

Our Ref: LM:DA/4397:D22/15322

24 May 2023

Bates Family Trust t/a Rossville Retreat  
152 Shiptons Flat Road  
Rossville Qld 4895  
E-mail: [info@rossvilleretreat.com](mailto:info@rossvilleretreat.com)  
Attention: David and Sandy Bates

Dear Mr and Mrs Bates

**Decision Notice – (Minor Change)**  
Given under section 83 of the *Planning Act 2016*

With reference to your Minor Change Application, please find attached the relevant Decision Notice, which was approved by the Chief Executive Officer as delegated, 23 May 2023.

Details of the decision are as follows:

**Application Details**

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Application Number: DA/4397

Street Address: 152 Shiptons Flat Road, ROSSVILLE 4895

Real Property Description: Lot 61 on SP144060

Planning Scheme: *Cook Shire Council Planning Scheme 2017(v2)*

**Decision Details**

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The original Decision Notice was dated 03 May 2022.

Council's Chief Executive Officer – as delegated – on 23 May 2023, decided to issue the following type of approval:

Approval Sought: **Change Application (Minor)** – Development Permit for Material Change of Use – Tourist Park (up to 74 people)

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**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*. This approval lapses if the first change of use does not happen within six (6) years.

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**Assessment Manager Conditions**

This approval is subject to the conditions in Attachment 1.

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**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; and
2. Development Permit for Building Work.

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**Properly Made Submissions**

Not applicable – no part of the change application required public notification.

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**Reasons for the Decision**

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

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**Referral Agencies**

Not applicable – no part of the change application required referral.

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

Not Applicable.

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**Approved Plans and Specifications**

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

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**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.

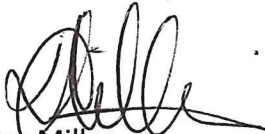
## Other Details

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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 Councils Planning and Environment Department on 07 4082 0500 or E-mail: [mail@cook.qld.gov.au](mailto:mail@cook.qld.gov.au).

Yours sincerely



Lisa Miller

Manager

Planning and Environment

Cook Shire Council

- Encl: **Attachment 1 (A)** – Conditions imposed by the assessment manager  
**Attachment 1 (B)** – Conditions imposed by a concurrence agency (D22/7597; D22/2598; D22/7599)  
**Attachment 2** – Approved Plans (D23/15164) and Wastewater Report April 2023 (D23/15165)  
**Attachment 3** – Notice of Decision - Statement of Reasons (D23/15493)  
**Attachment 4** - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

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

### A. Assessment Manager (Council) Conditions

#### Approved Plans

- ~~1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:~~
  - ~~• Site Plan dated 3 March 2022.~~
  - ~~• Site Classification and Wastewater Management System report, prepared by Earth Test, dated 26 February 2022.~~
1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Amended Site Plan dated May 2023
  - Stage 2 Canvas Tent and Camp Kitchen Site Plan dated May 2023.
  - Site Classification and Wastewater Management System report, prepared by Earth Test, dated April 2023.

#### Approved Use

- ~~2. The approved use comprises of:~~
  - ~~• Stage 1 – campground for self-contained vehicles.~~
  - ~~• Stage 2 – twelve (12) canvas pole tents.~~
2. The approved use comprises of:
  - Stage 1 – campground for self-contained vehicles
  - Stage 2 – twelve (12) canvas pole tents, and self-catered camp kitchen facility.

#### Limitations of Use

3. Occupancy of the approved Tourist Park must not exceed thirty-five (35) sites with a maximum of seventy-four (74) persons at any one time.
4. The maximum length of stay for any self-contained vehicle or guest within the tent accommodation must not exceed fourteen (14) consecutive days.



5. The airstrip must not be utilised for the approved use and must be used for private use only.

#### **Operational Aspects**

6. Prior to commencement of the use of the Tourist Park, an Operational Plan must be developed, addressing all operational aspects of the Tourist Park including site access, parking, site security, site management, emergency management and first aid, bushfire management, risk management for the airstrip, communications, waste management and standards of behaviour.
7. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan.

#### **Effluent Disposal**

- ~~8. Stage 1 only - no onsite effluent disposal system is to be provided on site. All vehicles must be self-contained with appropriate waste and wastewater holding tanks.~~
- ~~9. Stage 1 only - no grey or black water waste is to be discharged on site.~~
- ~~10. Stage 2 only - on-site effluent disposal must be provided generally in accordance with the Site Classification and Wastewater Management System Report, prepared by Earth Test dated 26 February 2022.~~
8. Stage 1 only - no onsite effluent disposal system is to be provided on site. All vehicles must be self-contained with wastewater holding tanks.
9. Stage 1 only - no grey or black water waste is to be discharged on site.
10. Stage 2 only - on-site effluent disposal must be provided generally in accordance with the Site Classification and Wastewater Management System Report, prepared by Earth Test dated April 2023.

#### **Water Supply**

11. Stage 1 only - all vehicles must be self-contained with an adequate water supply.
12. Stage 2 only - a potable water supply must be made available. This water supply must comply with the Australian Drinking Water Standards.
13. Any non-potable water provided onsite must be clearly labelled at each tap - Non potable Water - not safe for Human Consumption.

**Access and Parking**

14. Vehicle access to the approved use must be achieved from the existing access from Shiptons Flat Road.
15. All internal access roads must be constructed and maintained to an all-weather standard.

**Fire Management**

16. A Bushfire Management Plan, incorporating evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground must be prepared to the satisfaction of Council's delegated officer and form part of the Operational Plan required in Condition 6. The approved use must comply with the requirements of the Management Plan at all times.
17. The development must be maintained at all times to a standard so as not to create a fire hazard.
18. The owner must ensure that fire fighting vehicles have accessible access to the dam for fire- fighting purposes.

**Environment**

19. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development and appropriate erosion and sediment controls are in place.

**Amenity**

20. The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.

**Electricity**

21. Stage 2 only - the development must be connected to a reliable electricity supply.

**Signage**

22. No more than one (1) advertising sign for the approved development is permitted on the subject site.
23. The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.
24. The sign must be kept clean, in good order and safe repair for the life of the approval.
25. The sign must be removed when no longer required.

26. The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

**Compliance**

- 27 All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

**B. Assessment Manager (Council) Advice**

1. 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.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. 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.
5. Further approvals for any advertising signage that is visible from a state-controlled may be required from the Department of Transport and Main Roads, refer SARA response dated 6 December 2021.
6. Prior to the commencement of the use a Local Law Permit will be required for the operation of the Tourist Park.

**Attachment 1 (B) – Conditions imposed by a concurrence agency (under separate cover)**

D22/7597 – Referral Decision Notice (DTMR) Access Location; 22 Nov 21

D22/2598 – Referral (SARA) Decision Notice – Tourist Park (up to 74 people); 06 Dec 21

D22/7599 – Referral (SARA) DTMR Approved Plans & Specifications; 06 Dec 21



Attachment 2 – Approved Plans (D23/15164) Wastewater Report April 2023 (D23/15165) (under separate cover)



DIGITALLY STAMPED

APPROVED PLAN

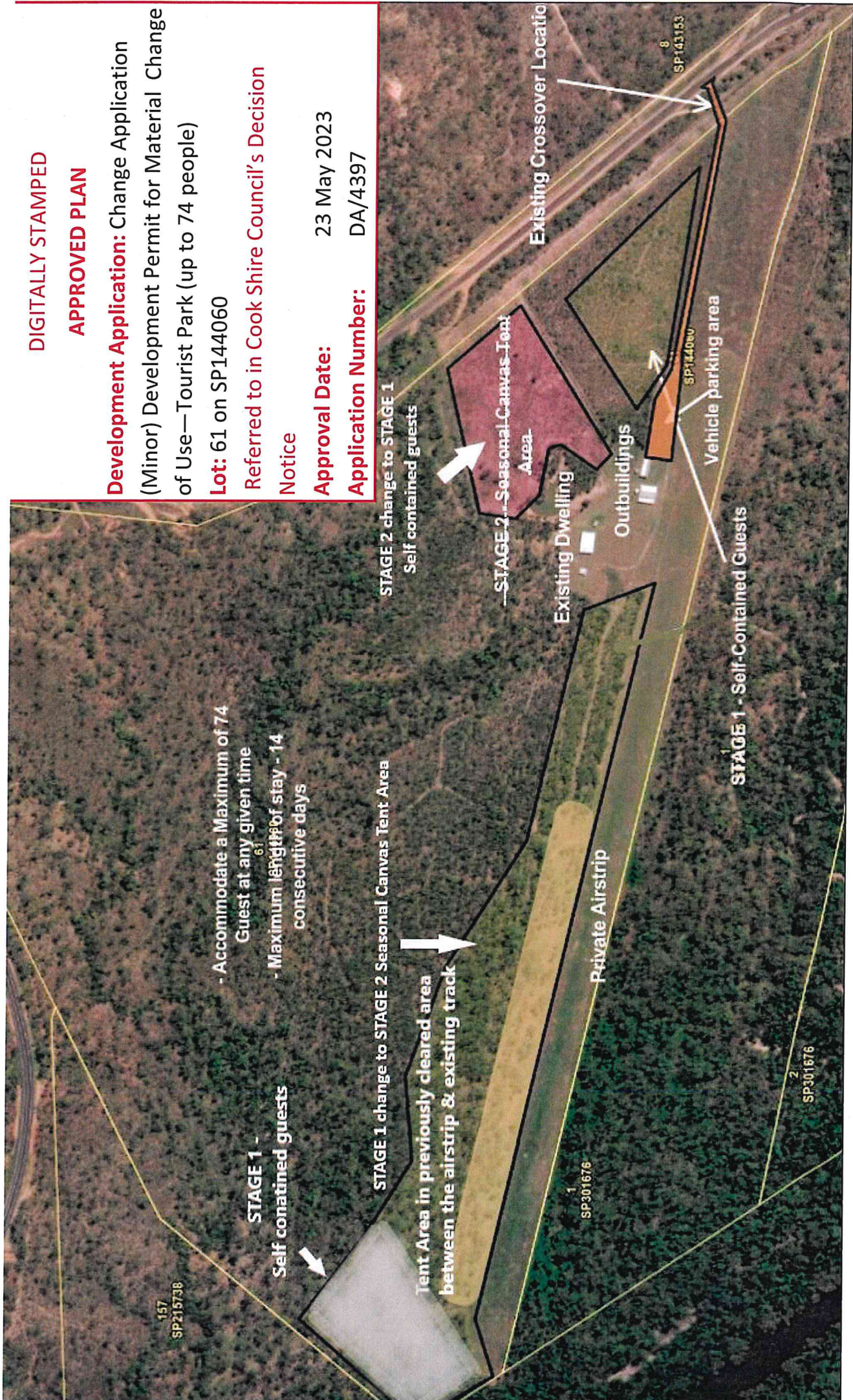
**Development Application:** Change Application (Minor) Development Permit for Material Change of Use—Tourist Park (up to 74 people)

**Lot:** 61 on SP144060

Referred to in Cook Shire Council's Decision Notice

**Approval Date:** 23 May 2023

**Application Number:** DA/4397



- Accommodate a Maximum of 74 Guest at any given time
- Maximum length of stay - 14 consecutive days



# Rossville Retreat

Stage 2 - Seasonal Canvas Tent Area

COOK SHIRE COUNCIL  
DIGITALLY STAMPED

## APPROVED PLAN

**Development Application:** Change

Application (Minor) Development Permit for

Material Change of Use—Tourist Park (up

to 74 people)

**Lot:** 61 on SP144060

Referred to in Cook Shire Council's Decision

Notice

**Approval Date:** 23 May 2023

**Application Number:** DA/4397

Rossville Retreat

Lodge 12

Lodge 11

Lodge 10

Lodge 9

Lodge 8

Lodge 7

Camp Kitchen

Lodge 5

Lodge 4

Lodge 3

Lodge 2

Lodge 1





**Attachment 3 – Notice of Decision - Statement of Reasons (D23/15493)**



D23/15493

## **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/4397
Approval Sought:	Change Application (Minor) Development Permit for a Material Change of Use
Description of the Development:	Tourist Park (up to 74 People)
Street Address:	152 Shiptons Flat Road, Rossville
Real Property Description:	Lot 61 on SP144060

### **DECISION DETAILS**

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Type of Decision:	Approval subject to Conditions
Date of Decision:	23 May 2023

### **APPLICABLE ASSESSMENT BENCHMARKS**

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**Planning Scheme: Cook Shire Council Planning Scheme 2017 (V2.0)**

- Rural Zone Code
- Eastern Kuku Yalanji Plan Code
- Residential Use Code
- Works, Services, and Infrastructure Code
- Parking and Access Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code

**State Planning Policy (SPP):** State Planning Policy (July 2017)

**Planning regulation 2017:** This application did not trigger any matters prescribed by the regulation.

**PUBLIC NOTIFICATION**

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The Minor Change Application was not subject to public notification.

**REASONS FOR THE DECISION**

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

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

**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 *Planning and Drainage Act 2018*—
  - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Planning 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 *Planning 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 *Planning 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.



- (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.

- (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

- (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.