

NOTICE ABOUT A DECISION

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/4498
Applicant:	Jayson Watkin
Approval Sought:	Change Application (Minor) Development Permit for a Material Change of Use
Description of the Development:	Dwelling House & Home Based Business
Street Address:	Aylen Hills Road, Iron Range 4892
Real Property Description:	Lot 12 on RP898805

DECISION DETAILS

Type of Decision:	Refused
	<i>Cook Shire Council, as the Assessment Manager, was not directed to refuse the application by a Referral Agency.</i>
Date of Decision:	12 December 2023

ASSESSMENT BENCHMARKS

- Cape York Regional Plan
- State Planning Policy
- Council's Local Government Infrastructure Plan
- Cook Shire Council Planning Scheme 2017
 - Rural Residential Zone Code
 - Home Based Business Code
 - Parking and Access Code
 - Works, Services and Infrastructure Code
 - Biodiversity Overlay Code
 - Bushfire Hazard Overlay Code

REASONS FOR THE DECISION

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

1. The timeframe requiring the demolition of the buildings has been subject to two previous minor change approvals providing an overall extension of 12 months for the demolition.
2. Despite having the benefit of these two extensions, the applicant has not undertaken sufficient action to progress with the demolition of the structures.
3. There are insufficient reasons offered by the Applicant for approval or extenuating circumstances to warrant a further extension.
4. There is a reasonable belief that the applicant is continuing to carry out the Home-based business use in breach of the conditions of the development approval, including by carrying out the bed & breakfast use within at least one of the non-habitable buildings required to be demolished under the approval.
5. There are risks for Council in not acting to prevent this unlawful activity, including, but not limited to, fire and safety risks.
6. As the relevant enforcement authority there are public interest considerations for Council, including, but not limited to, an expectation that it enforce compliance with development approvals and uphold the requirements of its Planning Scheme.

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.