

Our Ref: LM: ImDA/4715 AD2024/0001389
Your Ref: M10-23

11 April 2024

Hernan Alirio Martinez c/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895
E-mail: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

Decision Notice - Approval
Given under section 63 of the *Planning Act 2016*

With reference to the above mentioned Development Application (DA/4715), please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision: Council approved the Development Application by delegation on **5 April 2024**

Approval Details: **Approved in full** with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Application Details

Application Number: DA/4715

Approval Sought: Development Permit for Combined Material Change of Use and Reconfiguring a Lot

Description of the Development: Material Change of Use – Dual Occupancy and Reconfiguration of a Lot (1 into 2)

Category of Development: Assessable Development

Category of Assessment: Code Assessment

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

Location Details

Street Address: 37 Howard Street COOKTOWN 4895

Real Property Description: Lot 3 on Plan SP297338

Local Government Area: Cook Shire

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 Plumbing and Drainage Work
2. Development Permit for Building Work

Properly Made Submissions

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

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**.

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*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Variation approval details

Not Applicable

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 (D24/12784)
	Attachment 3	Infrastructure Charges Notice (D24/9834)
	Attachment 4	Notice of Decision – Statement of Reasons (AD2024/0001390)
	Attachment 5	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)

A. Assessment Manager (Council) Conditions

No.	Condition	Timing
GENERAL		
1.	COMPLIANCE WITH CONDITIONS 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
2.	OUTSTANDING CHARGES All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey
3.	WORKS – DEVELOPER’S EXPENSE 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.	At all times
4.	WORKS - DAMAGE TO INFRASTRUCTURE The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.	At all times
5.	WORKS – DESIGN & STANDARD Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times
6.	WORKS – SPECIFICATION & CONSTRUCTION All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).	At all times
7.	COMMENCEMENT OF USE The use must not commence until the conditions of the approval relevant to each stage have been complied with.	At all times
8.	INFRASTRUCTURE CONDITIONS All development conditions contained in this development approval	At all times

	about infrastructure under Chapter 4 of the <i>Planning Act 2016</i> (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.																													
APPROVED PLANS & DOCUMENTS																														
9.	<p>APPROVED PLANS & DOCUMENTS</p> <p>Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Reference.</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Proposed Subdivision Plan</td> <td>1/A04.01</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> <tr> <td>Site Plan</td> <td>1/A04.01</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> <tr> <td>Topography and Concept Drainage</td> <td>1/A04.01</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> <tr> <td>Ground Floor Plan and Roof Plan</td> <td>1/A04.01, 2/A04.01</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> <tr> <td>Elevations</td> <td>East, South, West, North and West Elevation</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> <tr> <td>3D Views</td> <td>3D View 1, 2, 3 & 4</td> <td>Nov 2023</td> <td>Architectural Nature</td> </tr> </tbody> </table>	Title	Reference.	Date	Prepared By	Proposed Subdivision Plan	1/A04.01	Nov 2023	Architectural Nature	Site Plan	1/A04.01	Nov 2023	Architectural Nature	Topography and Concept Drainage	1/A04.01	Nov 2023	Architectural Nature	Ground Floor Plan and Roof Plan	1/A04.01, 2/A04.01	Nov 2023	Architectural Nature	Elevations	East, South, West, North and West Elevation	Nov 2023	Architectural Nature	3D Views	3D View 1, 2, 3 & 4	Nov 2023	Architectural Nature	At all times
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10.	<p>CONDITIONS OF APPROVAL & APPROVED PLANS</p> <p>Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.</p>	At all times																												
SERVICES																														
11.	<p>ELECTRICITY SUPPLY</p> <p>Proposed Lot 1 and Lot 2 must be connected to the reticulated electricity supply. All electrical infrastructure serving proposed Lot 1 and Lot 2 must be contained entirely within each respective lot.</p>	Prior to Dual Occupancy commencement of use																												
12.	<p>TELECOMMUNICATIONS</p> <p>Telecommunications to proposed Lot 1 and Lot 2 must be provided to the premises to the standards and requirements of the relevant</p>	Prior to Dual Occupancy commencement of																												

	service provider. All telecommunication infrastructure serving proposed Lot 1 and Lot 2 must be contained entirely within each respective lot.	use
13.	RETICULATED WATER SUPPLY The development must be connected to the reticulated water supply prior to the commencement of the use at full cost to the applicant. The developer will be responsible for metering.	Prior to Dual Occupancy commencement of use
14.	RETICULATED SEWERAGE SUPPLY The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.	Prior to Dual Occupancy commencement of use

INFRASTRUCTURE

15.	Infrastructure Charges must be paid to Council at the time of issuing the Certificate of Classification of the building application (Stage 1) and at the time of sealing of the survey plan (Stage 2) as indicated on the Adopted Infrastructure Charges Notice (Attachment '2') at the rate applicable at the time of payment.	(a) Stage 1 - At the time of Certificate of Classification (b) Stage 2 - Prior to the endorsement of the Plan of Survey
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REFUSE BINS

16.	Refuse bins must not be stored on Howard Street for any period greater than twenty-four (24) hours around collection days.	At all times
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SURVEY PLAN

17.	Prior to the endorsement of the Survey Plan, evidence must be provided that the dual occupancy has been completed and all other conditions of this permit satisfied.	Prior to Council endorsement of the Plan of Survey
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BUILDING SITING

18.	All buildings or structures associated with proposed Lot 1 and Lot 2 must be entirely located within the boundary of each respective lot as nominated on the approved plans of development.	At all times
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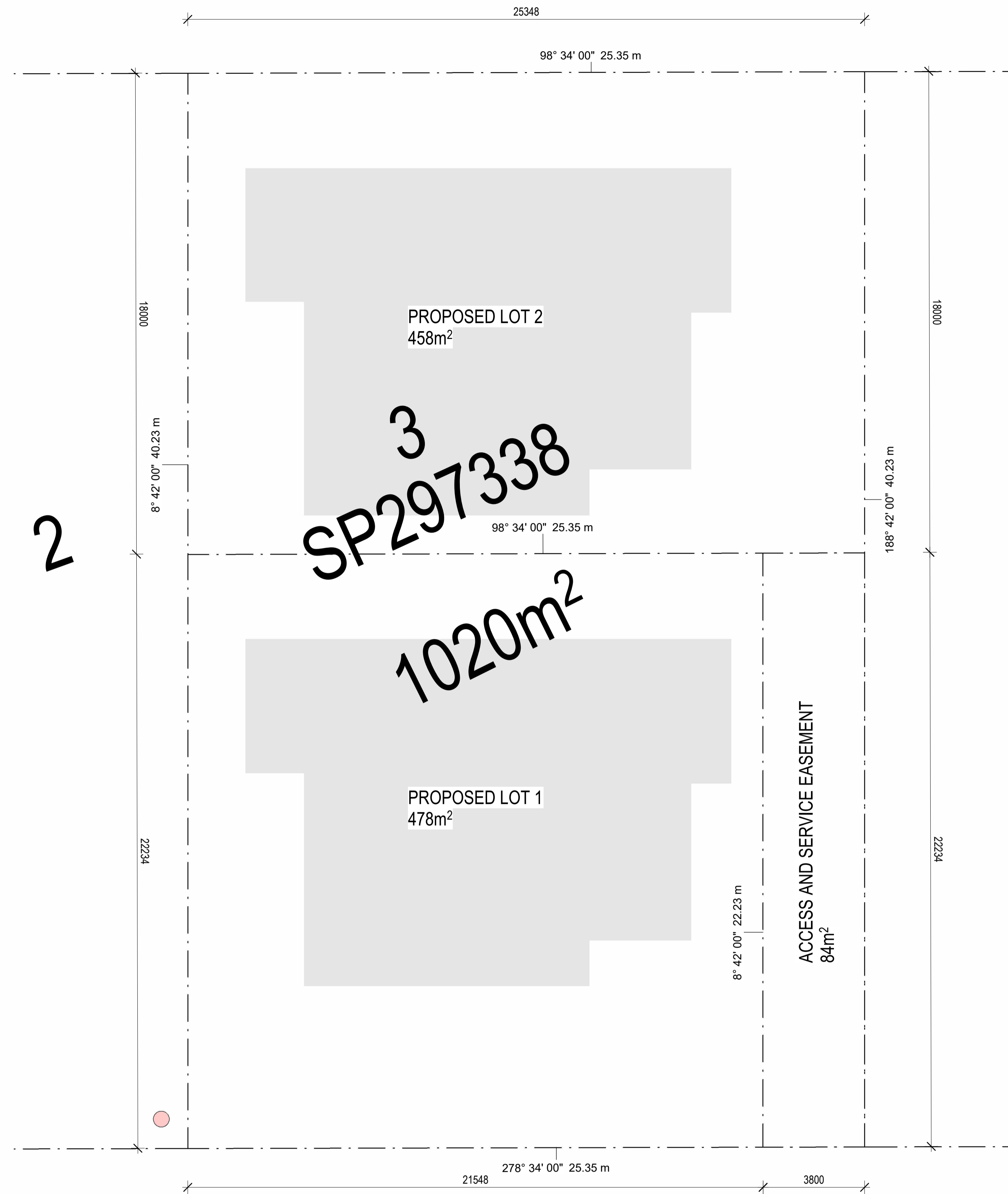
ACCESS		
19.	Access to proposed Lots 1 and 2 must be via Howard Street in accordance with the FNQROC Development Manual, and in the approved location as indicated on the approved plans. An application for cross-over access for the driveway, must be submitted for approval by Council's Director Infrastructure before construction of the cross-over commences.	Prior to Dual Occupancy commencement of use
BUSHFIRE MANAGEMENT		
20.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times
STORMWATER		
21.	An appropriately qualified and experienced Registered Professional Engineer Queensland (RPEQ) must certify that the stormwater management system or site works does not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site, by demonstrating that post development flows are captured and managed to ensure there is not net increase over the natural stormwater flows in stormwater flow to downstream properties. The stormwater drainage plan shall be designed in accordance with the Queensland Urban Drainage Manual to the satisfaction of Council's Director Infrastructure and must be provided prior to the issue of development permit for building works.	Prior to issue of a Building Permit
22.	Stormwater drainage must be directed to a legal point of discharge to Howard Street.	At all times
SEDIMENT CONTROL		
23.	The developer must ensure that effective measures are put in place to ensure construction activity does not cause erosion.	At all times
24.	The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.	At all times
ENVIRONMENTAL		
25.	PEST MANAGEMENT No state declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times
AMENITY		
26.	The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times

COMPLIANCE		
27.	All relevant conditions of this development permit must be complied with prior to Council endorsement of the Plan of Survey	Prior to Council endorsement of the Plan of Survey

B. Assessment Manager (Council) Advice

1. The currency period for this Development Approval is **four (4) years**. Should the use of a 'Dual Occupancy' not be established within this time, or if the survey plan has not been registered within four (4) years, the approval shall lapse.
2. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
3. 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.
4. Property Notation for proposed Lot 1 and Lot 2 – All buildings or structures associated with proposed Lot 1 and Lot 2 must be entirely located within the boundary of each respective lot as nominated on the approved plans of development.
5. Engineering advice note: The Applicant is encouraged to consider locating the finished floor level of Unit 1 and 2 above the road crown level to minimise the risk of future drainage issues associated with floor levels below the road.
6. **Removal of Protected Vegetation**
This development approval does not approve or authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:
 - A. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;
 - B. *Nature Conservation Act 1999 (Qld)*;
 - C. *Vegetation Management Act 1999 (Qld)*.

Attachment 2 Approved Plans (D24/12784)



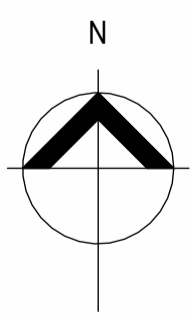
COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for a Material Change of Use—Dual Occupancy and Reconfiguration of a Lot (1 Lot into 2 Lots)

Lot: 3 on Plan SP297338

Referred to in Cook Shire Council's Decision Notice

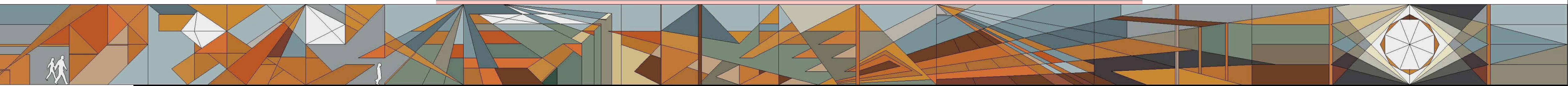
Approval Date: 5 April 2024
Application Number: DA/4715



1
A04.01

PROPOSED SUBDIVISION PLAN
 SCALE 1 : 100

HOWARD STREET



PROPOSED DEVELOPMENT SUMMARY

PROPERTY ADDRESS
37 HOWARD STREET
COOKTOWN QLD 4895

FULL PROPERTY HOLDING:
LOT 3 ON SP. 297338
TITLE AREA: 1020 m²
LOCAL GOVERNMENT: COOK SHIRE COUNCIL

LANDSCAPED AREA
TOTAL: 295.2m² (28.94%)

COMMON LANDSCAPE AREA: 80.2m²
PRIVATE LANDSCAPE AREA: UNIT 1 119.8m²
UNIT 2 95.2m²
TOTAL 215m²

SITE COVER: 512m² (50.2%)

IMPERVIOUS AREA: 724.8m² (71.06%)

AREAS

AREA UNIT 1
GFA : 201 m²
PATIOS : 60.4m²
PORCHE: 4.5m²
TOTAL : 265.9 m²

AREA UNIT 2
GFA : 201 m²
PATIOS : 60.4m²
PORCHE: 4.5m²
TOTAL : 265.9 m²

GRAND TOTAL: 531.8 m²



1 SITE PLAN
A04.01 SCALE 1: 100

HOWARD STREET

FENCE LEGEND

- FENCE 1800 - 'FN-1'
- FENCE 1200 - 'FN-2'
(To front & rear property boundaries, unless shown otherwise)

EXTERNAL WORKS LEGEND

- CONCRETE FINISH TYPE 1
- CONCRETE FINISH TYPE 2
As specified
- TURF AND LANDSCAPE PRIVATE
- LANDSCAPE COMMON AREAS

BUILDING AREA (G.F.A.) GROUND FLOOR

402m²

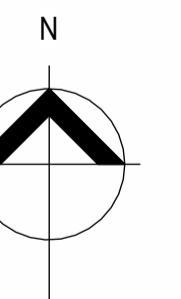
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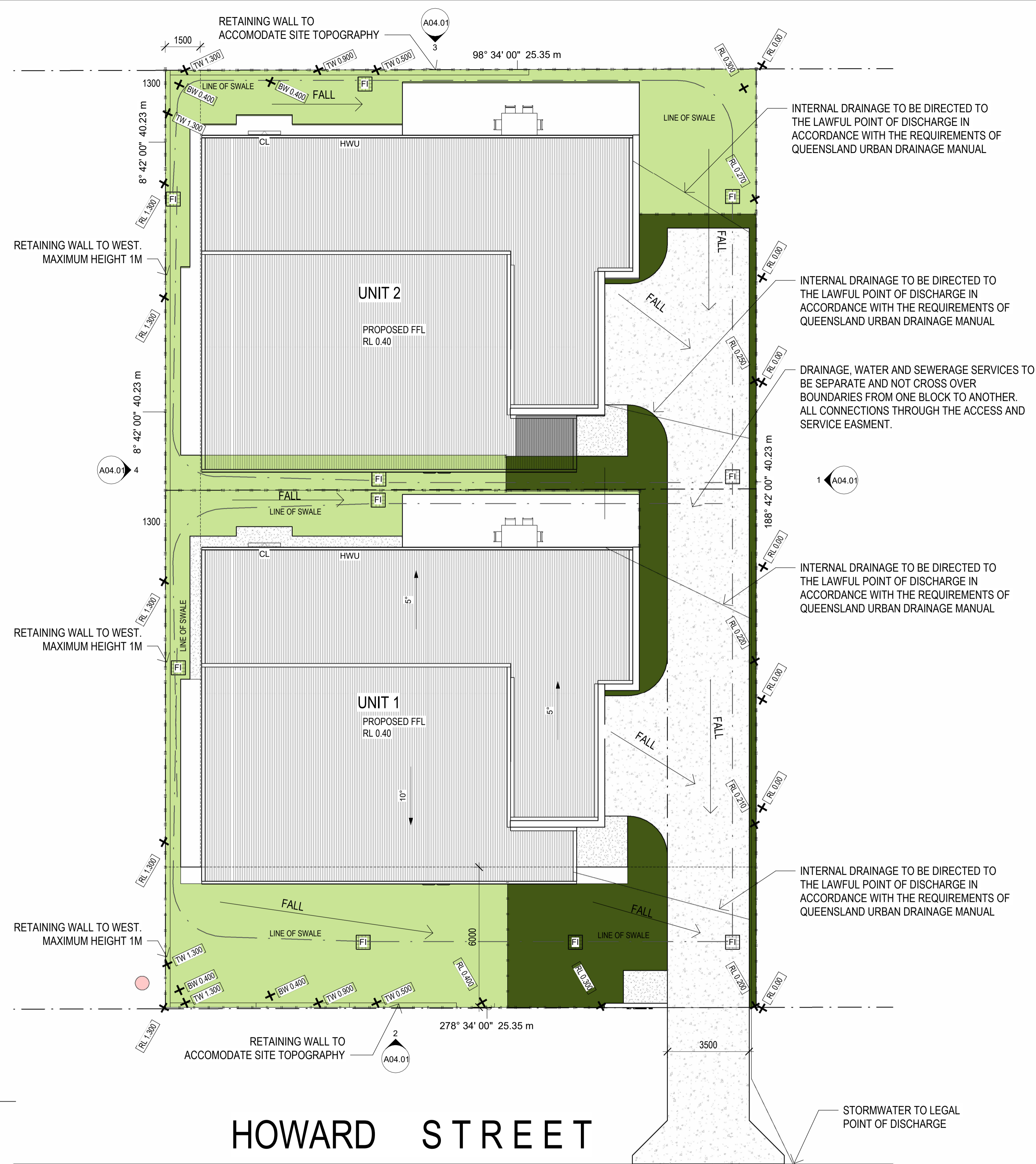
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COOK SHIRE COUNCIL
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APPROVED PLAN

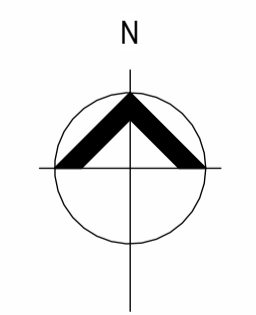
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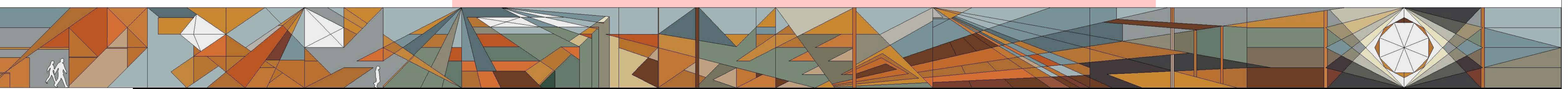
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1 TOPOGRAPHY AND CONCEPT DRAINAGE
 A04.01 SCALE 1:100



HOWARD STREET



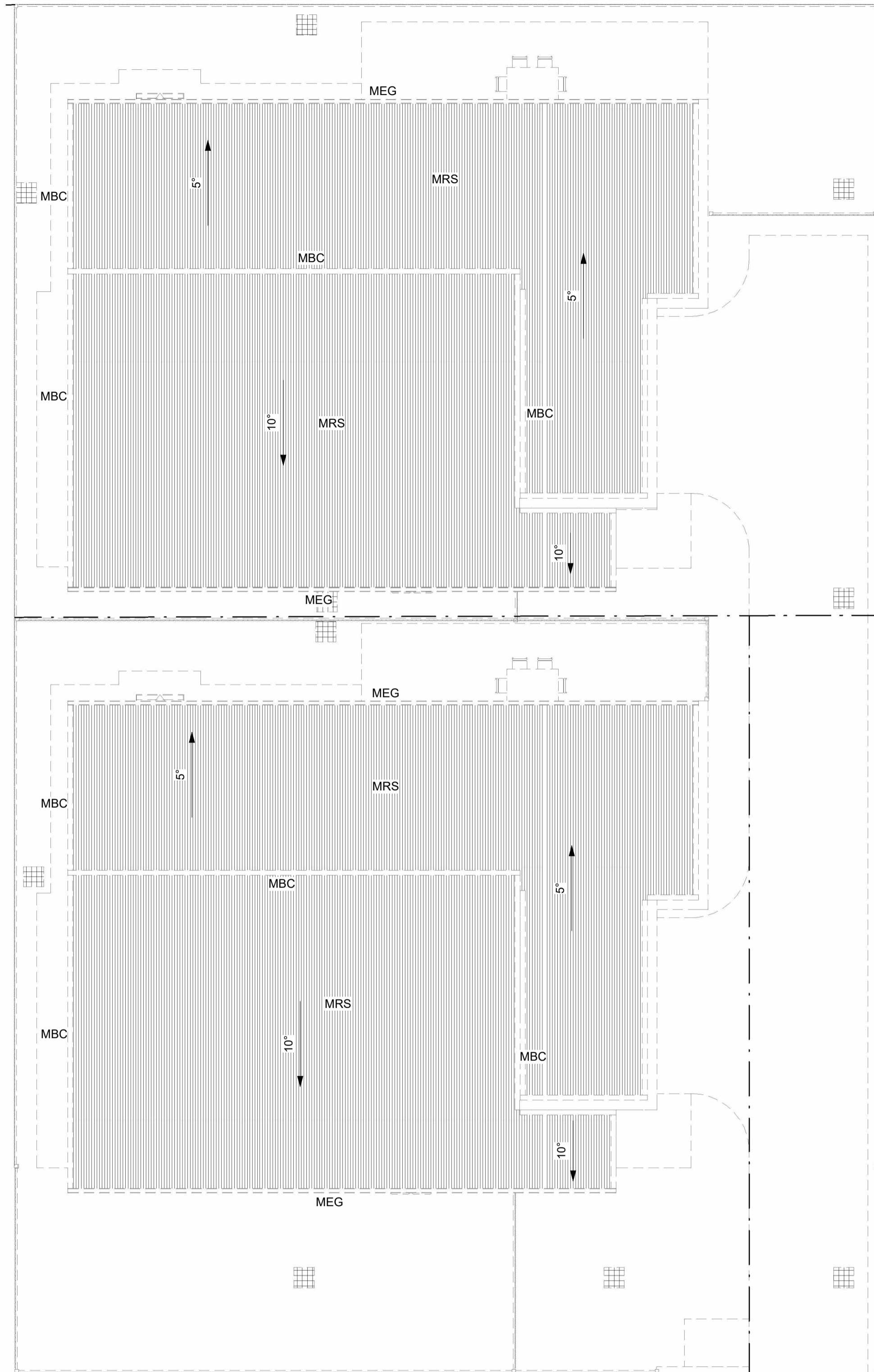
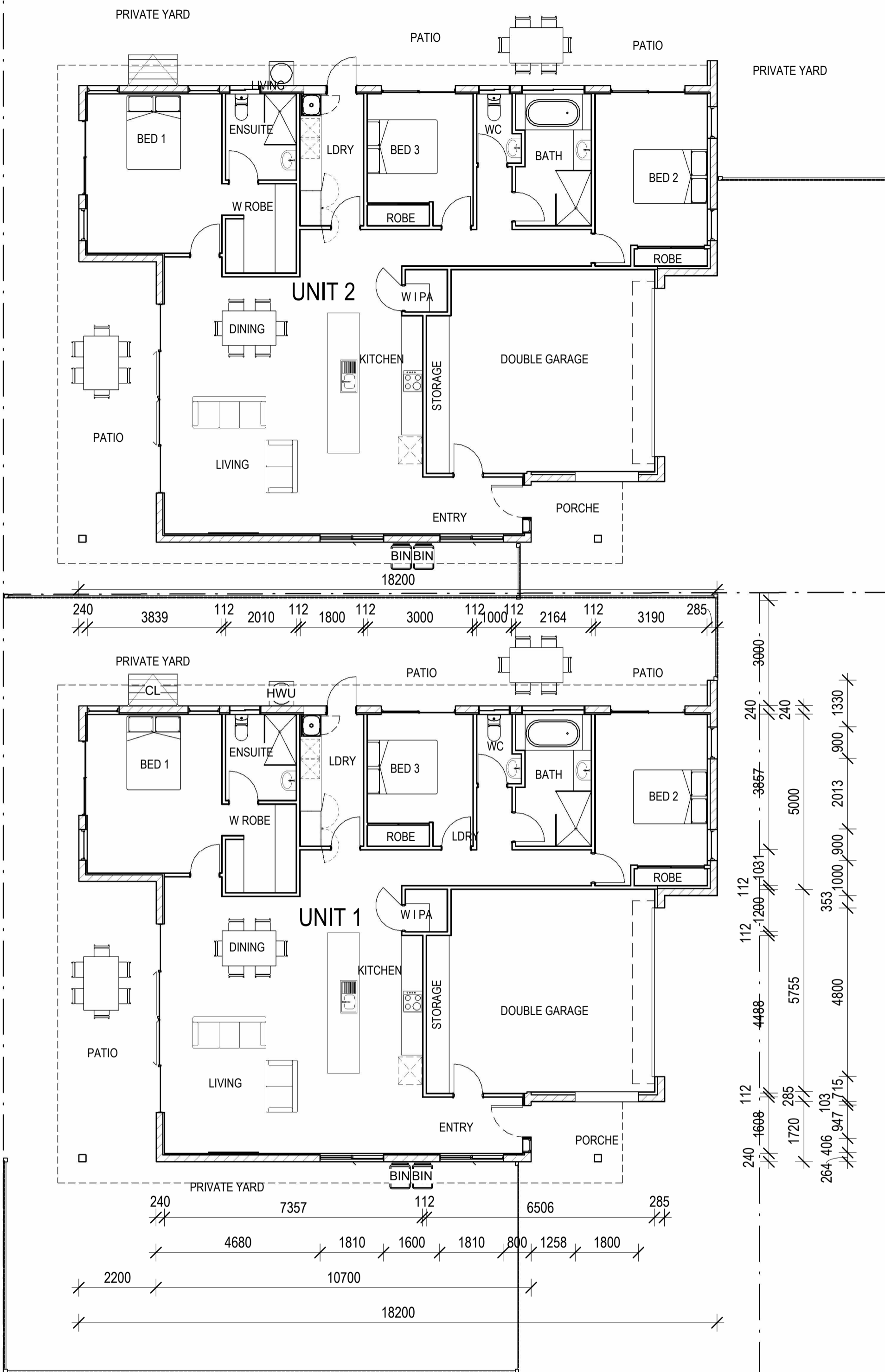
ARCHITECTURAL NATURE
Proposed 2x3Bed Units

37 Howard Street, COOKTOWN, QLD
 Nov, 2023

A04.01
3

LEGEND	
BIN	WHEELIE BIN
CL	CLOTHES LINE
HWU	HOT WATER UNIT (HEAT PUMP)
MBC	METAL BARGE CAPPING
MEG	METAL EAVES GUTTER
MRS	PRE-FINISHED METAL ROOF SHEETING - CUSTOM ORB

A04.01
3



1 A04.01

A04.01 4

1 A04.01

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for a Material Change of Use—Dual Occupancy and Re-configuration of a Lot (1 Lot into 2 Lots)

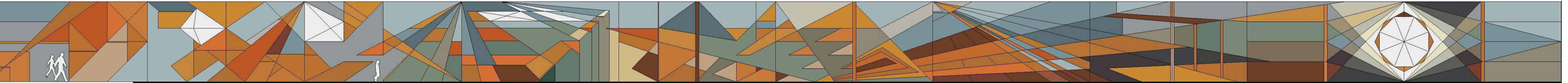
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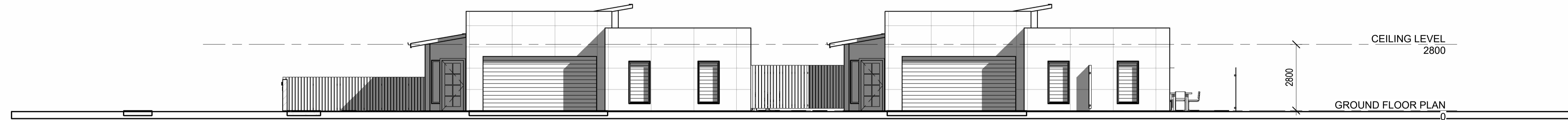
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Approval Date: 5 April 2024
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1 GROUND FLOOR PLAN
 SCALE 1:100

2 ROOF PLAN
 1:100

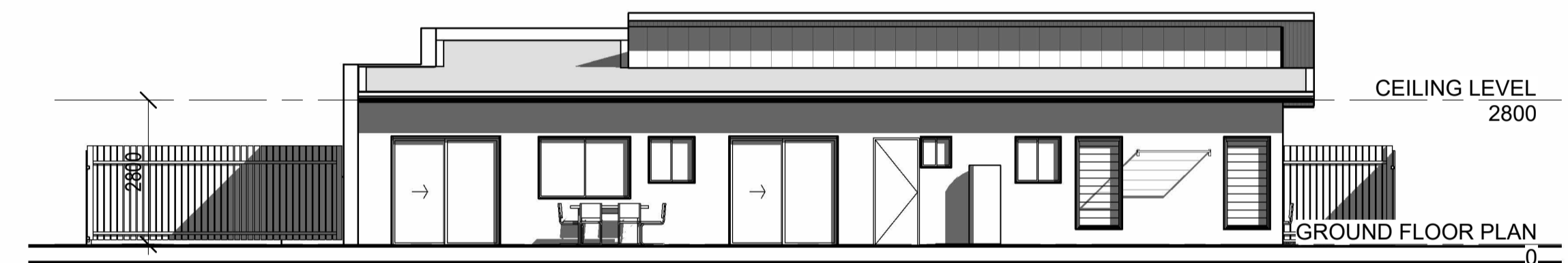




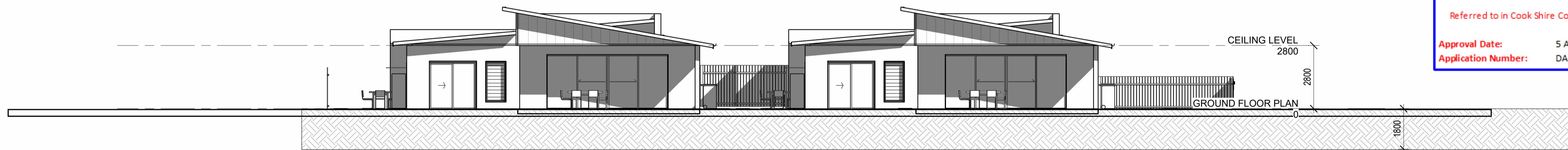
1 EAST ELEVATION
1 : 100



2 SOUTH ELEVATION
1 : 100



3 NORTH ELEVATION
1 : 100



4 WEST ELEVATION
1 : 100

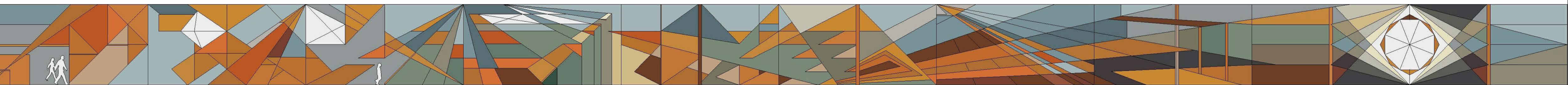
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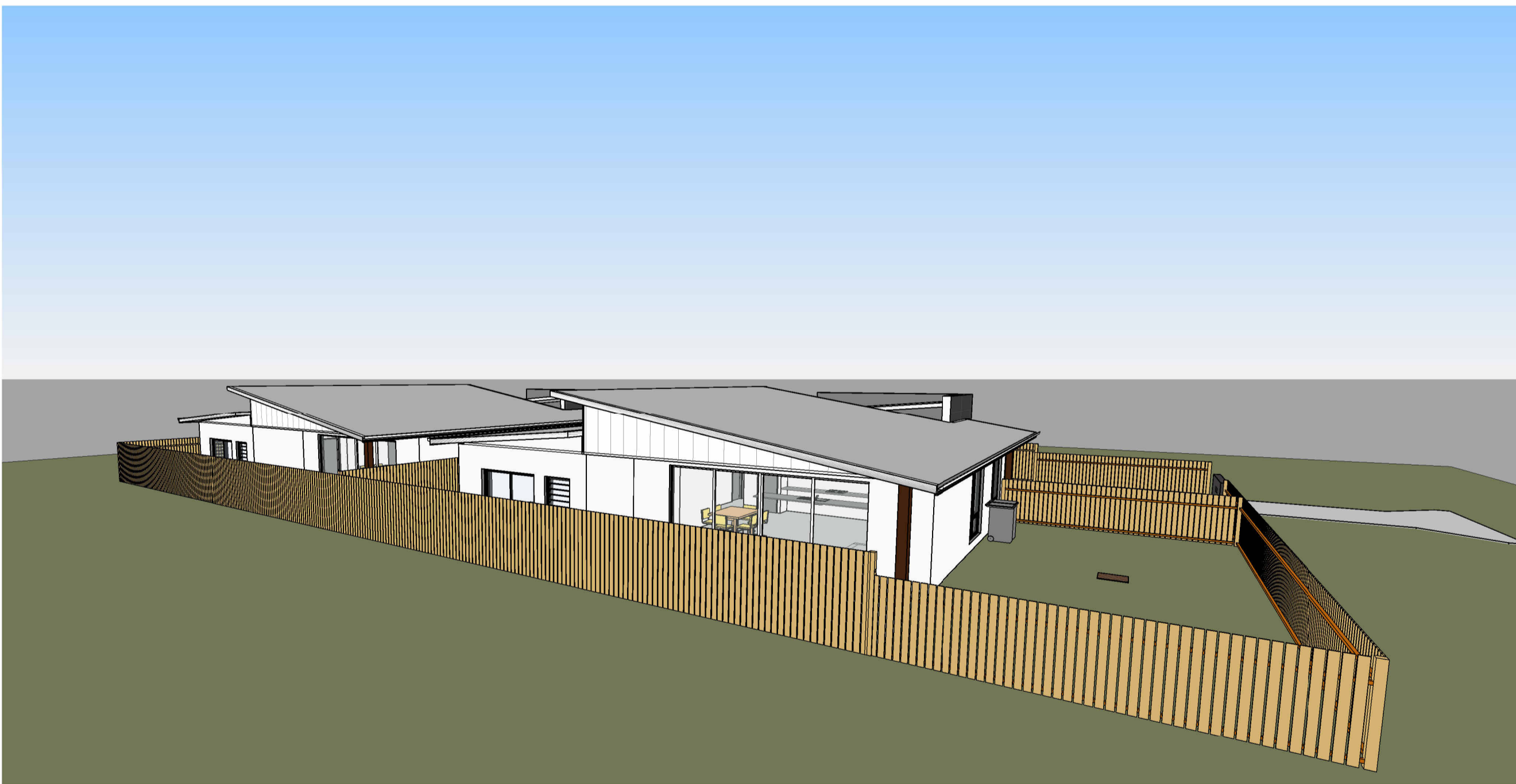




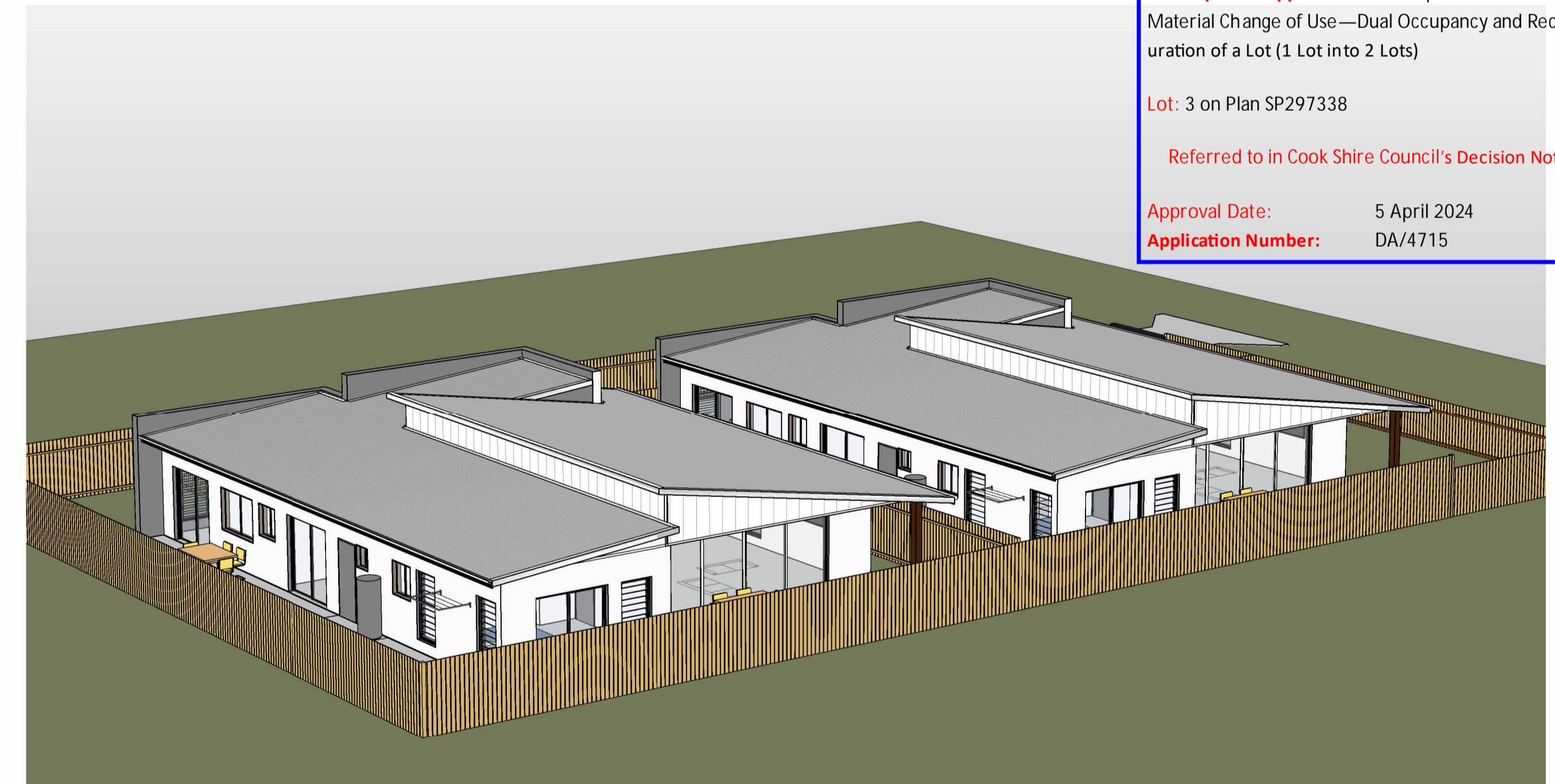
① 3D View 1



② 3D View 2



③ 3D View 3



④ 3D View 4

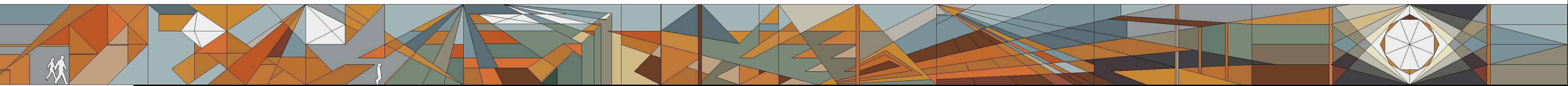
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Lot: 3 on Plan SP297338

Referred to in Cook Shire Council's Decision Notice

Approval Date: 5 April 2024
Application Number: DA/4715



Attachment 3 Infrastructure Charges Notice (D24/9834)

Our Ref: LM:tt:DA/4175:D24/4715

Your Ref: M10-23

11 April 2024

Hernan Martinez c/- U&i Town Plan
PO Box 426
COOKTOWN QLD 4895

Email: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

ADOPTED INFRASTRUCTURE CHARGES NOTICE
Development Application - DA/4715
37 Howard Street Cooktown QLD 4895

Proposal:	Material Change of Use for Dual Occupancy and Reconfiguring one (1) Lot into two (2) Lots
Applicant:	Hernan Martinez C/- U&i Town Plan
Location of Site:	37 Howard Street Cooktown QLD 4895
Real Property Description:	Lot 3 on SP297338
Level of Assessment:	Code Assessment

CHARGES CALCULATION
Stage 1 – Material Change of Use – Dual Occupancy

Dual Occupancy				
Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Residential (1 or 3 bedroom dwelling))	\$2,100.00 (Water Supply)	Per dwelling	2	\$4,200.00
Material Change of Use (Residential (1 or 3 bedroom dwelling))	\$2,100.00 (Sewerage)	Per dwelling	2	\$4,200.00
Material Change of Use (Residential (1 or 3 bedroom dwelling))	\$2,520.00 (Transport)	Per dwelling	2	\$5,040.00
Material Change of Use (Residential (1 or 3 bedroom dwelling))	\$840.00 (Public Parks & Community Land)	Per dwelling	2	\$1,680.00
Material Change of Use (Residential (1 or 3 bedroom dwelling))	\$840.00 (Stormwater)	Per dwelling	2	\$1,680.00
Total Charge				\$16,800.00

CREDIT CALCULATION
Stage 1 – Material Change of Use – Dual Occupancy

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL (Res allocation)	\$2,100.00 (Water Supply)	Per Lot	1	\$2,100.00
Residential RAL	\$2,100.00	Per Lot	1	\$2,100.00

(Res allocation)	(Sewerage)			
Residential RAL (Res allocation)	\$2,520.00 (Transport)	Per Lot	1	\$2,520.00
Residential RAL (Res allocation)	\$840.00 (Public Parks & Community Land)	Per Lot	1	\$840.00
Residential RAL (Res allocation)	\$840.00 (Stormwater)	Per Lot	1	\$840.00
Total Credit				\$8,400.00

Net Adopted Infrastructure Charges Summary (Stage 1):

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$16,800.00	\$8,400.00	\$8,400.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

CHARGES CALCULATION

Stage 2 – Reconfiguration of a Lot

Reconfiguring A Lot				
Development Class	Charge	Unit of Measure	No. of Lots	Amount of Charge
Residential RAL (Res allocation)	\$2,100.00 (Water Supply)	Per Lot	2	\$4,200.00
Residential RAL (Res allocation)	\$2,100.00 (Sewerage)	Per Lot	2	\$4,200.00
Residential RAL (Res allocation)	\$2,520.00 (Transport)	Per Lot	2	\$5,040.00
Residential RAL (Res allocation)	\$840.00 (Public Parks)	Per Lot	2	\$1,680.00

	& Community Land)			
Residential RAL (Res allocation)	\$840.00 (Stormwater	Per Lot	2	\$1,680.00
Total Charge				\$16,800.00

CREDIT CALCULATION

Stage 2 – Reconfiguration of a Lot

Dual Occupancy				
Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Residential (1 or 3 bedroom dwelling)	\$2,100.00 (Water Supply)	Per dwelling	2	\$4,200.00
Material Change of Use (Residential (1 or 3 bedroom dwelling)	\$2,100.00 (Sewerage)	Per dwelling	2	\$4,200.00
Material Change of Use (Residential (1 or 3 bedroom dwelling)	\$2,520.00 (Transport)	Per dwelling	2	\$5,040.00
Material Change of Use (Residential (1 or 3 bedroom dwelling)	\$840.00 (Public Parks & Community Land)	Per dwelling	2	\$1,680.00
Material Change of Use (Residential (1 or 3 bedroom dwelling)	\$840.00 (Stormwater	Per dwelling	2	\$1,680.00
Total Charge				\$16,800.00

Net Adopted Infrastructure Charges Summary (Stage 2):

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$16,800.00	\$8,400.00	\$8,400.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made at the time of issuing the Certificate of Classification (Stage 1) and sealing of survey plan (Stage 2).

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning Environment Lisa Miller on (07) 4082 0500.

Yours faithfully

Brian Joiner
Chief Executive Officer

Attachment 4 Notice of Decision – Statement of Reasons (AD2024/0001390)

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/4715
Applicant:	H. Martinez c/- U&i Town Plan
Proposal:	Development Permit for a Material Change of Use and Lot Reconfiguration
Description of the Development:	Dual Occupancy and Reconfiguration of a Lot (1 into 2)
Street Address:	37 Howard Street Cooktown QLD 4895
Real Property Description:	Lot 3 on Plan SP297338
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Low Density Residential Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for combined Material Change of Use – Dual Occupancy and Reconfiguration of a Lot (1 into 2)
Date of Decision:	5 April 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)	This application did not require Referral to the State Assessment Referral Agency (SARA).
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	<p>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.</p> <p>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.</p> <p>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.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

- Reconfiguring a lot code;
- Low density residential zone code;
- Residential use code;
- Parking & access code; and
- Works, services & 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 proposed development will have no detrimental impact on the property, surrounding properties, or the environment itself.

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 5 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.