

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/4553
Applicant:	Cook Shire Council c/- Environment Pacific Pty Ltd
Proposal:	Development Permit for Operational Works
Description of the Development:	Operational Works - Prescribed Tidal Work (Footpath and Stormwater Infrastructure)
Street Address:	Sherrin Esplanade
Real Property Description:	Adjacent to Lot 3 on USL8248
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Environmental Management and Conservation
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Operational Works - Prescribed Tidal Work (Footpath and Stormwater Infrastructure)
Date of Decision:	23 January 2023

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)	<p>In accordance with Schedule 10, Part 17, Division 2, Table 1 where the local government is the assessment manager the prescribed assessment benchmark is the Coastal Regulation, Schedule 3. An assessment against Schedule 3 of the Coastal Protection and Management Regulation 2017 determined the proposal achieves compliance with the prescribed Performance Outcomes.</p> <p>The application triggered a referral to SARA under Schedule 10, Part 6, Division 3, Subdivision 3, Table 1 – Marine Plant Removal, Destruction and Damage AND Schedule 10, Part 17, Division 3, Table 1 – for tidal works and work in a coastal management district.</p>
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme.
State Planning Policy (SPP), 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.</p> <p>The Planning Scheme does not reflect the current SPP (July 2017) Assessment Benchmark mapping for Natural Hazards Risk and Resilience – Bushfire Prone Areas, Erosion Prone Areas and Storm Tide Inundation areas. An assessment against the State Planning Policy determined the proposal achieved compliance with the relevant assessment benchmarks.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policies

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

- Not applicable

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 Operational Work - Prescribed Tidal Work (Footpath and Stormwater Infrastructure) is an appropriate use to be located on the site and will have no adverse impact on the amenity of the locality.

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.