



Our Ref: LM:DA/4493 AD2022/0008418
Your Ref: M8/22

01 August 2022

Cooktown Holiday Park
c/-U&i Town Plan
PO Box 657
Mareeba Qld 4880
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 July 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/4493
Approval Sought:	Development Permit for a Material Change of Use and Reconfiguration of a Lot
Description of the Development:	Tourist Park (increase to existing - additional 17 campsites) and Reconfiguration of a Lot - Boundary Realignment
Category of Development:	Assessable Development
Category of Assessment:	Impact Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017

Location Details

Street Address:	31, 35-41 Charlotte Street, COOKTOWN 4895
Real Property Description:	Lot 4 on SP161242 and Lot 5 on SP245598
Local Government Area:	Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment 1.

Further Development Permits

Not Applicable.

Properly Made Submissions

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

Referral Agencies

Not applicable - no part of the application required referral.

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

Enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 1 (B) - Infrastructure Charges Notice
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 (Boundary Realignment)

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:
 - Proposed boundary realignment, lodged 23 May 2022, titled Cooktown Holiday Park, located at 35-41 Charlotte Street, Cooktown (Lot 4 on SP161242).

Public Utilities

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

Timing

3. Within six (6) months of the approval taking effect, or a longer period as agreed in writing with Cook Shire Council Chief Executive Officer, the Survey Plan for the Reconfiguring a Lot approval must be registered.

Compliance

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

Outstanding Charges

5. 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 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:
 - Site Layout Plan, lodged 23 May 2022.

Site Capacity

2. The approved accommodation is limited to:
 - (a) Camping sites – 72 sites;
 - (b) Cabins – 23 cabins; and
 - (c) Motel Units – 9 units.

Access and Parking

3. Vehicle access to the approved use must be achieved from the existing access from Charlotte Street.
4. All internal access roads must be constructed and maintained to an all-weather standard.
5. A minimum of one (1) car parking space located near a designated camping site, cabin or unit must be provided and kept available for use.
6. A minimum of eleven (11) visitor car parking spaces must be kept available for use.

Stormwater Drainage

7. All stormwater drainage must be to a legal point of discharge.

Public Utilities

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

Amenity

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

Waste

10. Waste storage areas must be appropriately sited and screened from view from the street.

Compliance

11. All relevant conditions of the development permit must be complied within twelve (12) months of the approval taking effect, or a longer period as agreed in writing, with the Cook Shire Council Chief Executive Officer. The Conditions must, where relevant, be complied with at all times.

Lapsing of Approval

12. This approval will lapse if the Plan of Survey for the Reconfiguring a Lot component is not registered within six (6) months of the approval taking effect or a longer period as agreed in writing with the Cook Shire Council Chief Executive Officer.

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 construction of any buildings associated with this development.
2. The currency period for the Reconfiguring a Lot approval is twelve (12) months. 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 twelve (12) months. Should the approved use not commence within this time, the approval shall lapse.
4. Infrastructure charges must be paid to Council prior to the endorsement of the Plan of Survey as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
5. 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.

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.
7. Prior to the commencement of the use a Local Law Permit will be required for the operation of the Tourist Park.
8. Removal of Protected Vegetation

This development approval does not approve or 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) - Infrastructure Charges Notice (D22/15623)

Attachment 2

Our Ref: LM:TS:DA/4493:D22/15623

01 August 2022

Cooktown Holiday Park
C/- U&i Town Plan
PO Box 657
MAREEBA QLD 4880
Attention: Ramon Samanes
Email: ramon@uitownplan.com.au

Dear Mr Samanes

ADOPTED INFRASTRUCTURE CHARGES NOTICE
Development Application - DA/4493
31, 35-41 Charlotte Street, Cooktown 4895

Proposal:	Material Change of Use for Tourist Park (Extension to Existing Tourist Park – Additional 17 campsites) and Reconfiguration of a Lot - Boundary Realignment
Applicant:	Cooktown Holiday Park C/- U&i Town Plan PO Box 657 MAREEBA QLD 4880
Location of Site:	31,35-41 Charlotte Street, COOKTOWN
Real Property Description:	Lot 4 on SP161242 Lot 5 on SP245598
Level of Assessment:	Impact Assessment

CHARGES CALCULATION – Material Change of Use

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use	\$117.00 (Water Supply)	Tent, caravan or cabin site	17	\$1,989.00

(Accommodation Short Term – Caravan Park)				
Material Change of Use (Accommodation Short Term – Caravan Park)	\$117.00 (Sewerage)	Tent, caravan or cabin site	17	\$1,989.00
Material Change of Use (Accommodation Short Term – Caravan Park)	\$140.00 (Transport)	Tent, caravan or cabin site	17	\$2,380
Material Change of Use (Accommodation Short Term – Caravan Park)	\$47.00 (Public Parks & Community Land)	Tent, caravan or cabin site	17	\$799.00
Material Change of Use (Accommodation Short Term – Caravan Park)	\$46.00 (Stormwater)	Tent, caravan or cabin site	17	\$782.00
Total Charges				\$7,939.00

CHARGES CALCULATION – Reconfiguring a Lot

No charge applicable

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$7,939.00	N/A	\$7,939.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made at the time lodgement of the Survey Plan for endorsement.

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Planning and Environment Department on (07) 4082 0500 or e-mail: mail@cook.qld.gov.au .

Yours faithfully



Heather Kelly
Acting Chief Executive Officer
Cook Shire Council

Attachment 2 – Approved Plans (D22/15620)



Cooktown Holiday Park, located at 35-41 Charlotte Street, Cooktown (Lot 4 on SP161242)

15° 28' 30" S 145° 14' 36" E



15° 28' 30" S 145° 14' 40" E

15° 28' 33" S 145° 14' 36" E

15° 28' 33" S 145° 14' 40" E

Legend located on next page



Scale: 1:952

Printed at: A3

Print date: 15/12/2021

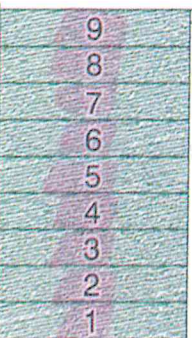
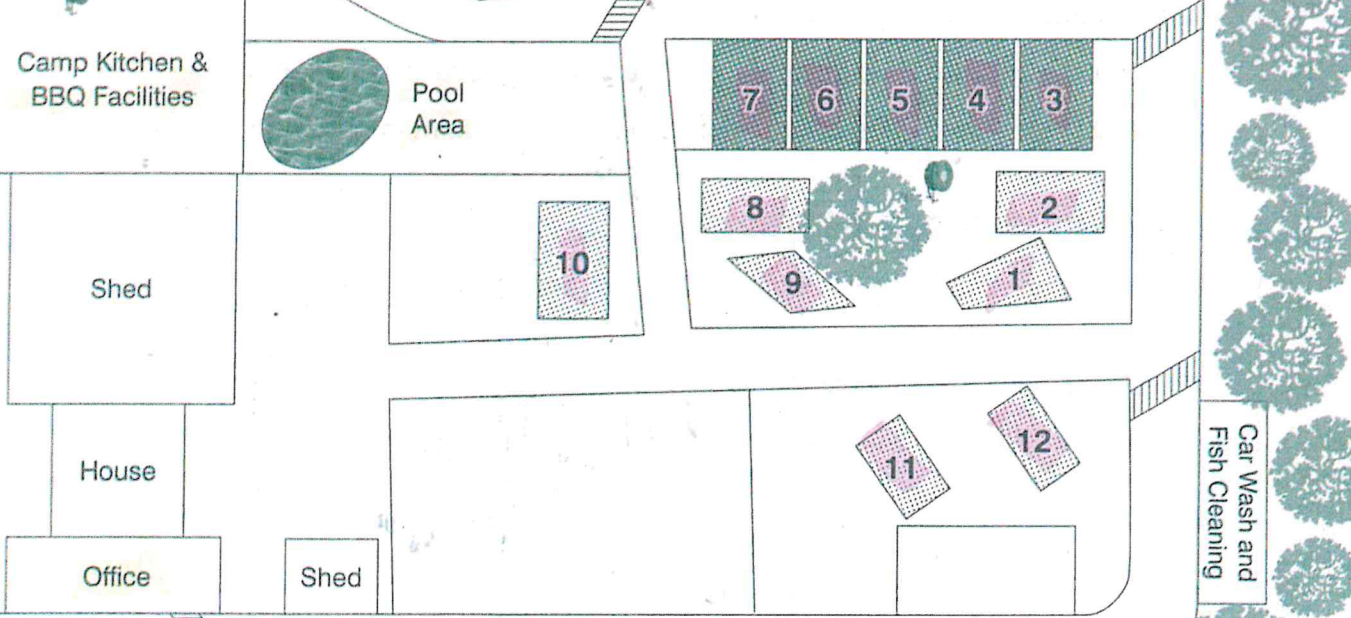
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For more information, visit <https://ajgdqee.information.qld.gov.au/help-info/Contact-us.html>

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CHARLOTTE STREET



- Motel
- 2 Bedroom Cabin
- 1 Bedroom Cabin
- Budget Cabin
- Fire Hose Reel
- Emergency Assembly Area (Muster Point)

17 requests sites
 55 site
 Cabin / Motel

Attachment 3 – Notice about a Decision Notice

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/4493
Applicant:	Cooktown Holiday Park, 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 (Extension to Existing Tourist Park – additional 17 campsites) and Boundary Realignment
Street Address:	31, 35-41 Charlotte Street, Cooktown
Real Property Description:	Lot 4 on SP161242 and Lot 5 on SP245598
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Centre Zone and Community Facilities Zone
Assessment Type:	Impact Assessable

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Material Change of Use for Tourist Park (Extension to Existing Tourist Park – additional 17 campsites) and Reconfiguration of a Lot - Boundary Realignment
Date of Decision:	26 July 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 does not trigger a referral to SARA.
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	<p>Section 2.1 of the Planning Scheme identifies that the superseded version of the <i>State Planning Policy</i> is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interest (Bushfire) is 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 for Bushfire.</p> <p>However, the Planning Scheme does not reflect the SPP Assessment Benchmark mapping for Natural Hazards Risk and Resilience – storm tide inundation areas.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

- Strategic Framework;
- Centre Zone Code;
- Community Facilities Zone Code;
- Residential Use Code;

- Reconfiguring a Lot Code;
- Parking and Access Code;
- Works, Services, and Infrastructure Code; and
- Bushfire Hazard Overlay.

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:

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The boundary realignment is practical, will facilitate the resolution of existing land use issues and will not impact on the existing or future operational use of the Council Depot site.
- c. The additional seventeen (17) campsites for the Tourist Park can be accommodated on the site and will not have an adverse impact on the character and amenity of the site 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.