

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/4601
Applicant:	Gene Lawrence Brookes & Chloe Michele Brookes c/-Kelly Reaston Development and Property Services
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot one (1) into two (2)
Street Address:	122 Railway Ave West, Cooktown QLD 4895
Real Property Description:	Lot 3 on RP907664
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguration of a Lot (1 into 2 Lots)
Date of Decision:	28 November 2023

ASSESSMENT BENCHMARKS

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

Assessment benchmarks	Comment
Schedule 9	Schedule 9 is not applicable as the application is not for building work under the Building Act.
Schedule 10	The application triggered a referral to SARA under Schedule 10, Part 3, Division 4, Table 2, – Reconfiguring a lot involving clearing native vegetation. The referral agency response is addressed in a separate section of this report.
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State Planning Policy (SPP) Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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 mapping has determined that the state interests are adequately 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 Government Infrastructure Plan (LGIP)	This matter is addressed in a separate section of this report.
Any development approval for, and any lawful use of the premises, or adjacent premises	This matter is addressed separately in Background/History section above.
The common material	All the material received about the application has been assessed and has informed the recommendation of this report.

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

- Rural Zone Code;
- Reconfiguring a Lot Code;
- Works, Services, and Infrastructure Code;

- Biodiversity Overlay; and
- Bushfire Hazard Overlay.

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 will have no detrimental impact on the property, surrounding properties, or the environment itself.

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.