

## 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

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Application No:	DA/4516
Applicant:	Yohan Wickramage c/ David Klye
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Earthworks
Street Address:	28 Garden Street
Real Property Description:	Lot 144 on C17949
Planning Scheme:	Cook Shire Council Planning Scheme 2017
Land Zoning:	Low Density Residential
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Earthworks
Date of Decision:	14 December 2022

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## ASSESSMENT BENCHMARKS

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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)	This application did not trigger a referral. SARA updated pre-lodgement advice dated 11 August 2022 confirmed that the application did not trigger 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State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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):**

- Low Density Residential Zone Code

### **Local Categorising Instrument (Variation Approval)**

Not Applicable

### **Local Categorising Instrument (Temporary Local Planning Instrument)**

Not Applicable

**PUBLIC NOTIFICATION**

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Not Applicable

**REASONS FOR THE DECISION**

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

- a. Subject to undertaking remedial works as required in the conditions of approval the applicant has demonstrated the excavation and fill undertaken onsite will not have an adverse impact on the subject site or adjacent properties.

**REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

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Not Applicable

**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Not Applicable

**OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017**

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Not Applicable

**OTHER DETAILS**

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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.