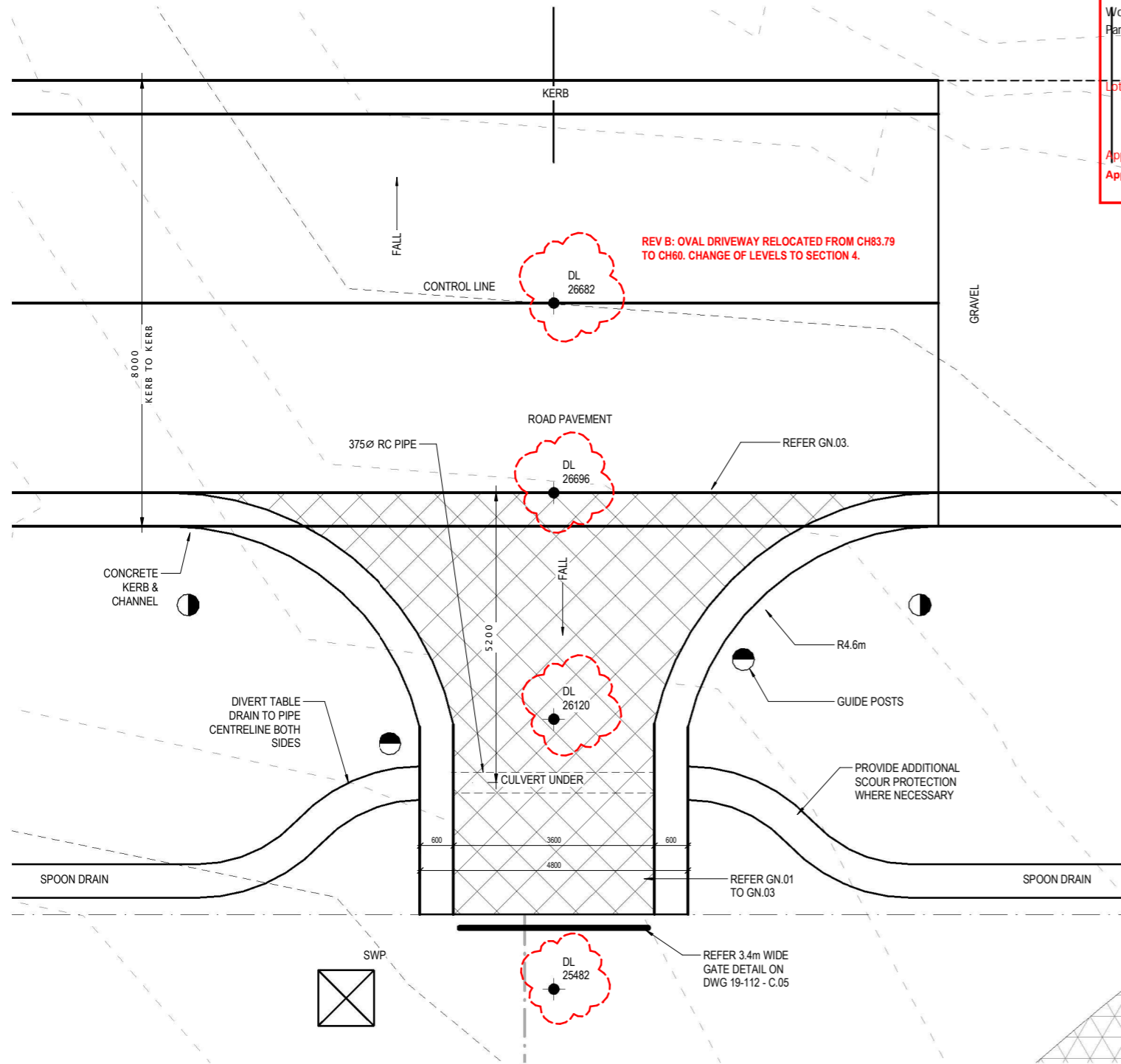
COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Operational Works - Minor Change - Roadworks (Extend bitumen seal on Parkinson Street Cooktown)

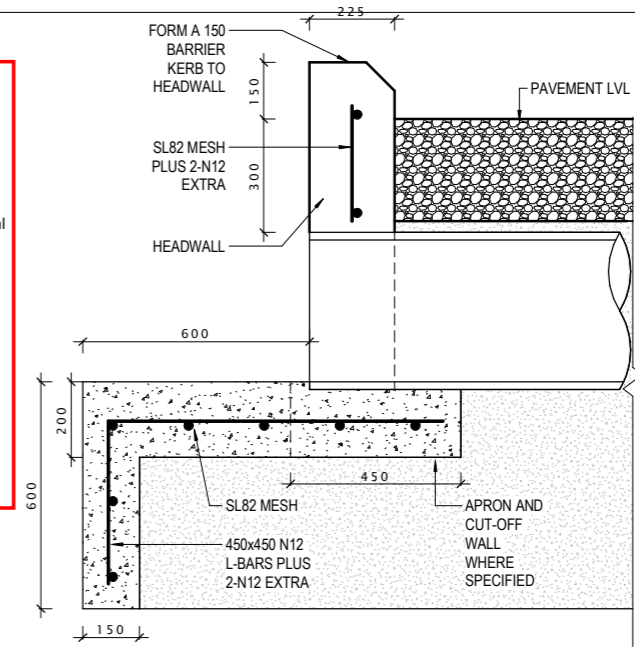
Lot: 27 on Plan C17945

Referred to in Cook Shire Council's Decision Notice

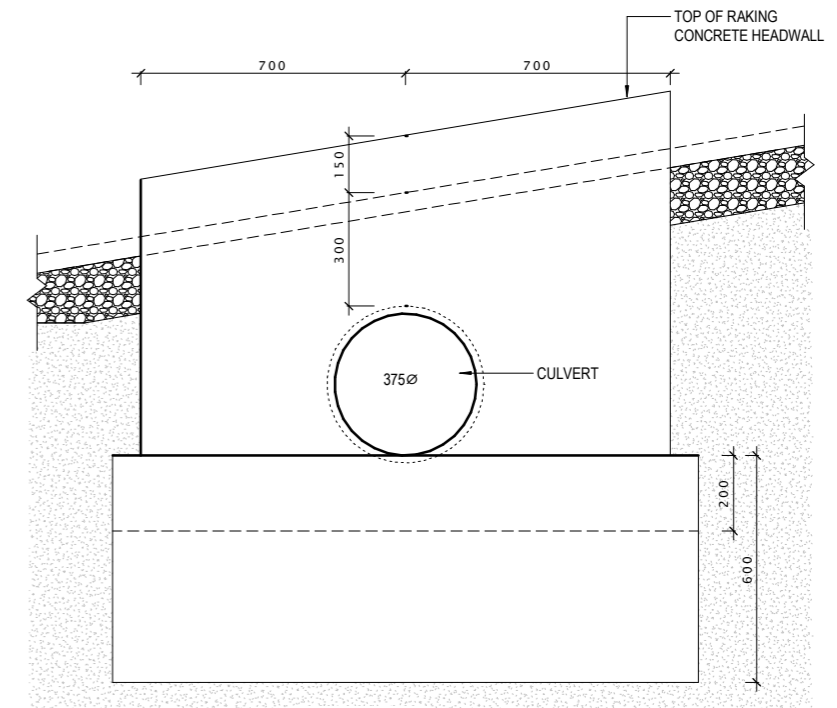
Approval Date: 13 May 2024
Application Number: DA/4431



3 RURAL ALLOTMENT ACCESS - PLAN DETAIL
 1:50

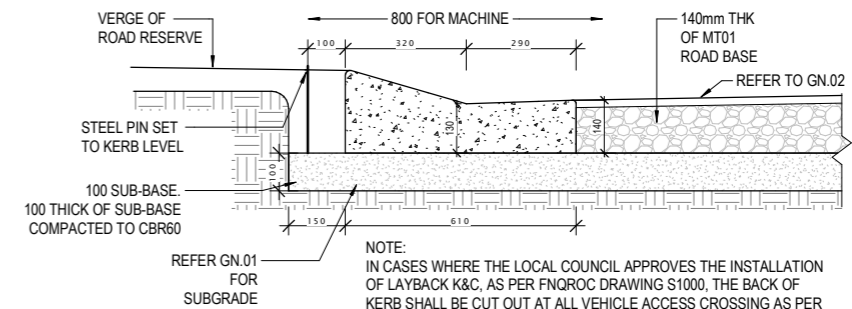


CULVERT SECTION



CULVERT ELEVATION

1 CULVERT DETAILS
 1:10

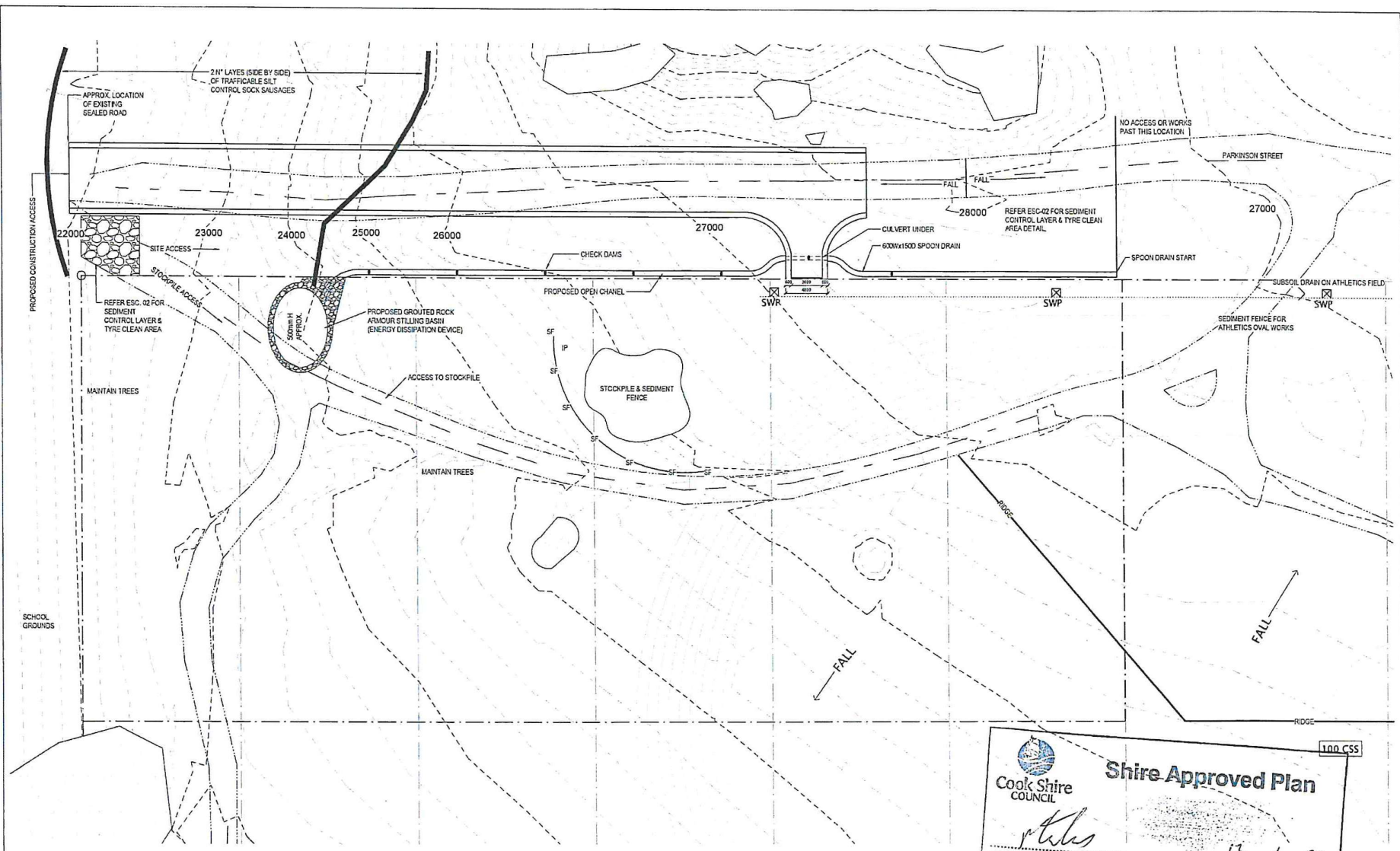


NOTE:
 IN CASES WHERE THE LOCAL COUNCIL APPROVES THE INSTALLATION OF LAYBACK K&C, AS PER FNQROC DRAWING S1000, THE BACK OF KERB SHALL BE CUT OUT AT ALL VEHICLE ACCESS CROSSING AS PER FNQROC DRAWING S1015

2 KERB DETAIL
 1:10

| | | | | | | | | | |
|--|------|------------------|------------|--|--|------------------|----------------------|-------|---------|
| <p>REDGATE BUILDING SOLUTIONS PL ABN 35144589426 RPEQ 7279 MIEAust CP Eng NER BSA 1211127 (med-rise) PO BOX 952, EDGE HILL CAIRNS QLD 4870 TEL (07) 49325335 E-MAIL ADMIN@THIRKELL.COM.AU</p> | Rev. | Description | Date | CLIENT | PROJECT | Scale | Date | Drawn | Checked |
| | A | TENDER ISSUE | 25/10/2021 | ENDEAVOUR CHRISTIAN COLLEGE | PROPOSED ACCESS ROAD TO ATHLETICS TRACK AT 12 CHARLES STREET, COOKTOWN QLD | As indicated@ A1 | 2/05/2024 2:33:22 PM | JR | |
| | B | DESIGN VARIATION | 02/05/2024 | | | | | | |
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| | | | | | DETAILS | 21-068 | CR03 | B | |

TENDER ISSUE



1 ESC PLAN - NORTH END
17-209

100 CSS

Shire Approved Plan

Cook Shire COUNCIL

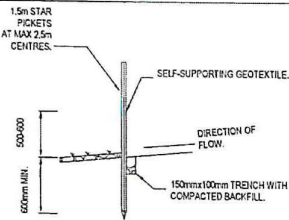
[Signature]
Shire Engineer

13/1/22

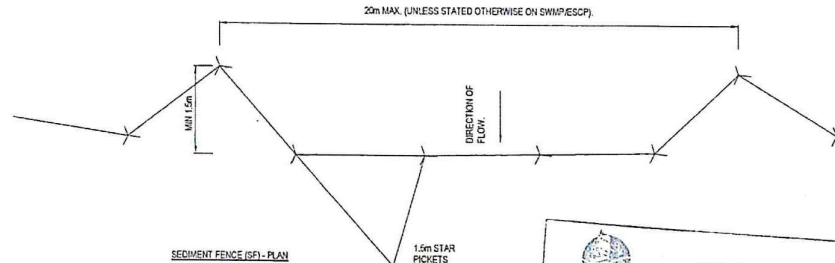
- LEGEND**
- ROCK / OUTCROP
 - EDGE OF TRACK
 - CONTOUR LINE
 - DRAINAGE ELEVATION
 - BOUNDARY
 - PROPOSED FIELD
 - INDICATE LEGAL POINT OF DISCHARGE
 - 45°/45° SLOPE WATER PIT
 - BATTER AT 1V:10H
 - CENTRALIZED SITE SOIL
 - BURIED/IN-CONSTRUCTION POINT
 - POINT LEVEL
 - DESIGN LEVELS
 - EXISTING LEVELS
 - SEDIMENT FENCE

| | | | | | | | | |
|---------------------------------|---|--|---|---|---------------------------|------------------------------------|-----------------|-------------------|
| <p>THIRKELL CONSULTANTS</p> | <p>REDGATE BUILDING SOLUTIONS PT. A/N 121458281</p> | <p>Rev. Description Date</p> | <p>CLIENT ENDEAVOUR CHRISTIAN COLLEGE</p> | <p>PROJECT PROPOSED ACCESS ROAD TO ATHLETICS TRACK AT 12 CHARLES STREET, COOKTOWN QLD</p> | <p>Scale 1:200 @ A1</p> | <p>Date 26/10/2021 12:33:47 PM</p> | <p>Drawn JR</p> | <p>Checked GT</p> |
| | <p>PROJECT 12729 MIDLAND CP Eng N/A</p> <p>BSA 1211127 (mod/6/19) PO BOX 616, EDGE HILL, CARINGBOLD 4870</p> <p>PH: 08 9422 1818 WWW: WWW.THIRKELL.COM.AU</p> | <p>FOR COUNCIL APPROVAL 25/10/2021</p> | <p>THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF REDGATE BUILDING SOLUTIONS PT. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF REDGATE BUILDING SOLUTIONS PT. CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.</p> | <p>Drawing Title: EROSION & SEDIMENT CONTROL - NORTH SIDE</p> | <p>Project No. 21-009</p> | <p>Des. No. ESC-01</p> | <p>Rev. A</p> | |

FOR COUNCIL APPROVAL

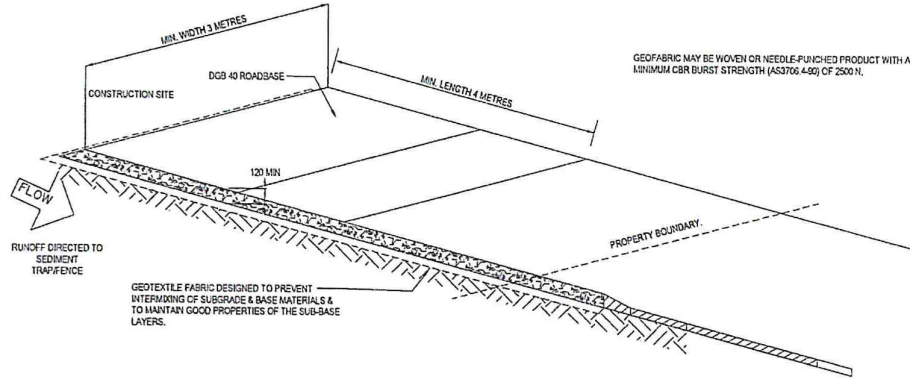


SEDIMENT FENCE (SF) - SECTION

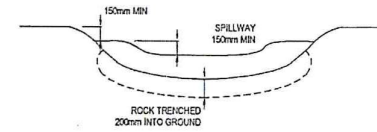


SEDIMENT FENCE (SF) - PLAN

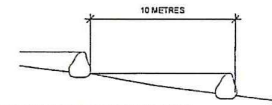
Cook Shire COUNCIL
Shire Approved Plan
 Shire Engineer
 13/1/22



SEDIMENT CONTROL LAYER & TYRE CLEAN AREA

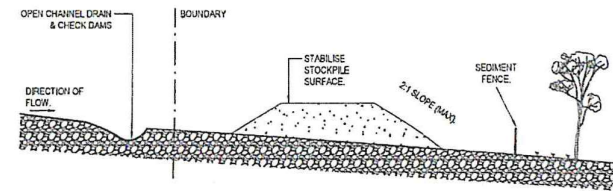


ROCK CHECK DAM - CROSS SECTION



SPACING OF CHECK DAMS ALONG CENTRELINE & SCOUR PROTECTION BELOW EACH CHECK DAM TO BE SPECIFIED ON SWMP/ESCP.

ROCK CHECK DAM - LOWS SECTION



STOCKPILE DETAIL

NOTES

1. SEQUENCING OF CONTROL MEASURES.
 - A. INSTALL STABLE POINT OF ENTRY.
 - B. INSTALL SILT FENCES.
 - C. PROTECT TOPSOIL STOCKPILES.
 - D. INSTALL STORMWATER PIPES.
 - E. IMPLEMENT PROTECTION MEASURES TO STORMPIPES.
 - F. REVEGETATE BARE AREAS UPON COMPLETION OF EARTHWORKS (IF REQUIRED). THE AMOUNT OF DISTURBANCE TO EXISTING VEGETATION TO BE KEPT TO A MINIMUM.
2. EXACT LOCATION OF SEDIMENT CONTROL STRUCTURES TO BE DETERMINED ON SITE BY COUNCIL & SUPERINTENDENT.
3. STOCKPILE LOCATIONS TO BE AGREED WITH COUNCIL & THE SUPERINTENDENT (IF REQUIRED). STOCKPILES TO BE PROTECTED VIA DIVERSION DRAIN ON THE UP SLOPE & SILT FENCE ON THE DOWN SLOPE.
4. THE FOLLOWING REVEGETATION MEASURES ARE TO BE UNDERTAKEN IMMEDIATELY UPON COMPLETION OF EARTHWORKS FALL BATTERS TO BE TOPSOILED.
5. ALL REVEGETATION IS TO BE WATERED & MAINTAINED UNTIL GROWTH IS ESTABLISHED.

SILT FENCE

1. FOR DETAILS OF EROSION & SEDIMENT CONTROL MEASURE DETAILS, REFER C2.05.

SPOIL AREA NOTES

1. SPOIL TO BE PLACED ONE METRE CLEAR INSIDE BOUNDARIES, TO ALLOW FENCING & LANDSCAPING.
2. FILL AREAS TO BE COMPACTED TO 95% STD COMPACTION.

| | | | | | |
|--|--|--|--|---|------------------------|
| | REDGATE BUILDING SOLUTIONS PT LTD ADN 2314195428 1/150 WILSON ST PO BOX 912, EDGE HILL CAMBRIDGE CB2 3RQ | Rev. Description Date A FOR COUNCIL APPROVAL 25/10/2021 | CLIENT ENDICAVOUR CHRISTIAN COLLEGE THE CONCEPT AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF REDGATE BUILDING SOLUTIONS PT. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF REDGATE BUILDING SOLUTIONS PT. CONSTITUTES AN INFRINGEMENT OF COPYRIGHT. | PROJECT PROPOSED ACCESS ROAD TO ATHLETICS TRACK AT 12 CHARLES STREET, COOKTOWN QLD Scale 1:250 A1 Date 26/10/2021 12:31:58 PM | Drawn RB Checked GT |
| | PROJECT TITLE EROSION & SEDIMENT CONTROL DETAILS Project No. 21-008 Date No. 22-C-02 Rev. A | | | | |

FOR COUNCIL APPROVAL

Attachment 3 – Notice of Decision – Statement of Reasons (AD2024/0002539)

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: | DA/4431 |
| Applicant: | Christian Community Ministries Property Ltd. |
| Proposal: | Development Permit for Operational Works |
| Description of the Development: | Operational Works – Roadworks to Extend Bitumen Seal of Parkinson Street, Cooktown |
| Street Address: | 12 Charles Street COOKTOWN QLD 4895 |
| Real Property Description: | Lot 27 on C17945 |
| Planning Scheme: | Cook Shire Council Planning Scheme 2017 v2.0 |
| Land Zoning: | Rural Residential |
| Assessment Type: | Code Assessment |

DECISION DETAILS

| | |
|-------------------|---|
| Type of Decision: | Approval with Conditions |
| Type of Approval: | Change Application (Minor) – Development Permit for Operational Works – Roadworks to Extend Bitumen Seal of Parkinson Street, Cooktown. |
| Date of Decision: | 13 May 2024 |

ASSESSMENT BENCHMARKS

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

| Assessment Benchmarks | Comment |
|---|--|
| <i>Planning Regulation 2017</i> (Schedule 9) | Schedule 9 is not applicable as the application is not for building work under the Building Act. |
| <i>Planning Regulation 2017</i> (Schedule 10) | Not Applicable |
| Regional Plan | Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required. |
| State Planning Policy (SPP), Part E | Section 2.1 of the Planning Scheme identifies that the superseded version of the <i>State Planning Policy</i> is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and mapping has determined that the state interests are adequately reflected in the Planning Scheme and no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP. However, amendments to any part of the SPP or supporting mapping may result in a local planning instrument no longer appropriately integrating a particular State interest. In these instances the SPP and/or the supporting mapping apply to the extent of any inconsistency. |
| Temporary State Planning Policy | There are no Temporary State Planning Policies. |

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Rural residential zone code
- Community Facilities Zone Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Parking and Access Code

- Works, Services and Infrastructure Code

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

Not Applicable

REASONS FOR THE DECISION

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

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The application has demonstrated that the relocation and amendment of the vehicular crossover, driveway and reduction of the roadworks to extend the bitumen seal along Parkinson Street, Cooktown will not have an adverse impact on the subject site or adjacent properties.

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 and any conditions or plans relating to the development, please refer to Council's webpage.

Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
 - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
 - (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
 - (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
 - (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.