

Our Ref: LM:DA/4397 AD2022/0001710
Your Ref: M9-21

03 May 2022

Bates Family Trust t/a Rossville Retreat
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 abovementioned Development Application, 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 at a Council meeting on 26 April 2022.

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.

Variation approval details

Not Applicable

Application Details

Application Number:	DA/4397
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development:	Material Change of Use for a Tourist Park (74 People)
Category of Development:	Assessable Development
Category of Assessment:	Impact Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017

Location Details

Street Address:	152 Shiptons Flat Road, ROSSVILLE 4895
Real Property Description:	Lot 61 SP144060
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; and
2. Development Permit for Building Work.

Properly Made Submissions

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

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (<i>Planning Regulation 2017</i>)

<p>Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214</p> <p>E-mail: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/</p>	
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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.

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
Cook Shire Council

cc:

E-mail: CairnsSARA@dsdilgp.qld.gov.au

- enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 1 (B) – Conditions imposed by a concurrence agency.
Attachment 2 – Approved Plans
Attachment 3 – Notice about a Decision Notice
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.

Approved Use

2. The approved use comprises of:
 - Stage 1 – campground for self-contained vehicles.
 - Stage 2 – twelve (12) canvas pole tents.

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.

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 6m² 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

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

Our ref TMR21-034627 (500-1593)
 Your ref M9-21
 Enquiries Ronald Kaden



Department of
Transport and Main Roads

22 November 2021

Decision Notice – Permitted Road Access Location (s62(1) Transport Infrastructure Act 1994)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number DA/4397, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 61SP144060, the land the subject of the application, and Shiptons Flat Road (a state-controlled road).

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address Bates Family Trust t/a Rossville Retreat
 C/- U&i Town Plan
 PO Box 426
 Cooktown QLD 4895

Application Details

Address of Property 152 Shiptons Flat Road, Rossville QLD 4895
 Real Property Description 61SP144060
 Aspect/s of Development Development Permit for Material Change of Use for Tourist Park
 (Up to 74 people)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1	The permitted road access location is approximately 160 metres from the southern boundary of Lot 61SP144060, in accordance with: 1. TMR Layout Plan (6507 - 1.53km) Issue A 20/11/2021	At all times.
2	Direct access is prohibited between Shiptons Flat Road and Lot 61SP144060 at any location other than the permitted road access location described in Condition 1.	At all times.
3	Direct access between Mulligan Highway and Lot 61SP144060 is	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
	prohibited.	
4	<p>The use of the permitted road access location described in Condition 1 is to be restricted to:</p> <p>a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
5	<p>Road access works comprising rural property access and basic right turn (BAR) treatment must be provided at the permitted access location, generally in accordance with:</p> <p>a) Queensland Government Type B Property Access reference 1807.</p> <p>b) Austroads Guide to Road Design Part 4 - Fig A28 (BAR).</p>	Prior to commencement of use

Reasons for the decision

The reasons for this decision are as follows:

- a) The subject site (Lot 61 on SP144060) has road frontage to Mulligan Highway and Shiptons Flat Road, both state-controlled roads.
- b) Current vehicular access between the subject site is via an unsealed driveway on Shiptons Flat Road.
- c) No direct access exists between the subject site and Mulligan Highway.
- d) The proposed development is for a tourist park (up to 74 people) within the subject site (Lot 61 on SP144060).
- e) The proposed development will require a changed vehicular access due changed vehicle types and an increase in vehicles accessing the subject site.
- f) Therefore, a decision under section 62 of the Act is required as no prior approval for road access location is evidenced and roadworks are required.

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and

- b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
 3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If further information about this approval or any other related query is required, Mr Ronald Kaden, Technical Officer (Development Control) should be contacted by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Peter McNamara
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA
Attachment C - Appeal Provisions
Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version / Issue
TMR Layout Plan (6507 - 1.53 km)	Queensland Government Transport and Main Roads	20 November 2021	TMR21-34627 (500-1593)	A
Property Access	Queensland Government	July 2020	1807	A
Austrroads Guide to Road Design Part 4: Intersections and Crossings	Austrroads	2017	Figure A28	-
Site Plan from Appendix A	U&I Town Plan	30 September 2021	Amended Development Application	-

Attachment B
Section 70 of TIA

Transport Infrastructure Act 1994
Chapter 6 Road transport infrastructure
Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
- (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the *original decision*) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and

(b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.

(5) The court may order—

(a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.

(8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.

(9) In this section—

relevant entity means—

(a) if the reviewed decision may be reviewed by QCAT—QCAT; or

(b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

(1) A person may appeal against a reviewed decision only within—

(a) if a decision notice is given to the person—28 days after the notice was given to the person; or

(b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.

(2) However, if—

(a) the decision notice did not state the reasons for the decision; and

(b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);

the person may apply within 28 days after the person is given a statement of the reasons.

(3) Also, the appeal court may extend the period for appealing.



Mulligan Highway (34C)

Shiptons Flat Road (6507)

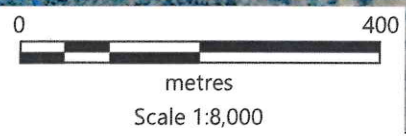
61SP144060

Permitted Road Access Location
 Approx 160m from the southern boundary of Lot 61SP144060, and approx 330m north of Sandy Creek (1.53km RHS)
 GPS location x 145.223287, y -15.687077

Access Restrictions
 Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

SANDY CK



Branch/Unit : Corridor Management / Far North District	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
State Controlled Road	
Parcels	Subject Land

TMR Layout Plan (6507 - 1.53km)



Queensland Government
Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 20/11/2021
Drawn by: RPK	File ref: TMR21-34627 (500-1593)	

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RA6-N



SARA reference: 2110-25486 SRA
 Council reference: DA/4397
 Applicant reference: M9/21

6 December 2021

Chief Executive Officer
 Cook Shire Council
 PO Box 3
 Cooktown Qld 4895
 mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Sir/Madam

SARA response—Tourist Park (up to 74 people) at 152 Shiptons Flat Road, Rossville

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 1 November 2021.

Response

Outcome:	Referral agency response – with conditions.
Date of response:	6 December 2021
Conditions:	The conditions in Attachment 1 must be attached to any development approval.
Advice:	Advice to the applicant is in Attachment 2 .
Reasons:	The reasons for the referral agency response are in Attachment 3 .

Development details

Description:	Development permit	Material change of use for Tourist Park (up to 74 people)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Material change of use near a state-controlled road

SARA reference: 2110-25486 SRA

Assessment Manager: Cook Shire Council

Street address: 152 Shiptons Flat Road, Rossville

Real property description: Lot 61 on SP144060

Applicant name: Bates Family Trust t/a Rossville Retreat

Applicant contact details: C/- U&i Town Plan
PO Box 426
Cooktown QLD 4895
ramon@uitownplan.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR21-034627 (500-1593)
- Date: 22 November 2021

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at ron.p.kaden@tmr.qld.gov.au

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, Planning Officer, on 40373215 or via email CairnsSARA@dSDLGP.qld.gov.au, who will be pleased to assist.

Yours sincerely



Tony Croke
A/Manager (Planning)

cc Bates Family Trust t/a Rossville Retreat c/- U&i Town Plan, ramon@uitownplan.com.au

enc Attachment 1 - Referral agency conditions
Attachment 2 - Advice to the applicant
Attachment 3 - Reasons for referral agency response
Attachment 4 - Representations provisions
Attachment 5 - Approved plans and specifications

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the plans and specifications referenced below are found at Attachment 5)

No.	Conditions	Condition timing
Material change of use		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>(a) The road access location is to be located generally in accordance with TMR Layout Plan (6507 – 1.53km), prepared by Queensland Government Transport and Main Roads, dated 20/11/2021, Reference TMR21-34627 (500-593), Issue A.</p> <p>(b) Road access works comprising of a Type B sealed rural property vehicular access and a basic right (BAR) turn treatment must be provided at the road access location.</p> <p>(c) The road access works must be designed and constructed in accordance with:</p> <ul style="list-style-type: none"> • TMR Standard Rural Property Access Drawing, Sheets 1 & 2, Drawing No. 1807, Type B – Rural Property Access, dated 07/2020, and Revision A; and • Austroads Guide to Road Design, Part 4: Intersections and Crossing – General, 2017, Figure A28: Basic right (BAR) turn treatment on a two-lane road. 	<p>(a) At all times.</p> <p>(b) and (c) Prior to the commencement of use.</p>
2.	Direct access is not permitted between the Mulligan Highway and the subject site.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v2.6 effective 7 February 2020. If a word remains undefined it has its ordinary meaning.
Clearing native vegetation	
2.	<p>This development application was not referred for clearing native vegetation. SARA did not undertake an assessment against State code 16: Native vegetation clearing. This referral agency response does not authorise the clearing of native vegetation or create additional exempt clearing work.</p> <p>If clearing for built infrastructure or firebreaks/safety buffers is proposed at any point, it is recommended that the applicant request pre-lodgement advice from SARA and provide the location/extent in order to determine whether the proposal requires referral for native vegetation clearing.</p>
Advertising Devices	
3.	<p>If the development is proposing to erect an advertising device that will be visible from a state-controlled road. The applicant should seek advice from the Department of Transport and Main Roads (DTMR) to ensure that the advertising device visible from a state-controlled road, and beyond the boundaries of the state-controlled road, is unlikely to create a traffic hazard for the state-controlled road.</p> <p>Note: DTMR has powers under section 139 of the <i>Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015</i> to require removal or modification of an advertising sign and / or a device which is deemed to create a danger to traffic.</p>
Road Works Approval	
4.	<p>Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works.</p> <p>Please contact the Department of Transport and Main Roads on 4045 7144 to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for SARA's decision are:

- The premises has road frontage to Mulligan Highway and Shiptons Flat Road, both state- controlled roads, and an existing unsealed vehicle access to Shiptons Flat Road.
- There is no direct vehicle access to Mulligan Highway.
- Road works consisting of sealing the existing access and provision of a basic right turn (BAR) treatment, will ensure the development can accommodate the increased traffic generation and change in vehicle types.
- The proposed accommodation areas are located a minimum of 62m from Shiptons Flat Road.
- There are no permanent structures or vegetation clearing proposed.
- The proposed development is unlikely to compromise the safety, efficiency, and operating conditions of Mulligan Highway and Shiptons Flat Road.
- The proposed development complies with the relevant provisions of State code 1: Development in a state-controlled road environment.

Material used in the assessment of the application:

- The development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 2.6 effective 7 February 2020)
- The Development Assessment Rules
- SARA DA Mapping system

Attachment 4—Change representation provisions

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Attachment 5—Approved plans and specifications

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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref: 2110-25486 SRA

Date: 6 December 2021

Mulligan Highway (34C)

Shiptons Flat Road (6507)

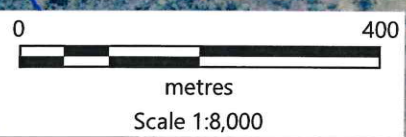
61SP144060

Permitted Road Access Location
 Approx 160m from the southern boundary of Lot 61SP144060, and approx 330m north of Sandy Creek (1.53km RHS)
 GPS location x 145.223287, y -15.687077

Access Restrictions
 Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**

Note: ** as described in Austroads Vehicle Classification System

SANDY CK



Branch/Unit : Corridor Management / Far North District	
Projection/Datum : Geocentric Datum of Australia (GDA) 2020	
State Controlled Road	
Parcels	Subject Land

TMR Layout Plan (6507 - 1.53km)



Queensland Government Transport and Main Roads

Plan: 1 / 1	Issue: A	Date: 20/11/2021
Drawn by: RPK	File ref: TMR21-34627 (500-1593)	

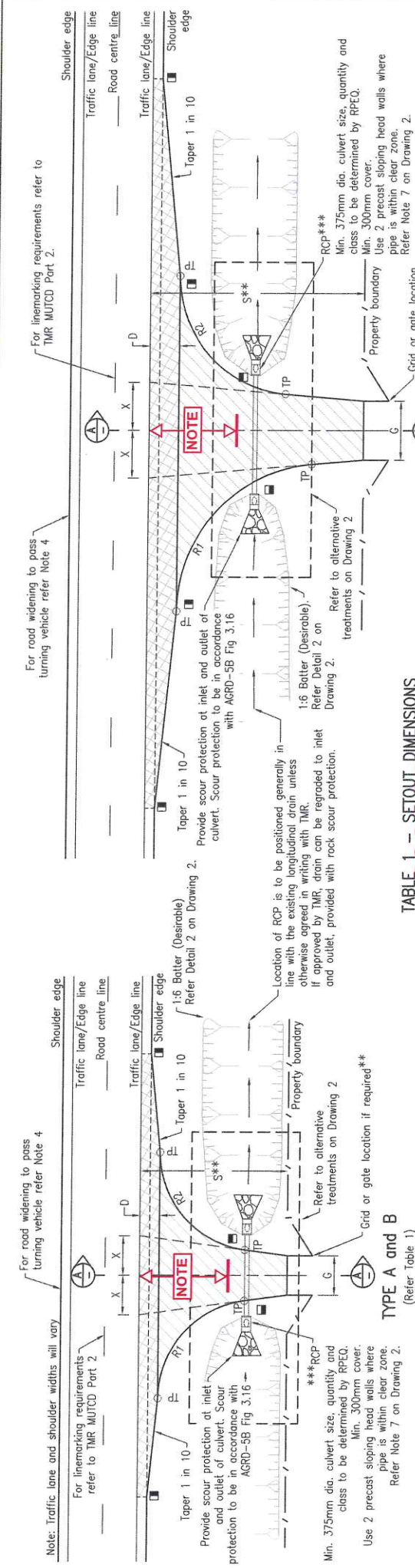


TABLE 1 – SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Trains)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	3m
S	12m	15m	22m	30m**
G	4-6m ϕ	4-6m ϕ	6m	6m
ϕ	6m Minimum width for two-way, two-lane access.			

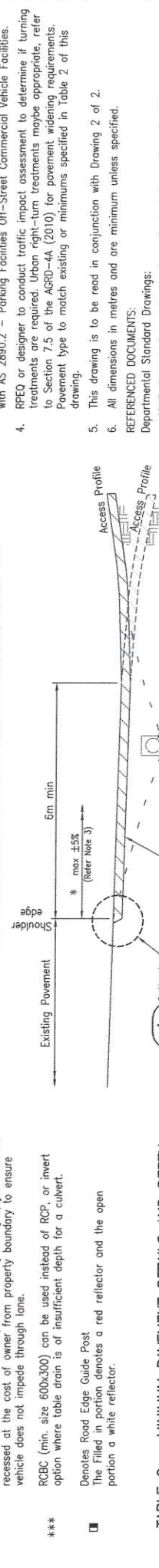
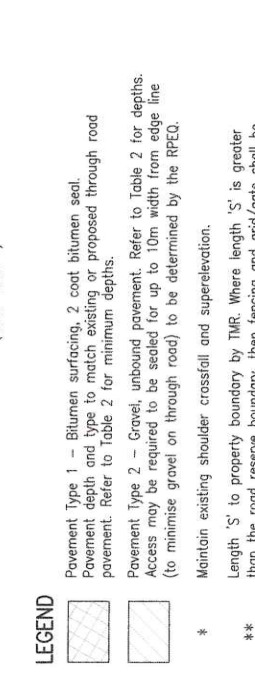


TABLE 2 – MINIMUM PAVEMENT DETAILS AND DEPTH

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm (Min.) Type 2.2 or match existing	200mm (Min.) Type 2.2 or match existing	280mm (Min.) Type 2.2 or match existing
Unsealed Pavement Base Course	150mm (Min.) Type 2.4 or match existing	200mm (Min.) Type 2.4 or match existing	#

NOTE:

- In all cases, bitumen seal to extend a minimum of 10m from road edge.**
- Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.

Bitumen sealed pavement only.

◆ Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.

LEGEND

- * Maintain existing shoulder crossfall and superlevation.
- ** Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- *** RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post
- ▣ The Filled in portion denotes a red reflector and the open portion a white reflector.

NOTES:

- Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to Sections 7.2.1 and 7.2.3 of the AGRD-4 (2009).
- For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Supplement to AGRD-4A, and Section 3 of the AGRD-4A (2010).
- Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 – Parking Facilities Off-Street Commercial Vehicle Facilities.
- RPEQ or designer to conduct traffic impact assessment to determine if turning treatments are required. Urban right-turn treatments maybe appropriate, refer to Section 7.5 of the AGRD-4A (2010) for pavement widening requirements. Pavement type to match existing or minimums specified in Table 2 of this drawing.
- This drawing is to be read in conjunction with Drawing 2 of 2.
- All dimensions in metres and are minimum unless specified.

REFERENCED DOCUMENTS:

Departmental Standard Drawings:
 1243 Precast Culvert Headwalls – Headwall Connections for Culverts
 1305 Pipe Culverts – Headwall and Apron for Pipe Diameter 375 to 675
 1359 Culverts – Installation, Bedding and Filling/Backfilling Against/Over Culverts

Departmental Documents:
 RPDM Road Planning and Design Manual (2nd Edition)
 MRTS03 Drainage, Retaining Structures and Protective Treatment
 Austroads Guide to Road Design:
 AGRD-4 (2009) Part 4: Intersections and Crossings – General (2009)
 AGRD-4A (2010) Part 4A: Unsignalised and Signalised Intersections (2010)
 AGRD-5B (2013) Part 5B: Drainage – Open Channels, Culverts and Floodways (2013)

Department of Transport and Main Roads

PROPERTY ACCESS

RURAL PROPERTY ACCESS

DRAWING 1 OF 2

Standard Drawing No **1807**

Date **07/2020**

Scale **A**

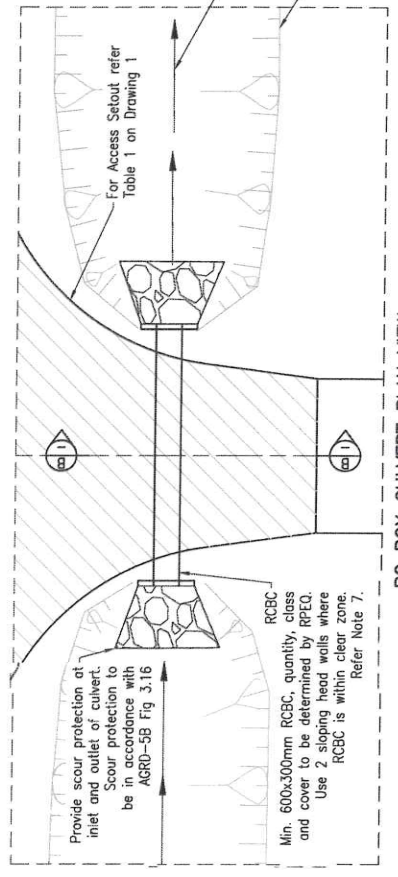
Not to Scale

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<http://www.tmr.qld.gov.au>
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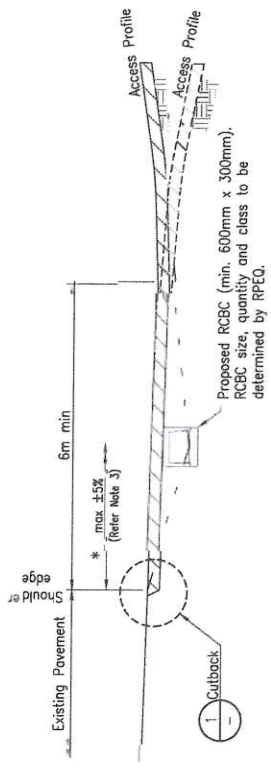
PLANS AND DOCUMENTS TO BE REVIEWED FOR GENERAL AGENCY RESPONSE

SARA ref: 21/01/2020 SPS
 Date: 15 September 2021

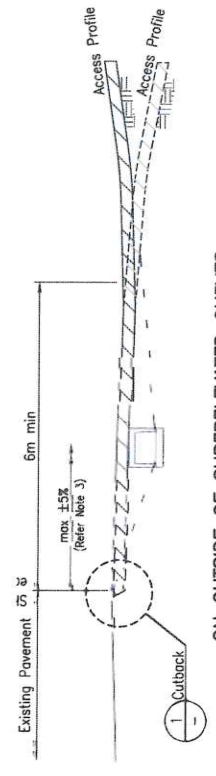
SECTION A



RC BOX CULVERT PLAN VIEW



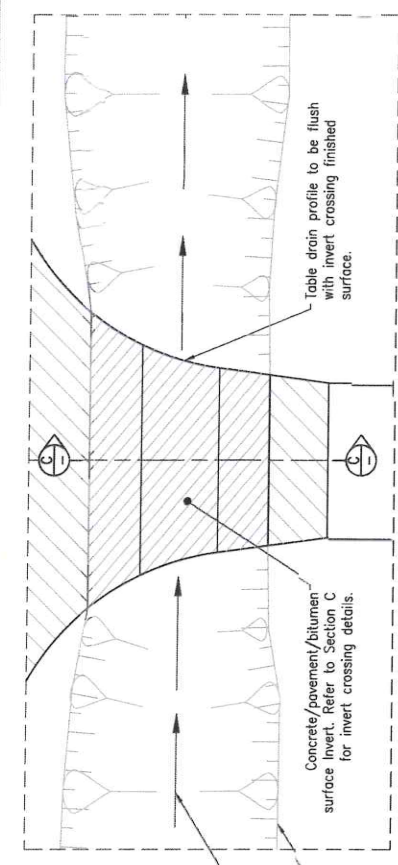
ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURVES



BATTER DETAIL



INVERT CROSSING PLAN VIEW

LEGEND

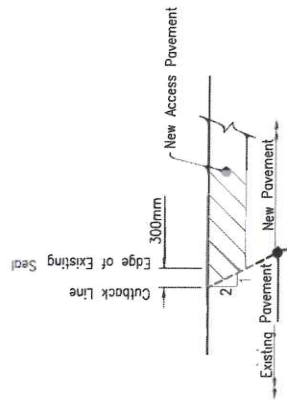
- Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.
- Invert crossing surface
- * Maintain existing shoulder crossfall and superelevation.

NOTES:

1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Culvert clear zone varies with location and speed environment. Refer to TMR Road Planning and Design Manual – Supplement to AGRD Part 6, and Austroads Guide to Road Design – Part 6.

REFERENCED DOCUMENTS:

- Departmental Standard Drawings:
 - 1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 to 800
 - 1033 Kerb and Channel – Profiles
- Australian Standards Documents:
 - AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities



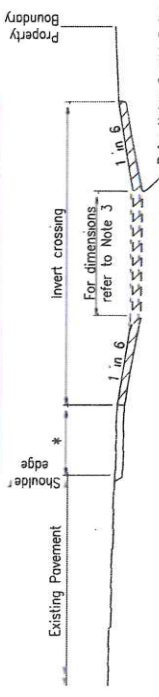
CUTBACK DETAIL



PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2:110-25-496 SRA.....

Date: 6 December 2021



Refer Notes 2 and 3 for additional invert requirements. For concrete inverts strength and thickness refer note 6. For other surface inverts depths refer Note 4.

INVERT CROSSING



	Department of Transport and Main Roads Australian Standards Documents: AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities
PROPERTY ACCESS RURAL PROPERTY ACCESS DRAWING 2 OF 2	Standard Drawing No 1807 Date 07/2020

Attachment 2 – Approved Plans

D22/9398 - Site Classification & Wastewater Management System (Earthtest); 26 Feb 22

D22/7594 – Amended Site Plan – Tourist Park – U&I Town Plan; 03 March 22

1202/17514



Legend located on next page



Projection: Web Mercator (EPSG: 3857)
 Print date: 3/3/2022

For more information, visit <http://data.qld.gov.au/help/info/contact-us.html>
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- Accommodate a Maximum of 74 Guest at any given time
- Maximum length of stay - 14 consecutive days

STAGE 1 - Self-Contained Guests

STAGE 2 - Seasonal Canvas Tent Area

Existing Dwelling

Outbuildings

Vehicle parking area

Existing Crossover Location

Private Airstrip

15° 47' 55.1461" S 148° 12' 31"E

15° 47' 55.1461" S 148° 12' 31"E

Attachment 3 – Notice about a Decision Notice

D22/9446 -Notice of Decision (Tourist Park); Lot 61 SP144060 -152 Shiptons Flat Rd,
Rossville

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/4397
Applicant:	Bates Family Trust T/A Rossville Retreat C/- U&I Town Plan
Proposal:	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
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Rural
Assessment Type:	Impact

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use for Tourist Park (up to 74 People)
Date of Decision:	26 April 2022

ASSESSMENT BENCHMARKS

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

Assessment Benchmarks	Comment
Planning Regulation 2017 (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act
Planning Regulation 2017 (Schedule 10)	The application triggered a referral to SARA under Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, –for a Material Change of Use of premises near State transport corridor.
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, part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy 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 Policy

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

- Strategic Framework
- 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

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

A review of Council's records has determined zero (0) submissions were received.

REASONS FOR THE DECISION

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

- An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- The proposed development for a Development Permit for a Material Change of Use for a Tourist Park (up to 74 People) is an appropriate use to be located on site and will have no adverse impacts on the rural character and amenity of the locality or adjoining lots.

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) 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.