

## NOTICE ABOUT DECISION – STATEMENT OF REASONS

*This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:*

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

*All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.*

### APPLICATION DETAILS

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Application No:	DA/4731
Applicant:	D. & L Miller c/- Brazier Motti Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	Reconfiguring a Lot (1 into 2)
Street Address:	47 Buhmann Street, COOKTOWN QLD 4895
Real Property Description:	Lot 2 on SP319394
Planning Scheme:	Cook Shire Council Planning Scheme 2017 (V2.0)
Land Zoning:	Rural Residential
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot (1 into 2 Lots)
Date of Decision:	29 March 2024

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## ASSESSMENT BENCHMARKS

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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)	The application triggered a referral to SARA under Schedule 10, Part 3, Division 4, Table 1 and Table 3 for Reconfiguring a Lot near a State Transport Corridor and Reconfiguring a Lot near a State-controlled Road Intersection.  A copy of the SARA Response is included as Attachment 1 (B)
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 assessment benchmark mapping applicable to Part E has determined that the state interests are 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.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

In accordance with Table 5.6 the development application for Reconfiguring a Lot is subject to Code Assessment within the Rural Residential Zone.

The subject site is included in the following overlays:

- Bushfire Hazard Overlay; and
- Rural Land Use Overlay.

While included within the Rural Land Use overlay, there are no assessment benchmark codes for this overlay. The applicable overlays do not result in a change to the level of assessment.

#### Assessment Benchmarks

The applicable assessment benchmarks are the:

- 6.2.8 Rural Residential Zone Code;
- 8.2.3 Bushfire Hazard Overlay Code;
- 9.4.1 Reconfiguring a Lot Code; and
- 9.4.3 Works, Services, and Infrastructure Code.

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

Not Applicable

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

Not Applicable

#### **PUBLIC NOTIFICATION**

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Not Applicable

#### **REASONS FOR THE DECISION**

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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 for reconfiguring a Lot (1 into 2) will have no adverse impacts on the protection of agricultural land, rural character and amenity of the locality or adjoining lots.

#### **REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

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Not Applicable

#### **ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Not Applicable

#### **OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017**

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Not Applicable

#### **OTHER DETAILS**

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If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.