

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/4667
Applicant:	Cook Shire Council c/- Environment Pacific Pty Ltd
Proposal:	Development Permit for Operational Works
Description of the Development:	Operational Works – road works, drainage and pathway
Street Address:	Adelaide Street, Cooktown
Real Property Description:	Lot 2 on C179109 and adjacent road reserve
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Lot 2 – Recreation and Open Space
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Operational Works – road works, drainage and pathway
Date of Decision:	23 February 2024

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 triggered a referral to SARA under Schedule 10, Part 17, Division 3, Table 1, Item 1– for work in a coastal management district. (interfering with quarry material, as defined under the <i>Coastal Protection and Management Act 1995</i> , on State coastal land above high-water mark).
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State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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. 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 is addressed in the following section of this report.
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 works seek to formalize and upgrade existing transport and drainage infrastructure and will have no adverse impact on the environmental values or 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.