



Our Ref: LM:DA/4447:AD2022/0001048  
Your Ref: 21-723

24 March 2022

William Reddie & Laura Wallace  
c/-Urban Sync Planning Development  
Level 1- 17 Aplin Street  
PO Box 2970  
Cairns Qld 4870  
E-mail: admin@urbansync.com.au  
Attention: Justin Phipps

Dear Mr Phipps

**Decision Notice - approval (with conditions)**  
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 02 December 2021.

**Applicant details**

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Applicant name: Mr W Reddie and Ms L Wallace  
c/- Justin Phipps of Urban Sync Pty Ltd

Applicant contact details: Urban Sync Pty Ltd  
PO Box 2970  
Cairns Qld 4870  
E-mail: admin@urbansync.com.au  
Attention: Justin Phipps

**Application details**

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Application number: DA/4447

Approval sought: Development for a Material Change of Use



Description of the development proposed: Non-Resident Workforce Accommodation and /or Tourist Park

**Location details**

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Street address: Peninsula Developmental Road, Lakeland 4871

Real property description: Lot 30 on SP285541

**Decision**

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Date of Decision: 22 March 2022

Decision 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.

**Details of the approval**

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Development Permit Material Change of Use for Non-Resident Workforce Accommodation and/or Tourist Park

**Variation approval details**

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Not applicable

**Conditions**

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This approval is subject to the conditions in Attachment 1.

**Further development permits**

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

1. Development Permit for Building Work;
2. Development Permit for Plumbing and Drainage Work;

**Properly made submissions**

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There were no properly made submissions for this application.



## Referral Agencies

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The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	State Transport Corridor - Schedule 10, Part 9, Division 4, Subdivision 2, Table 4(1)(a )
Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214  Email: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a>	State Controlled Road Intersection - Schedule 10, Part 9 Division 4, Subdivision 2, Table 4(1)(c )

## Other requirements under section 43 of the Planning Regulation

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Not applicable

## Approved plans and specifications

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

## Currency period for the approval

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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

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

## Rights of appeal

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You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 3 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 able, 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](mailto:mail@cook.qld.gov.au) .

Yours sincerely



Lisa Miller

Manager

Planning and Environment

cc: SARA - [CairnsSARA@dsdilgp.qld.gov.au](mailto:CairnsSARA@dsdilgp.qld.gov.au)

encl: **Attachment 1 (A)** – Conditions imposed by the assessment manager  
**Attachment 1 (B)** – Conditions imposed by a concurrence agency  
**Attachment 2** – Approved Plans  
**Attachment 3** – 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)**

### **Approved Plan**

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 Plan of Development – Site Plan (Plan Number; 21-723 DA01 Rev. A - Date: 29/11/2021).

### **Limitations of Use**

2. Occupancy of the approved accommodation must not exceed one hundred and fifty (150) persons at any one time.

### **Confirmation of compliance with the Building Code of Australia**

3. Within three (3) months of the approval taking effect, written confirmation from a Building Certifier must be submitted to Council confirming that the existing accommodation and associated facilities on site have the required building classification for the approved use as a Tourist Park and/or Non-resident workforce accommodation.

### **Building Approvals**

4. Prior to the issue of a Development Permit for Building Works, detailed plans must be submitted for the additional approved accommodation for a maximum of sixteen (16) people. The accommodation must be located in close proximity of the Main Building as identified of the approved plan of development.

### **Operational Aspects**

5. Within three (3) months of the approval taking effect, an Operational Plan must be submitted for approval by Council's delegated officer. The Operational Plan must address all operational aspects of the development, including but not limited to - site access, parking, site security, emergency management and first aid, communications, access to services and facilities, laundry facilities, waste management, onsite management and standards of behaviour.
6. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan.

### **Effluent Disposal**

7. On-site effluent disposal must be provided in accordance with the Environmental Authority approval for the prescribed Environmentally Relevant Activity.

### **Water Supply**

8. The development must be connected to a potable water supply. This water supply must comply with the Australian Drinking Water Standards.

### **Access and Parking**

9. Vehicle access to the accommodation must be provided from Peninsula Developmental Road generally in accordance with the approved plan of development.
10. Designated vehicle parking must be provided generally in accordance with the approved plan of development.
11. Internal access driveways and parking areas must be constructed from compacted gravel or similar material and be maintained to ensure no dust nuisance.

### **Fire Management**

12. The development must be maintained at all times to a standard so as not to create a fire hazard.
13. The owner must ensure that fire fighting vehicles have accessible access to the dam for fire- fighting purposes.

### **Environment**

14. 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.

### **Stormwater**

15. All stormwater drainage must be to a legal point of discharge and constructed in accordance with section D4 of the FNQROC Manual.
16. The stormwater management system or site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

### **Electricity**

17. The development must be connected to a reliable electricity supply.

### **Compliance**

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

### **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. Any required amendment to the Environmental Authority for the Environmentally Relevant Activity (ERA) is subject to a separate approval through the Department of Environment and Science.
3. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. Should kitchen facilities not be used for the purpose of 'self-catering' by visitors and workers in the accommodation, then a Food Business Licence as per the requirements of the *Food Act 2006* must be obtained by Council.
5. The applicant/owner must notify Council their intention to commence the use after acceptance 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.
6. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

**Attachment 1 (B) – Conditions imposed by a concurrence agency**  
State Assessment Referral Agency (SARA) response dated 1 February 2022.

RA6-N



SARA reference: 2112-26599 SRA  
Council reference: DA/4447  
Applicant reference: 21-723

1 February 2022

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

Attention: Planning and Environment Department

Dear Sir/Madam

## SARA response—Peninsula Developmental Road, Lakeland

(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 20 December 2021.

### Response

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Outcome:	Referral agency response – with conditions.
Date of response:	1 February 2022
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval.
Advice:	Advice to the applicant is in <b>Attachment 2</b> .
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b> .

### Development details

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Description:	Development permit	Material change of use for a tourist park and non-resident workforce accommodation (150 persons + Manager's Residence)
SARA role:	Referral Agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 (Planning Regulation 2017)	

Development application for a material change of use within 25m of a State-controlled road

Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (Planning Regulation 2017)  
Aspect of development stated in schedule 20 of Planning Regulation 2017

SARA reference: 2112-26599 SRA  
Assessment Manager: Cook Shire Council  
Street address: Peninsula Developmental Road, Lakeland  
Real property description: Lot 30 on SP285541  
Applicant name: William Reddie & Laura Lenore Wallace  
Applicant contact details: C/- Urban Sync Pty Ltd  
PO Box 2970  
Cairns QLD 4870  
admin@urbansync.com.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 Mary McCarthy, Senior Planning Officer, on 47583404 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Joanne Manson  
A/Manager (Planning)

cc William Reddie & Laura Lenore Wallace, admin@urbansync.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
<b>Material change of use</b>		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 4, Item 1 —State transport corridors and future State transport corridors - 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:		
1.	The road access location is to be located generally in accordance with TMR Layout Plan (90B – 9.25km), prepared by Queensland Government Transport and Main Roads, dated 23/01/2018, reference TMR18-23479 (500-948), Issue A.	At all times

## Attachment 2—Advice to the applicant

<b>General advice</b>	
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]. If a word remains undefined it has its ordinary meaning.
<b>Advertising device</b>	
2.	<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>



### **Attachment 3—Reasons for referral agency response**

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

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**The reasons for SARA's decision are:**

The proposed development complies with State code 1: Development within a state-controlled road environment and State code 6: Protection of state transport networks of the SDAP. Specifically, the development achieves the purpose of the codes as it is appropriately designed and located that it does not:

- require an upgrade to the existing State-controlled road access
- create a safety hazard for users of a State-controlled road
- result in a worsening of the physical conditions or operating performance of a State-controlled road
- compromise the State's ability to construct, maintain or operate State-controlled roads
- impact on the operational performance of the state transport network
- result in a worsening of the physical condition of the state transport network.

**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]), as published by SARA
- The Development Assessment Rules
- SARA DA Mapping system

## **Attachment 4—Change representation provisions**

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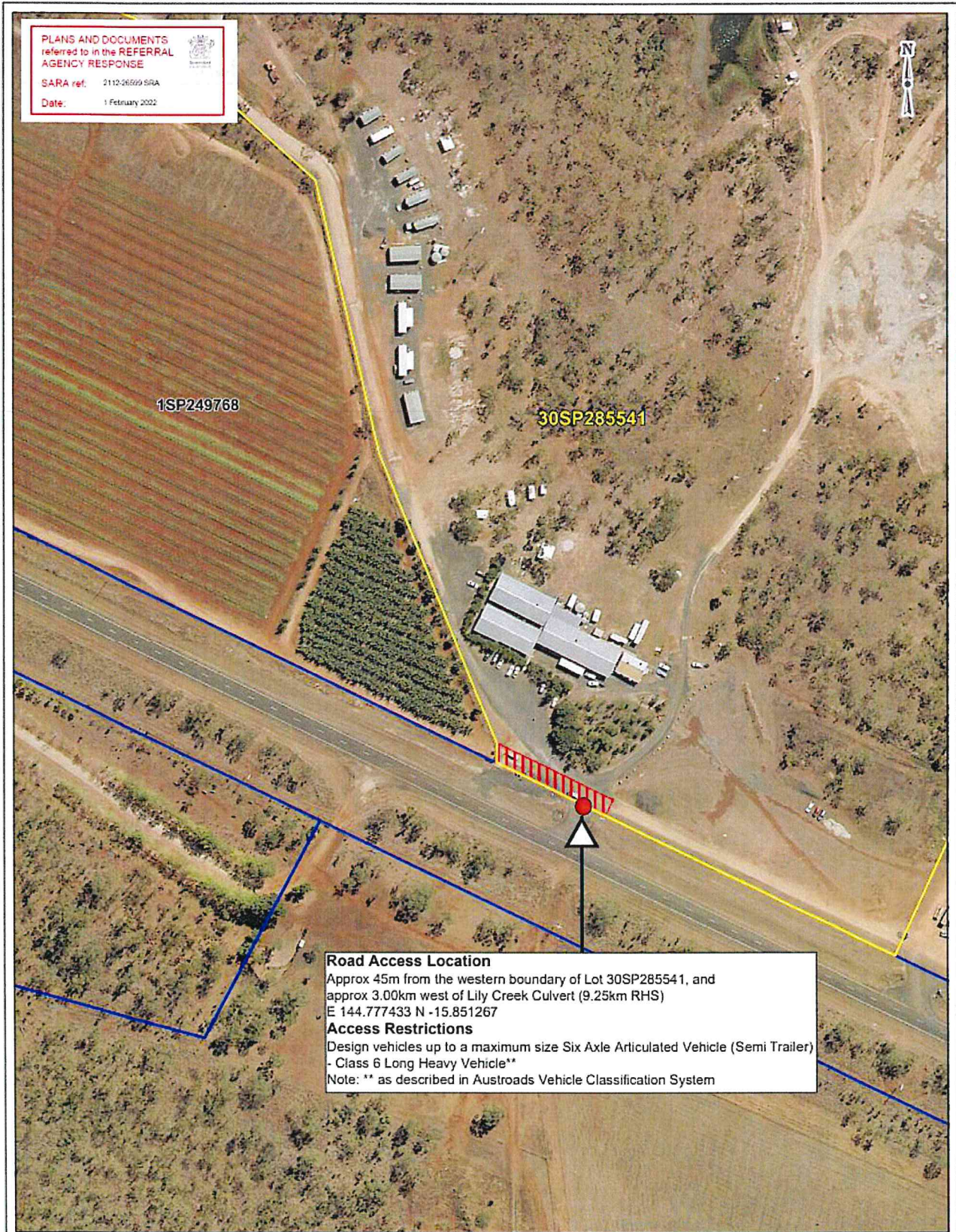
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## **Attachment 5—Approved plans and specifications**

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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE  
 SARA ref: 2112-26699 SRA  
 Date: 1 February 2022

1SP249768

30SP285541

**Road Access Location**  
 Approx 45m from the western boundary of Lot 30SP285541, and approx 3.00km west of Lily Creek Culvert (9.25km RHS)  
 E 144.777433 N -15.851267

**Access Restrictions**  
 Design vehicles up to a maximum size Six Axle Articulated Vehicle (Semi Trailer)  
 - Class 6 Long Heavy Vehicle\*\*  
 Note: \*\* as described in Austroads Vehicle Classification System

Branch/Unit:	Corridor Management/Far North Region
Projection/Datum:	Geocentric Datum of Australia (GDA) 1994
	PROPERTY BOUNDARY
	SUBJECT LAND
	ACCESS EASEMENT

**TMR Layout Plan  
 (90B - 9.25km)**



Queensland Government  
 Transport and Main Roads

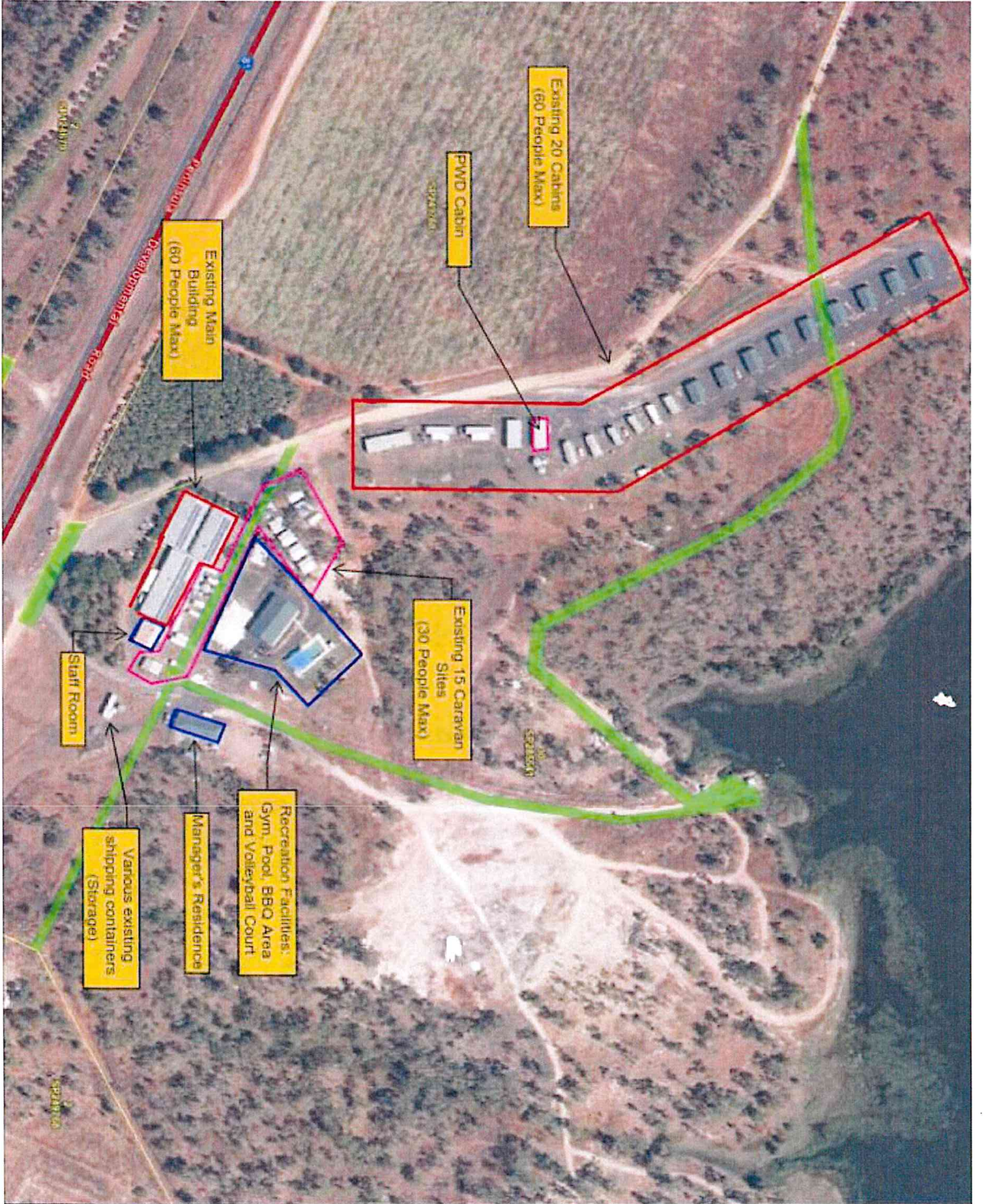
Plan No:	1 / 1	Issue:	A	Date:	23/01/2016
Drawn by:	RPK	File ref:	TMR18-23479 (500-948)		

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**Attachment 2 – Approved Plans**

**Site Plan (Plan Number; 21-723 DA01 Rev.A-Date: 29/11/21)**





# Turalba Worker's Village

**Street Address:**

Pennsylvania Development Road,  
Lakeland

**Real Property Description:**

Lot 30 on SP285541

**Proposed Development:**

Non-Resident Workforce  
Accommodation and  
Short-Term Accommodation

**Legend:**



## Site Plan

Plan No: 21-723 DA01 Rev: A

Date: 29/11/2021



**Attachment 3 – Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)**

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## 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.