

Our Ref: LMC:tt:DA/4646 AD2023/0006008

Your Ref: M3-23

25 October 2023

Justin Otto Cabrall
c/ - U&i Town Plan
PO Box 426
COOKTOWN QLD 4895
E-mail: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision: Council approved the Development Application at a Council meeting on **24 October 2023**.

Approval Details: **Approved in full** with conditions. These conditions are set out in Attachment 1 and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Application Details

Application Number: DA/4646

Approval Sought: Development Permit for Material Change of Use

Description of the Development: Dual Occupancy

Category of Development: Assessable Development
Category of Assessment: Impact Assessment
Planning Scheme: Cook Shire Council Planning Scheme 2017 v2.0

Location Details

Street Address: 32B Charlotte Street COOKTOWN 4895
Real Property Description: Lot 8 SP206169
Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in **Attachment 1**.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Plumbing and Drainage Work
2. Development Permit for Building Work

Properly Made Submissions

There were **no properly made** submissions for this application.

Referral Agencies

Not applicable - no part of the application required referral.

Variation approval details

Not Applicable

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Currency Period for the Approval

This approval lapses if the first change of use does not happen within *six (6) years*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely



Brian Joiner
Chief Executive Officer

enc: Attachment 1	Conditions Imposed by the Assessment Manager
Attachment 2	Approved Plans (D23/33378)
Attachment 3	Infrastructure Charges Notice (D23/33498)
Attachment 4	Notice of Decision – Statement of Reasons (AD2023/0006009)
Attachment 5	Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i>)

Attachment 1 - Conditions Imposed by the Assessment Manager (Cook Shire Council)

A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS

No.	Condition	Timing
GENERAL		
1.	<p>COMPLIANCE WITH CONDITIONS</p> <p>The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.</p>	At all times
2.	<p>WORKS – DEVELOPER’S EXPENSE</p> <p>The cost of all works associated with the development and construction of the development, including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.</p>	At all times
3.	<p>WORKS - DAMAGE TO INFRASTRUCTURE</p> <p>The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.</p>	At all times
4.	<p>WORKS – DESIGN & STANDARD</p> <p>Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.</p>	At all times
5.	<p>WORKS – SPECIFICATION & CONSTRUCTION</p> <p>All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).</p>	At all times
6.	<p>INFRASTRUCTURE CONDITIONS</p> <p>All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.</p>	At all times
7.	<p>COMMENCEMENT OF USE</p> <p>The use must not commence until the conditions of the approval relevant to each stage have been complied with.</p>	At all times



APPROVED PLANS & DOCUMENTS																										
8.	APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):	At all times																								
	<table border="1"><thead><tr><th>Title</th><th>Sheet No.</th><th>Date</th><th>Prepared By</th></tr></thead><tbody><tr><td>Site Plan</td><td>A101</td><td>WD#5 18/08/2023</td><td>Max Slade Designs</td></tr><tr><td>Overall Site Plan</td><td>A103</td><td>WD#5 18/08/2023</td><td>Max Slade Designs</td></tr><tr><td>Elevations</td><td>A105</td><td>WD#5 18/08/2023</td><td>Max Slade Designs</td></tr><tr><td>Elevations</td><td>A106</td><td>WD#5 18/08/2023</td><td>Max Slade Designs</td></tr><tr><td>Long Section</td><td>A112</td><td>WD#5 18/08/2023</td><td>Max Slade Designs</td></tr></tbody></table>		Title	Sheet No.	Date	Prepared By	Site Plan	A101	WD#5 18/08/2023	Max Slade Designs	Overall Site Plan	A103	WD#5 18/08/2023	Max Slade Designs	Elevations	A105	WD#5 18/08/2023	Max Slade Designs	Elevations	A106	WD#5 18/08/2023	Max Slade Designs	Long Section	A112	WD#5 18/08/2023	Max Slade Designs
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	Elevations		A106	WD#5 18/08/2023	Max Slade Designs																					
Long Section	A112	WD#5 18/08/2023	Max Slade Designs																							
9.	CONDITIONS OF APPROVAL & APPROVED PLANS Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.	At all times																								

VEHICULAR ACCESS		
10.	Access to the proposed development must be provided in accordance with the approved plans of development.	At all times
11.	The access driveway from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Development Manual Drawing S1015E and Design Manual D1 (Road Geometry, section D1.17) and subject to a Local Laws Permit 'Make Alterations or Improvements to a Road'.	Prior to commencement of use

CAR PARKING		
12.	NUMBER OF PARKING SPACES A minimum of two (2) car parking spaces must be provided in accordance with the approved plan of development.	At all times

SERVICES		
13.	<p>RETICULATED ELECTRICITY SUPPLY</p> <p>The development must be connected to the reticulated electricity supply network in accordance with the standards and requirements of the relevant service provider. Internal reticulation between the dwelling units must be via underground distribution.</p>	Prior to commencement of use
14.	<p>TELECOMMUNICATIONS</p> <p>Telecommunications must be provided to the premises to the standards and requirements of the relevant service provider.</p>	Prior to commencement of use
15.	<p>RETICULATED WATER SUPPLY</p> <p>The development must be connected to the reticulated water supply with a 25mm water service connection. The developer will be responsible for sub metering.</p>	Prior to commencement of use
16.	<p>RETICULATED SEWERAGE SUPPLY</p> <p>The development must be connected to the reticulated sewerage network. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.</p>	Prior to commencement of use

FENCING & LANDSCAPING		
17.	Fencing and landscaping must be provided in accordance with approved plan of development.	At all times

WASTE DISPOSAL		
18.	<p>WASTE STORAGE</p> <p>All bins and waste storage areas must be located on site, and not visible from the street or neighbouring properties as per the approved plan of development.</p>	At all times

STORMWATER		
19.	<p>LAWFUL POINT OF DISCHARGE</p> <p>Stormwater drainage must be directed to a lawful point of discharge being Mason Street.</p>	At all times
20.	<p>DRAINAGE</p> <p>Site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.</p>	At all times

EROSION & SEDIMENT CONTROL		
21.	The applicant must ensure that no sand, soil or silt runoff occurs from the site during the construction and operational phase of the development and erosion and sediment controls are in place.	At all times

ENVIRONMENTAL		
PEST MANAGEMENT		
22.	No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

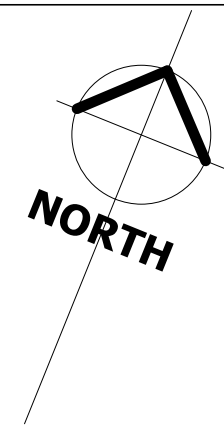
1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. Infrastructure charges must be paid to Council prior to the commencement of use of the new dwelling house as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
4. The applicant/owner must notify Council their intention to commence the use after acceptance of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.



Attachment 2 – Approved Plans (D23/33378)

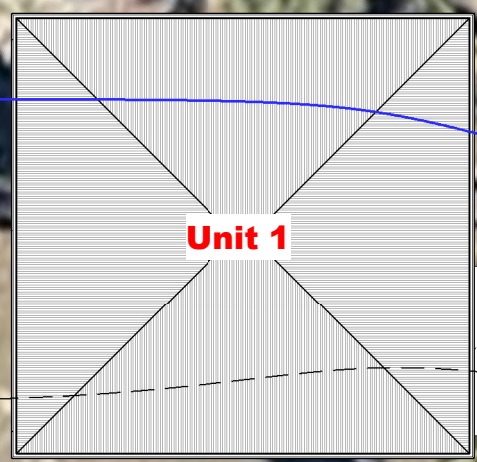
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Charlotte Street

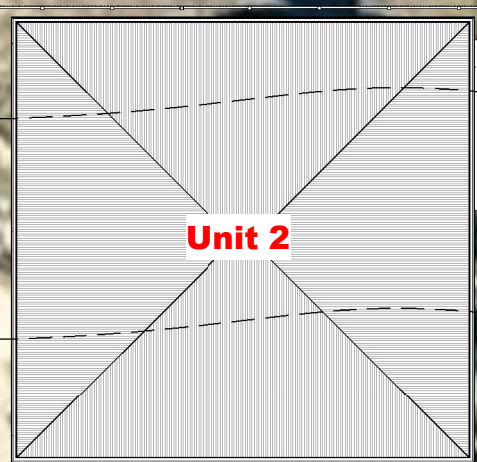


Approx existing contour lines

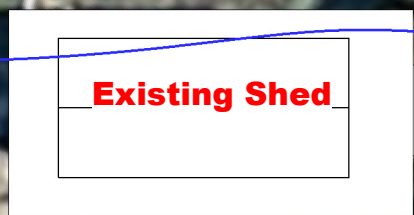
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Unit 1



Unit 2



Existing Shed

existing gravel access to shed

1000

Mason Street

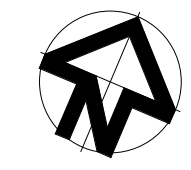
COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use - Dual Occupancy

Lot: 8 on SP206169

Referred to in Cook Shire Council's Decision Notice

Approval Date: 24 October 2023
Application Number: DA/4646



Property Description

Lot 8 On SP 206169
Locality - Cooktown
Cook Shire Council

Area of Land - 993 sq m
Building Classification Class 1a

Building Area - Unit 1 184 sq m
- Unit 2 185 sq m

Planning Zone - Low density Residential
Bushfire Overlay - N/A
Transport Noise Corridor - N/A Not a state controlled road

Aerial Site & Locality Plan

1 : 250

WD #5 - 18 08 23

SUSTAINABLE BUILDING REQUIREMENTS FOR CLASS 1 BUILDINGS

Acceptable Solutions:
Shower Roses:
Shower Roses to be AAA rating when assessed against AS/NZ 6400:2004 or as star rating under the Water Efficiency Labelling Scheme (WELS).

Water Supply:
In a service area for retail water service under the Water Act 2000, the water supplied to a new Class 1 building does not exceed pressure levels set out in AS/NZ 3550.1:2003 and if the main water pressure exceeds or could exceed 500 Kpa, a water pressure limiting device is installed to ensure that the maximum operating pressure at the outlet within boundaries of the property does not exceed 500 Kpa.

Volume of Water used in Toilet:
In a new Class 1 building, toilet cisterns have dual flush capability that does not exceed 4.5 litres on full flush and 3 litres on half flush.

Energy Efficiency Lighting:
In a new Class 1 building, fluorescent lights or compact fluorescent lights (CFLs) are used in 80% of the total area of all rooms. The total area is to include the floor area of the garage, where the garage is associated with the Class 1 building. Air conditioning systems must have an Energy Efficiency Rating of at least 2.9

Hot Water System:
In a new Class 1 building, a hot water supply is provided by:
(a) Solar hot water system, or
(b) A gas hot water system with a five star energy rating.
(c) A heat pump system.

GENERAL NOTES

- 1.1 Refer any discrepancy to designer for written instructions
2. All work to be in accordance with the B.C.A. Class 1 & 10.
3. Plumbing & Drainage to comply with AS/NZS 3500.
4. Footings to comply with AS 2870.
5. Glazing to comply with AS 1288.
6. Cold formed steel to comply with AS/NZS 4600.
7. Timber framing to comply with AS 1684.3-2006.
8. Termite treatment: Timber to be preservative treated (L.O.S.P.) in accordance with AS 3660-2000.
9. Stormwater to be discharged to council regulations.
10. All structural fixed bolts, nuts and washers to be hot dipped galvanised.
11. Confirm all joinery fit-out details with proprietor prior to construction.

Description	Date	Number	Notes
			All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia" The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED IF IN DOUBT ASK !!
Client			The Cabrall Family Trust
Project			Units
Location			32B Charlotte Street Cooktown
Design Wind Classification - C2			
Date	March 2022		
Drawn	Max Slade		
Scale	1 : 250		
Job No.			M22 - 4779
A.B.N. No. 16 010 608 321			Max Slade Designs Pty. Ltd. QBSA Lic. No. 659479
Builder - Low Rise			Building Designer - Medium Rise
Phone 07 40 91 2099			maxslade@bigpond.net.au

Sheet No. Sheet Name.

A101 SITE PLAN

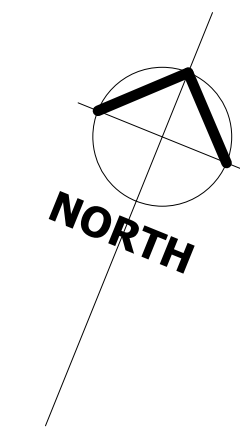
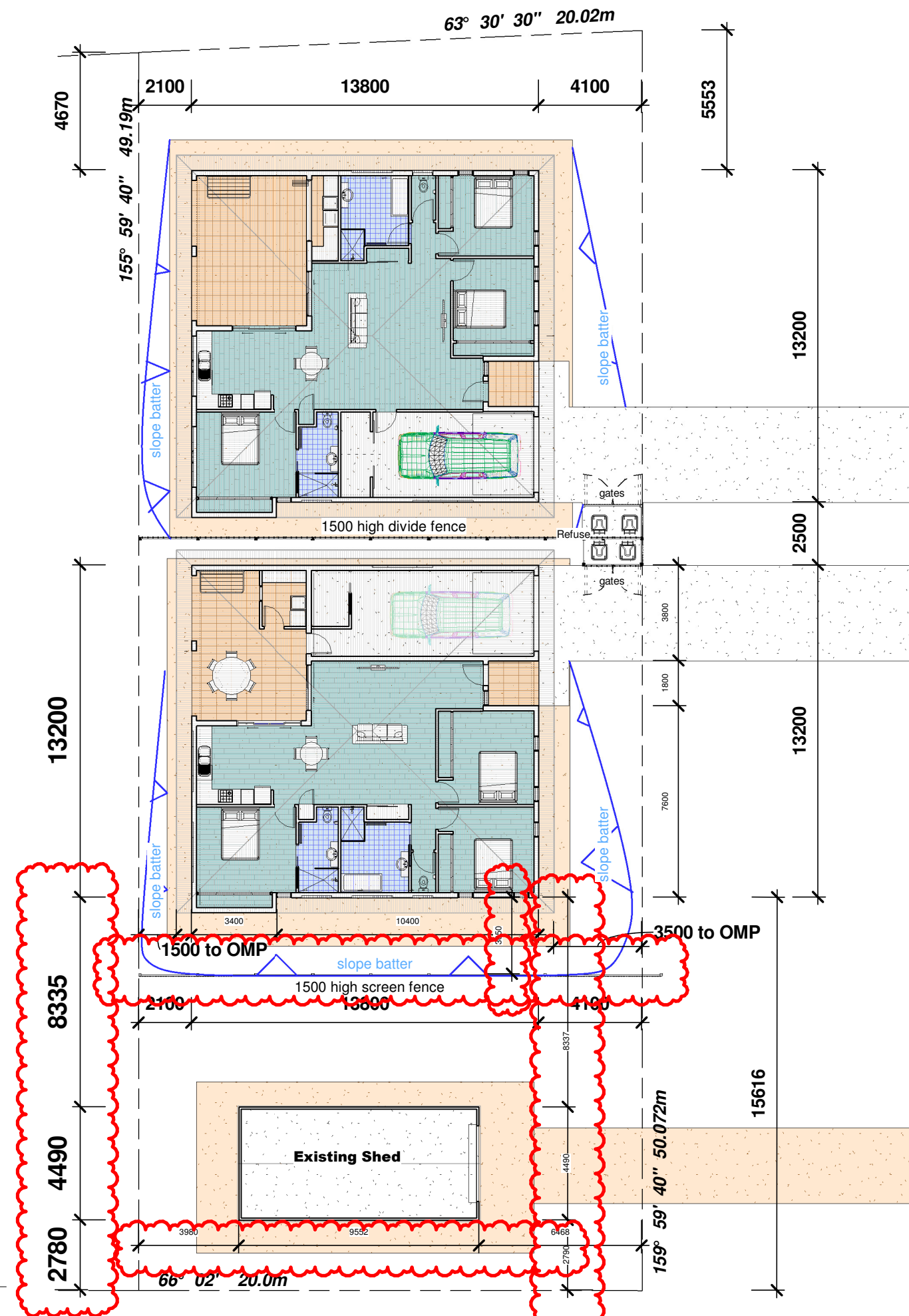
MAX SLADE DESIGNS

Beatrice Street
Atherton 4883
maxslade@bigpond.net.au



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21/08/2023 3:16:00 PM



Mason Street

edge of bitumen

COOK SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

Development Application: Development Permit for Material Change of Use - Dual Occupancy

Lot: 8 on SP206169

Referred to in Cook Shire Council's Decision Notice

Approval Date: 24 October 2023
 Application Number: DA/4646

Number	1	Date	Date 1	Description	Revision 1
Notes					
All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED.					
IF IN DOUBT ASK !!					
Client					
The Cabrall Family Trust					
Project					
Units					
Location					
32B Charlotte Street Cooktown					
Design Wind Classification - C2					
Date	March 2022				
Drawn	Max Slade				
Scale	1 : 200				
Job No.					
M22 - 4779					
A.B.N. No. 16 010 608 321					
Max Slade Designs Pty. Ltd.					
QBSA Lic. No. 659479					
Builder - Low Rise					
Building Designer - Medium Rise					
Phone 07 40 91 2099					
maxslade@bigpond.net.au					

1 Overall Set Out Plan
1 : 200



WD #5 - 18 08 23

Sheet No. Sheet Name.
A103 Overall Site Plan

Beatrice Street
 Atherton 4883
 maxslade@bigpond.net.au

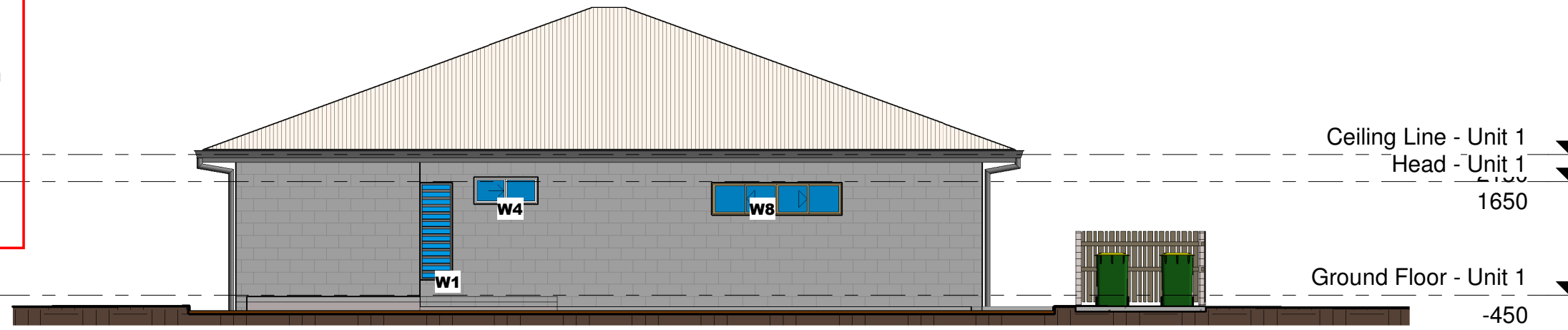
COOK SHIRE COUNCIL
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 APPROVED PLAN

Development Application: Development Permit for Material Change of Use - Dual Occupancy

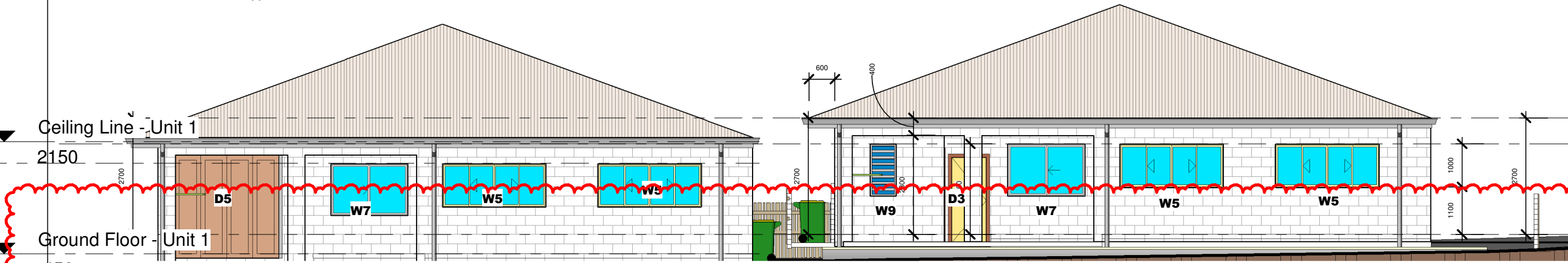
Lot: 8 on SP206169

Referred to in Cook Shire Council's Decision Notice

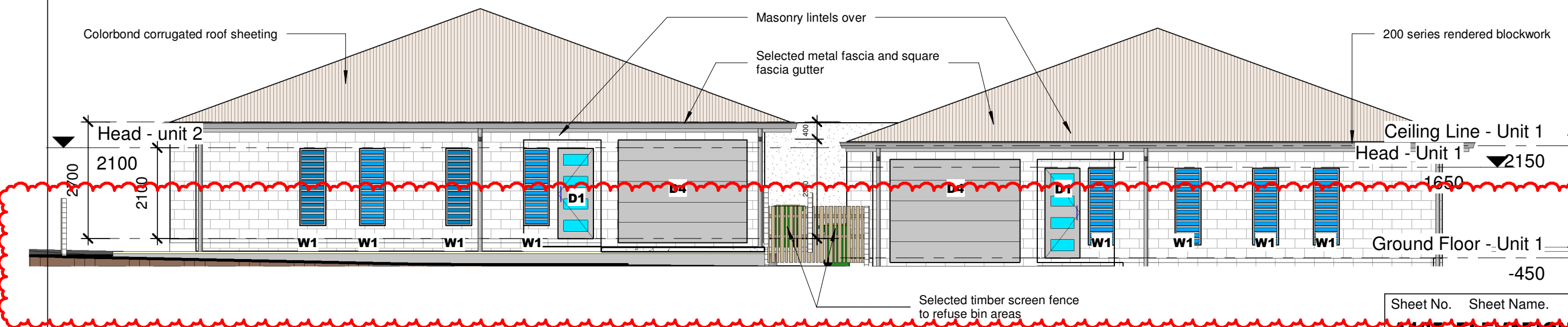
Approval Date: 24 October 2023
 Application Number: DA/4646



3 Unit 1 East Elevation
 1 : 100



2 West Elevation
 1 : 100



1 Mason Street Elevation
 1 : 100

Description	Revision
	1

Date	Date 1

Number	Number 1
	1

Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED.

IF IN DOUBT ASK !!

Client
The Cabrall Family Trust

Project
Units

Location
 32B Charlotte Street
 Cooktown

Design Wind Classification - C2

Date March 2022
 Drawn Max Slade
 Scale 1 : 100

Job No.
 M22 - 4779

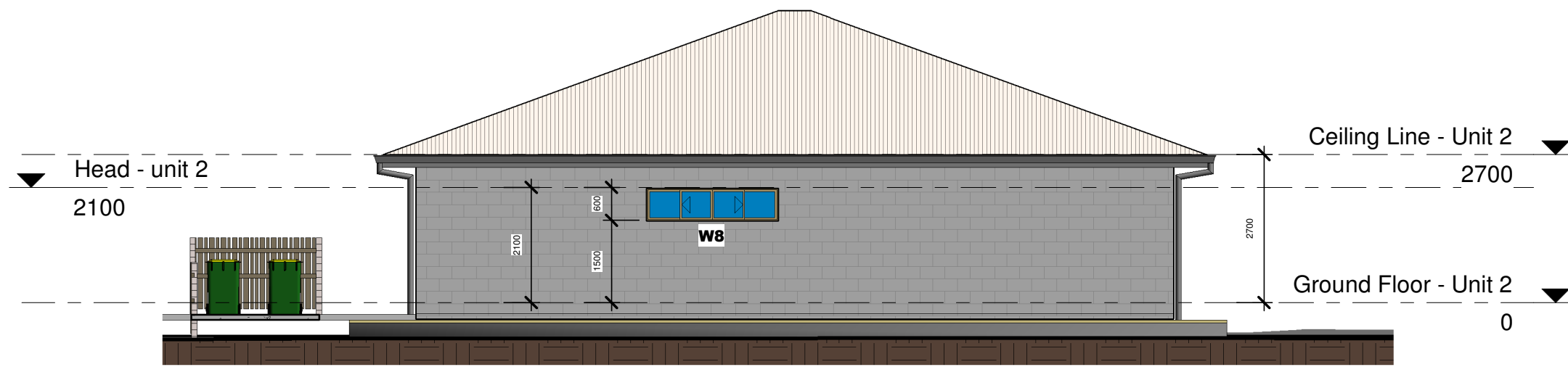
A.B.N. No. 16 010 600 321
 Max Slade Designs Pty. Ltd.
 QBSA Lic. No. 65947
 Builder - Low Rise
 Building Designer - Medium Rise
 Phone 07 40 91 2099
 maxslade@bigpond.net.au

Sheet No. Sheet Name.
A105 ELEVATIONS



WD #5 - 18 08 23





COOK SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

Development Application: Development Permit for Material Change of Use - Dual Occupancy

Lot: 8 on SP206169

Referred to in Cook Shire Council's Decision Notice

Approval Date: 24 October 2023
 Application Number: DA/4646

Description	Revision 1
Date	Date 1
Number	1

Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED

IF IN DOUBT ASK !!

Client
The Cabrall Family Trust

Project
Units

Location
 32B Charlotte Street
 Cooktown

Design Wind Classification - C2

Date March 2022

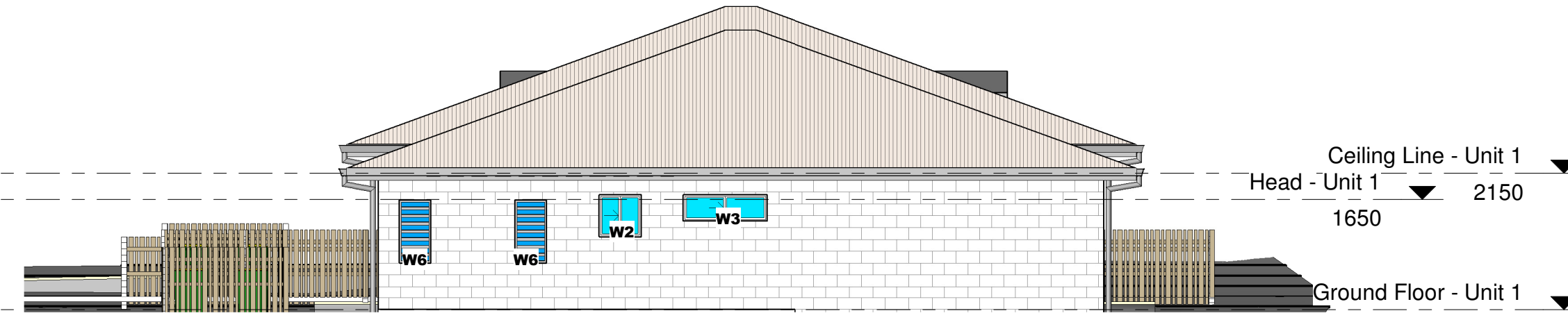
Drawn Max Slade

Scale As indicated

Job No.
M22 - 4779

A.B.N. No. 16 010 608 321
 Max Slade Designs Pty. Ltd.
 QBSA Lic. No. 659479
 Builder - Low Rise
 Building Designer - Medium Rise
 Phone 07 40 91 2099
 maxslade@bigpond.net.au

3 Unit 2 West Elevation
 1:100



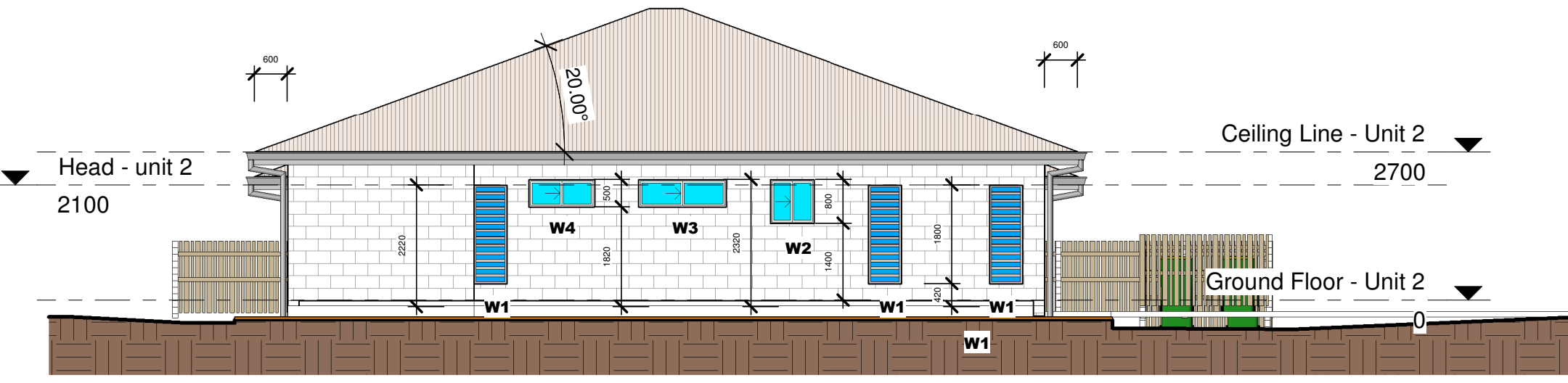
1 North Elevation
 1:100

4 Window Schedule

W1 - 2000x600 - BREEZEWAY louvre windows - 150 blades - tinted glass -	12
W2 - 600x600 - XO Alum framed sliding glass - opaque glass -	2
W3 - 500x1600 - XO Alum framed sliding glass - opaque glass -	2
W4 - 500x1200 - XO Alum framed sliding glass - opaque glass -	2
W5 - 1000x2400 - OXXO Alum framed sliding glass - tinted glass -	4
W6 - 1200x600 - BREEZEWAY louvre windows - 150 blades - tinted glass -	2
W7 - 1200x1800 - XO Alum framed sliding glass - Tinted Glass -	2
W8 - 600x2400 - OXXO Alum framed sliding glass - Clear glass -	2

5 Door Schedule

D1 - selected entry door - selected dead lock hardware -	2
D2 - OXXO - 2100x2400 - Alum framed sliding glass - Tinted glass -	2
D3 - 2100 x 820 - WP ply sheeted solid core - Dead lock hardware -	2
D4 - 2400x2800 - Selected Panelift door - remote operation -	2
D5 - 2400x2400 - Selected WP ply sheeted solid core bifold doors -	1



C **2** South Elevation
 copyright 1:100

WD #5 - 18 08 23

Sheet No. Sheet Name.
A106 ELEVATIONS

Beatrice Street
 Atherton 4883
 maxslade@bigpond.net.au

COOK SHIRE COUNCIL
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Development Application: Development Permit for Material Change of Use - Dual Occupancy

Lot: 8 on SP206169

Referred to in Cook Shire Council's Decision Notice

Approval Date: 24 October 2023
Application Number: DA/4646

Description
Revision 1

Date
Date 1

Number
1

Notes

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 The Builder should verify all dimensions on site before commencing any work.
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IF IN DOUBT ASK !!

Client
The Cabrall Family Trust

Project
Units

Location
 32B Charlotte Street
 Cooktown

Design Wind Classification - C2

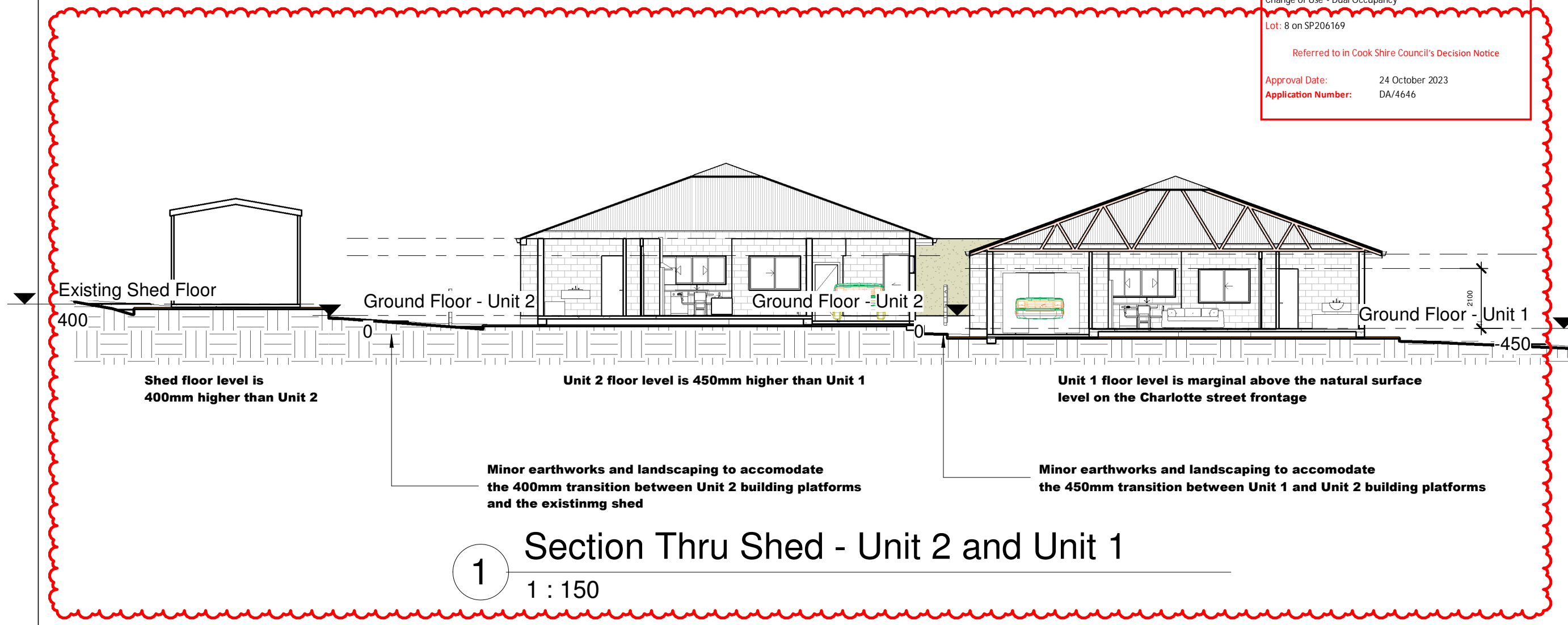
Date March 2022

Drawn Max Slade

Scale 1 : 150

Job No.
M22 - 4779

A.B.N. No. 16 010 608 321
 Max Slade Designs Pty. Ltd.
 QBSA Lic. No. 659479
 Builder - Low Rise
 Building Designer - Medium Rise
 Phone 07 40 91 2099
 maxslade@bigpond.net.au



1 Section Thru Shed - Unit 2 and Unit 1
 1 : 150

Sheet No. Sheet Name.
A112 Long Section





Attachment 3 – Infrastructure Charges Notice (D23/33498)



Our Ref: TT:Imc:DA/4646:D23/33498

25 October 2023

Justin Otto Cabrall
c/ - U&i Town Plan
PO Box 426
COOKTOWN QLD 4895
E-mail: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

ADOPTED INFRASTRUCTURE CHARGES NOTICE
Development Application - DA/4646
32B Charlotte Street, Cooktown QLD – Lot 8 SP206169

Proposal:	Material Change of Use (Dual Occupancy)
Applicant:	Justin Otto Cabrall c/ - U&i Town Plan
Location of Site:	32B Charlotte Street, Cooktown QLD 4895
Real Property Description:	Lot 8 SP206169
Level of Assessment:	Impact Assessment

CHARGES CALCULATION
Material Change of Use for Dual Occupancy

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential (3 or more bedroom dwelling)	\$2,100.00 (Water Supply)	Per dwelling	2	\$4,200.00
Residential (3 or more bedroom dwelling)	\$2,100.00 (Sewerage)	Per dwelling	2	\$4,200.00
Residential (3 or more bedroom dwelling)	\$2,520.00 (Transport)	Per dwelling	2	\$5,040.00

Residential (3 or more bedroom dwelling)	\$840.00 (Public Parks & Community Land)	Per dwelling	2	\$1,680.00
Residential (3 or more bedroom dwelling)	\$840.00 (Stormwater)	Per dwelling	2	\$1,680.00
Total Charge				\$16,800.00

CREDIT CALCULATION

Vacant Land

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential (RAL)	\$2,100.00 (Water Supply)	Per Allotment	1	\$2,100.00
Residential (RAL)	\$2,100.00 (Sewerage)	Per Allotment	1	\$2,100.00
Residential (RAL)	\$2,520.00 (Transport)	Per Allotment	1	\$2,520.00
Residential (RAL)	\$840.00 (Public Parks & Community Land)	Per Allotment	1	\$840.00
Residential (RAL)	\$840.00 (Stormwater)	Per Allotment	1	\$840.00
Total Credit				\$8,400.00

NET ADOPTED INFRASTRUCTURE CHARGES SUMMARY:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$16,800.00	\$8,400.00	\$8,400.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made prior to the commencement of the use of the Dual Occupancy.

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.



Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Planning and Environment Department on (07) 4082 0500 or E-mail: mail@cook.qld.gov.au .

Yours faithfully

Brian Joiner
Chief Executive Officer



Attachment 4 – Notice of Decision – Statement of Reasons (AD2023//0006009)

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/4646
Applicant:	Justin Otto Cabrall c/ - U&i Town Plan
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Dual Occupancy
Street Address:	32B Charlotte Street, Cooktown QLD 4895
Real Property Description:	Lot 8 on SP206169
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Low Density Residential Zone
Assessment Type:	Impact Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Dual Occupancy
Date of Decision:	24 October 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)	The application has not triggered a referral to SARA 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 State Planning Policy 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, 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):

- Strategic Framework
- Low Density Residential Zone code
- Residential Use code
- Parking and Access code
- Works, Services, and Infrastructure code
- Bushfire Hazard Overlay code

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

A review of Council's records has determined no submissions were received.

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 lot layout has been appropriately designed for the subject site.
- c. The approval can be appropriately conditioned to ensure adequate servicing of the development.

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.



Attachment 5 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the *appellant*); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
 - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or

- (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (f) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or
 - (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
 - (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
 - (iv) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.

- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and

- (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
- (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.