

Our Ref: LM:DA/4485 AD2022/0009333

Your Ref: M2-22

04 October 2022

Neale Dahl  
c/-U&i Town Plan  
PO Box 426  
COOKTOWN QLD 4895  
E-mail: [ramon@uitownplan.com.au](mailto: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 **27 September 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/4485

Approval Sought:	Development Permit for a Material Change of Use and Reconfiguration of a Lot
Description of the Development:	Material Change of Use for a Tourist Park (74 persons) and Reconfiguring a Lot (Access Easement)
Category of Development:	Assessable Development
Category of Assessment:	Impact Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017

### Location Details

Street Address:	Weymouth Road, IRON RANGE 4892
Real Property Description:	Lot 2 SP166591
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 17, Division 3, Table 5 ( <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: <a href="mailto:CairnsSARA@dsdilgp.qld.gov.au">CairnsSARA@dsdilgp.qld.gov.au</a> MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a></p>	<p>Schedule 10, Part 17, Division 3, Table 6 (<i>Planning Regulation 2017</i>)</p>
---	--

---

**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](mailto:mail@cook.qld.gov.au).

Yours sincerely



Lisa Miller

Manager

Planning and Environment

Cook Shire Council

cc: E-mail: [CairnsSARA@dasilgp.qld.gov.au](mailto:CairnsSARA@dasilgp.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 – Reconfiguring a Lot (access easement)**

**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:
  - Plan of Development – Amended Site Plan (Plan #4.0, Dated 08.08.22)

**Easements**

2. Register and retain an access and services easement with a minimum width of 6 metres in accordance with the approved plan of development.
3. Easement (ASP166591) burdening Lot 1 on SP166591 must be surrendered at the time of registration of the new access easement.

**Vehicle Access**

4. Vehicle access to Lot 2 must be achieved from Weymouth Road via the access easement in accordance with the approved plan of development.
5. An access driveway a minimum width of 3 metres must be constructed within the full length of the access easement.
6. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the access driveway and until such time all exposed areas are permanently stabilised.

**Stormwater Drainage**

7. All stormwater drainage must be directed to a legal point of discharge.
8. Site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development.

**Public Utilities**

9. The developer is responsible for the cost of any alterations to public utilities as a result of complying with the conditions of this approval.

### Compliance

10. All conditions of this development permit, unless otherwise stated, must be complied with prior to Council endorsement of the Plan of Survey.

### Outstanding Charges

11. All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.

### **B. Assessment Manager (Council) Conditions – Material Change of Use (Tourist Park)**

#### 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:
  - Plan of Development – Amended Site Plan, Plan #4.0, Dated 08.08.22; and
  - Cabins – Floor Plan and Elevations, Plan Number M2-22, Dated 19.04.22 .

#### Approved Use – Tourist Park

2. The approved use comprises of:
  - Stage 1 – campground for self-contained vehicles;
  - Stage 2 – five (5) cabins; and
  - Stage 3 – five (5) additional cabins.
3. The development must be carried out in accordance with the approved Staging.
4. Prior to the commencement of the Material Change of Use - Tourist Park, the Survey Plan for the Reconfiguring a lot approval must be registered.

#### Limitations of Use

5. Occupancy of the approved Tourist Park must not exceed a maximum of seventy-four (74) persons at any one time.
6. The maximum length of stay for any self-contained vehicle or guest within the cabins must not exceed fourteen (14) consecutive days.

7. Stage 1 - The shower and toilet facility in the existing shed, must be kept locked and unavailable for use by guests.
8. Stage 2 and Stage 3 – The shower and toilet facilities are for the use of the guests only and are not available to the general public.

#### **Access and Parking**

9. Vehicle access must be achieved via the approved access easement to Weymouth Road in accordance with the approved plan of development.
10. All internal access roads a minimum width of 3 metres wide must be constructed and maintained to an all-weather standard.
11. Implement and maintain an Erosion and Sediment Control plan for the duration of the construction works of the internal access driveway and until such time all exposed areas are permanently stabilised.

#### **Effluent Disposal**

12. Stage 2 and Stage 3 – Prior to the commencement of the use, a Plumbing Application for the on-site wastewater treatment and disposal system associated with the existing facilities in the existing shed must be lodged and approved by Council. The application must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – ‘On-site domestic wastewater management’. Alternatively, lodge with Council a copy of the relevant plumbing approval for the existing on-site effluent disposal system.
13. Stage 1 only – All vehicles must be self-contained with appropriate waste and wastewater holding tanks. No grey or black wastewater is to be discharged on site.
14. Stage 2 and Stage 3 – Prior to the commencement of the use, an effluent disposal system must be provided on-site. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS, 1547:2000 – ‘On-site domestic wastewater management’. Details are to be provided at the time of lodgement of a Plumbing and Building application.

#### **Water Supply**

15. Stage 1 only - all vehicles must be self-contained with an adequate water supply.



16. Stage 2 and 3 - a potable water supply must be made available to each cabin at the time of construction. This water supply must comply with the Australian Drinking Water Standards.
17. Any non-potable water provided onsite must be clearly labelled at each tap – ‘Non potable water - not safe for Human Consumption’.

### **Fire Management**

18. A Bushfire Management Plan incorporating; evacuation procedures, campfire guidelines and fire break/trail maintenance for the campground and details of the water supply for fire-fighting purposes, must be prepared to the satisfaction of Council's delegated officer and form part of the required Operational Plan. The approved use must comply with the requirements of the Management Plan at all times.
19. A source of water for fire-fighting purposes of not less than 10,000 litres must be provided on-site. This can be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply shall be located within an accessible position within forty (40) metres from the habitable buildings.
20. Stage 2 and 3 - buildings on the proposed site shall:
  - i. Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater.
21. The development must be maintained at all times to a standard so as not to create a fire hazard.
22. The owner must ensure that fire-fighting vehicles have acceptable access to the water for fire-fighting purposes.

### **Operational Aspects**

23. 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, evacuation plan, emergency management and first aid, bushfire management, communications, waste management and standards of behaviour.
24. Operational aspects of the approved use must be carried out generally in accordance with the approved Operational Plan.



### Vegetation Clearing

25. Vegetation clearing must be limited to that required for firebreaks, cabins, access driveways and associated infrastructure. Prior to commencement of works, canopy trees shall be clearly delineated to ensure mature canopy trees are retained. Clearing and earthworks must avoid damage to root zones of the retained trees. Any regulated vegetation not required to be cleared for building works or bushfire management purposes must be retained.

### Environment

26. No State declared or environmental pest, plants and animals are to be introduced onto the property.
27. 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

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

### Electricity

29. Stage 2 and 3 only - the development must be connected to a reliable electricity supply.

### Signage

30. No more than one (1) advertising sign for the approved development is permitted on the subject site.
31. The sign must not exceed a maximum sign face area of 6m<sup>2</sup> and must not move, revolve, strobe or flash.
32. The sign must be kept clean, in good order and safe repair for the life of the approval.
33. The sign must be removed when no longer required.
34. The erection and use of the advertisement must comply with the Building Act and all other relevant Acts, Regulations and these approval conditions.

**Compliance**

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

**C. 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 the construction of any buildings associated with this development.
2. The currency period for the Reconfiguring a Lot approval is four (4) years. Should the approved use not commence within this time, the approval shall lapse.
3. The currency period for the Material Change of Use approval is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
4. The applicant/owner must notify Council of their intention to commence the use acceptable of and in 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.
5. 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.
6. Prior to the commencement of the use, a Local Law Permit will be required for the operation of the Tourist Park.
7. **Removal of Protected Vegetation.**  
This development approval does not approve of authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:
  - A. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;
  - B. *Nature Conservation Act 1999 (Qld)*;
  - C. *Vegetation Management Act 1999 (Qld)*.

Attachment 1 (B) – Conditions imposed by a concurrence agency (D22/21226 and D22/21227)



SARA reference: 2205-28987 SRA  
 Council reference: DA/4485  
 Applicant reference: M2-22

14 July 2022

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—Weymouth Road, Iron Range

(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 on 23 May 2022.

### Response

---

Outcome:	Referral agency response – with conditions.
Date of response:	14 July 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

---

Description:	Development permit	Material change of use - Tourist Park Reconfiguration of a Lot – Access Easement
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 5 (Planning Regulation 2017) Reconfiguring a lot in a coastal management district	

SARA reference: 2205-28987 SRA  
Assessment Manager: Cook Shire Council  
Street address: Weymouth Road, Iron Range  
Real property description: Lots 1 and 2 on SP166591  
Applicant name: Neale Dahl  
C/- U&i Town Plan  
Applicant contact details: PO Box 426  
Cooktown QLD 4895  
ramon@uitownplan.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 Sue Lockwood, Senior Planning Officer, on 40373222 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



John Irving  
A/Manager (Planning)

cc Neale Dahl 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
<b>Reconfiguring a lot</b>		
Schedule 10, Part 17, Division 3, Table 5— The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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>The reconfiguration of a lot must be undertaken generally in accordance with the following plan:</p> <p>(a) Amended Site Plan – MCU (Tourist Park) &amp; ROL (Realign Easement), dated 04/07/2022, revision 4.0, as amended in red by SARA on 14 July 2022.</p>	<p>Prior to submitting the Plan of Survey to the local government for approval.</p>

## 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) v3.0. If a word remains undefined it has its ordinary meaning.
2.	This development approval is for the reconfiguration (access easement) only. A decision for the material change of use (tourist park) development application will be issued under a separate decision notice (2205-29438 SRA) due to a missed referral for clearing native vegetation in an erosion prone area of the coastal management district.

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

---

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

**The reasons for the department's decision are:**

- The access easement is proposed to be located predominately outside of the erosion prone area.
- The proposed access easement does not increase risk or impacts from coastal erosion.

**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 3.0), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

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

---

(page left intentionally blank – attached separately)

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

---

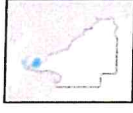
(page left intentionally blank – attached separately)



# Amended Site Plan - MCU (Tourist Park) & ROL ( Realign Easement)

Plan# 4.0, Dated 04.07.22

12°36'49"S 143°25'38"E

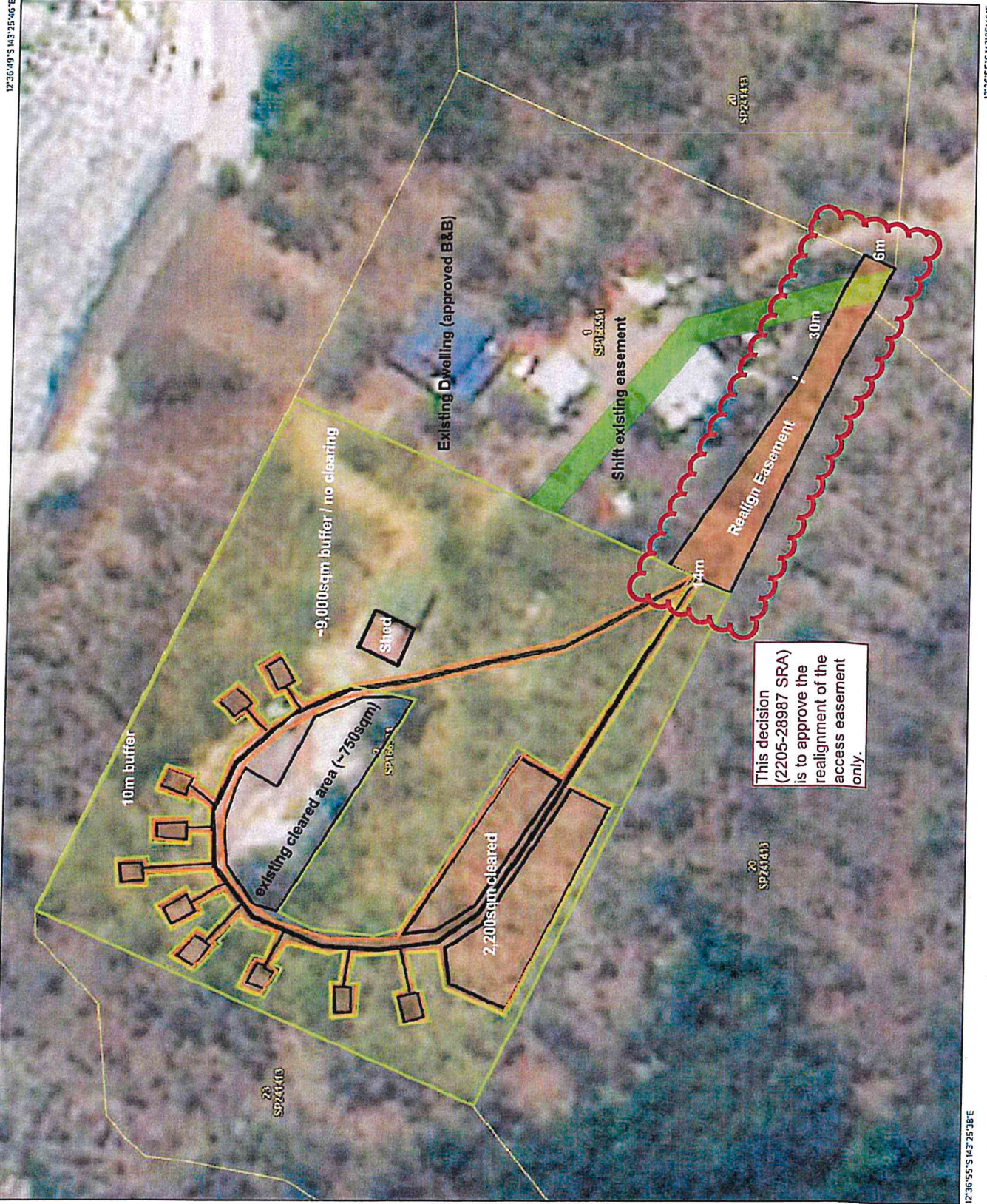


**PLANS AND DOCUMENTS**  
 referred to in the REFERRAL  
 AGENCY RESPONSE

SARA ref: 2205-28987 SRA  
 Date: 14 July 2022

Amended in red by SARA on  
 14 July 2022

Legend located on next page



This decision (2205-28987 SRA) is to approve the realignment of the access easement only.



Scale: 1:793

Printed at: A3

Print date: 5/7/2022

Projection: Web Mercator EPSG 102100 (8857)  
 For more information, visit <https://qdglobe.information.qld.gov.au/help-info/Contact-us.html>

Includes material © State of Queensland 2022. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability. If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 2017 © Earth+, all rights reserved, 2019

12°36'49"S 143°25'46"E

12°36'55"S 143°25'46"E

12°36'55"S 143°25'38"E



# Amended Site Plan - MCU (Tourist Park) & ROL ( Realign Easement)

Plan# 4.0, Dated 04.07.22

## Legend

- Land parcel
- Parcel
- Land parcel - gt 1 ha
- Parcel
- Land parcel - gt 10 ha
- Parcel
- Easement parcel
- Land parcel - gt 1000 ha
- Parcel
- Land parcel label
- Land parcel label - gt 1 ha
- Land parcel label - gt 10 ha
- Land parcel label - gt 1000 ha
- Woolloongabba volumetric (above ground)
- Woolloongabba volumetric (below ground)
- Road crossing
- Bridge
- Tunnel
- Road
- Highway
- Main
- Local
- Private
- Railway
- Cities and Towns



Includes material © State of Queensland (Department of Resources); © Commonwealth of Australia (Geoscience Australia); © 21AT, © Earth-i, all rights reserved, 2022.

© State of Queensland (Department of Resources) 2021

SARA reference: 2206-29438 SRA  
 Council reference: DA/4485  
 Applicant reference: M2-22

17 August 2022

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

Attention: Lisa Miller

Dear Sir/Madam

## Changed SARA response—Weymouth Road, Iron Range

(Given under section 28 of the Development Assessment Rules)

On 15 August 2022, the State Assessment and Referral Agency (SARA) received notice of a change to the development application described below. SARA has assessed the changes and now provides this changed referral agency response which replaces the response dated 20 July 2022.

### Response

---

Outcome:	Referral agency response – with conditions.
Date of response:	17 August 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

---

Description:	Development permit	Material change of use - Tourist Park
SARA role:	Referral Agency.	
SARA trigger:	Schedule 10, Part 17, Division 3, Table 6 (Planning Regulation 2017)	
	Development application for a material change of use involving work in a coastal management district	

SARA reference: 2206-29438 SRA  
Assessment Manager: Cook Shire Council  
Street address: Weymouth Road, Iron Range  
Real property description: Lots 1 and 2 on SP166591  
Applicant name: Neale Dahl C/- U&i Town Plan  
Applicant contact details: PO Box 426  
Cooktown QLD 4895  
ramon@uitownplan.com.au

## Representations

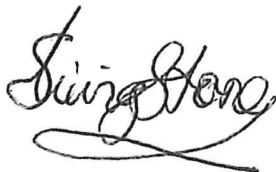
---

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 Cairns SARA on 4037 3214 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone  
A/Manager (Planning)

cc Neale Dahl C/- U&i Town Plan, ramon@uitownplan.com.au

enc Attachment 1 – Changed 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— Changed 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 17, Division 3, Table 6 —The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Environment and Science 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.	The clearing and construction of the cabins must be undertaken generally in accordance with the following plan: <b>(a)</b> Amended Site Plan – MCU (Tourist Park) & ROL (Realign Easement), prepared by, dated <u>04/07/2022-08.08.22</u> , reference and revision <b>Plan# 4.0</b> , as amended in red by SARA on <del>19 July 2022</del> <b>17 August 2022</b> .	Prior to the commencement of use and to be maintained at all times.
2.	For the proposed works, only use clean materials and ensure that the works do not cause contamination.	For the duration of the works.
3.	Erosion and sediment control measures which are in accordance with Best Practice Erosion and Sediment Control (BPESC) guidelines for Australia (International Erosion Control Association), are to be installed and maintained to prevent the release of sediment to tidal waters.	For the duration of the works.
4.	Should the cabins collapse, fail or otherwise suffer structural consequences which impact their integrity or ability to function as intended, the works must be: <b>(a)</b> reinstated in accordance with this development approval; or <b>(b)</b> removed and disposed of at an appropriately licensed facility.	As soon as reasonably practicable subsequent to the damage.
5.	Submit "As Constructed drawings" to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mail to:  Department of Environment and Science Permit and Licence Management Implementation and Support Unit GPO Box 2454 Brisbane Qld 4001	Within two (2) weeks of the completion of the works.
6.	<b>(a)</b> In the event that the works cause disturbance or oxidisation of acid sulfate soil, the affected soil must be treated and thereafter managed (until the affected soil has been neutralised or contained) in accordance with the current <i>Queensland Acid Sulfate Soil Technical Manual: Soil management guidelines</i> , prepared by the Department of Science, Information Technology, Innovation and the Arts, 2014. <b>(b)</b> Certification by an appropriately qualified person, confirming that the affected soil has been neutralised or contained, in accordance with (a) above is to be provided to <a href="mailto:palm@des.qld.gov.au">palm@des.qld.gov.au</a> or mailed to:	<b>(a)</b> Upon disturbance or oxidisation until the affected soil has been neutralised or contained. <b>(b)</b> At the time the soils have been neutralised or contained.



	<p>Department of Environment and Science  Permit and Licence Management  Implementation and Support Unit  GPO Box 2454  Brisbane Qld 4001</p> <p>Note: Appropriately qualified person means a person or persons who has professional qualifications, training, skills and experience relevant to soil chemistry or acid sulfate soil management and can give authoritative assessment, advice and analysis in relation to acid sulfate soil management using the relevant protocols, standards, methods or literature.</p>	
7.	The cabins must be readily relocatable, to ensure that it can be relocated if threatened by coastal erosion or tidal inundation.	At all times
8.	Clearing must retain: (a) all mature trees and habitat trees; and (b) trees larger than 6 meters in height.	While clearing is occurring
9.	Clearing must not be more than 3,000m <sup>2</sup> of native vegetation.	While clearing is occurring

## 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) v3.0. If a word remains undefined it has its ordinary meaning.

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

---

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

### **The reasons for the department's decision are:**

- The proposed development is designed and located to:
  - o protect life, buildings and infrastructure from impacts of coastal erosion
  - o maintain coastal processes
  - o conserve coastal resources
  - o reasonably minimise and mitigate impacts to matters of state environmental significance.

### **Material used in the assessment of the application:**

- The development application material and submitted plans
- Information request response
- *Planning Act 2016*
- Planning Regulation 2017
- The *State Development Assessment Provisions* (version 3.0), as published by the department
- The Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system

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

---

(page left intentionally blank – attached separately)

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

---

(page left intentionally blank – attached separately)



# Amended Site Plan - MCU (Tourist Park) & ROL ( Realign Easement)

Plan# 4.0, Dated 08.08.22



This decision (2206-29438 SRA) is to approve the material change of use - tourist park only.

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**  
SARA ref: 2206-29438 SRA  
Date: 17 August 2022

Amended in red by SARA on 17 August 2022

Legend located on next page

Scale: 1:793  
Printed at: A3  
Print date: 5/7/2022  
Projection: Web Mercator EPSG: 102100 (9857)  
For more information, visit <https://qldglobe.information.qld.gov.au/help/info/contact-us.html>

Includes material © State of Queensland 2022. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability. If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 21AT, Earth+, all rights reserved, 2019

12°36'49"S 143°25'46"E

12°36'55"S 143°25'46"E

12°36'49"S 143°25'38"E

12°36'55"S 143°25'38"E





# Amended Site Plan - MCU (Tourist Park) & ROL ( Realign Easement)

Plan# 4.0, Dated 08.08.22



12°36'49"S 143°25'46"E

12°36'55"S 143°25'46"E

Legend located on next page

Scale: 1:793  
Printed at: A3  
Print date: 5/7/2022  
Projection: Web Mercator, EPSG: 102100 (3857)

For more information, visit <https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

Includes material © State of Queensland 2022. You are responsible for ensuring that the map is suitable for your purposes. The State of Queensland makes no representation or warranties in relation to the map contents and disclaims all liability. If imagery is displayed, imagery includes material © CNES reproduced under license from Airbus DS, all rights reserved © 2018 - Earth+, all rights reserved, 2019



Attachment 3 – Notice about a Decision Notice (AD2022/0009337)



## 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/4485
Applicant:	Neale Dahl c/- U&I Town Plan
Proposal:	Development Permit for a Material Change of Use and Reconfiguration of a Lot
Description of the Development:	Tourist Park (74 Persons) and Access Easement
Street Address:	Weymouth Road, Iron Range
Real Property Description:	Lots 1 and 2 on SP166591
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Rural Residential Zone
Assessment Type:	Impact

### DECISION DETAILS

---

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use - Tourist Park (74 Persons) and Reconfiguration of a Lot (Access Easement)
Date of Decision:	27 September 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 17, Division 3, Subdivision 5, Item 1; and Subdivision 6, Item 1 for Tidal works or work in a Coastal Management District
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 <i>State Planning Policy (SPP)</i> is integrated in the Planning Scheme.  A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interests (Bushfire, Biodiversity and Flood and other Coastal Hazards Overlay) are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP.
Temporary State Planning Policy	There are no Temporary State Planning Policies

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

- Strategic Framework;
- Rural Residential Zone Code;
- Residential Use Code;
- Reconfiguring a Lot Code;
- Parking and Access Code;
- Works, Services and Infrastructure Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code; and
- Flood and Other Coastal Hazards 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 that no submissions were received.

**REASONS FOR THE DECISION**

---

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

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The proposed development for a Development Permit for Tourist Park (74 persons) and Reconfiguring a Lot (Access Easement) is an appropriate use to be located on the site and will have no adverse impact 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) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
  - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note*—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (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.