

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/4509
Applicant:	Robert and Grace Parker c/- U&I Town Plan
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Multiple Dwelling (4 x Dwelling Units)
Street Address:	35 May Street, Cooktown 4895
Real Property Description:	Lot 32 on C17949
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Medium Density Residential
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Multiple Dwelling
Date of Decision:	22 November 2022

ASSESSMENT BENCHMARKS

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

Assessment Benchmarks	Comment
<i>Planning Regulation 2017</i> (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act.
<i>Planning Regulation 2017</i> (Schedule 10)	The application has not triggered a referral under Schedule 10.
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State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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 interests are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (part E) or updated mapping are applicable requiring further assessment against the SPP.
Temporary State Planning Policy	There are no Temporary State Planning Policies

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

- Medium Density Residential Zone Code
- Biodiversity Overlay Code
- Parking and Access Code
- Works, Services and Infrastructure Code
- Residential Use Code

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

Not Applicable

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 Material Change of Use for Multiple dwelling is an appropriate use to be located on the site and will have no adverse impact on the established residential character and amenity of the locality and adjoining lots.
- c. That an Infrastructure Charges Notice be issued for the amount of \$15,600 in relation to the development approval for a Development Permit for Material Change of Use – Multiple Dwelling at 35 May Street, Cooktown, formally described as Lot 32 on C17949.
- d. That Cook Shire Council refuse the request to waive the Infrastructure Charges associated with the Development Approval for Material Change of Use for Multiple Dwelling (4 dwelling units) on land located at 35 May Street, Cooktown, formally described as Lot 32 on C17949.
- e. That the applicant be advised that Council is currently considering the development of a policy to support and encourage development within the Shire and the waiver or reduction of Infrastructure Charges may be considered in the development of the policy. Should Council adopt a policy that provides for the opportunity to apply for a waiver or reduction of Infrastructure Charges it is recommended you apply in accordance with the policy prior to the payment of the applicable charges.

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.