



Our Ref: LM:mf:DA/4164 D20/20699

Your Ref: M1-20

15 July 2020

Franziska Inderbitzin
C/-U&i Town Plan
PO Box 426
Cooktown Qld 4895
Attention: Ramon Samanes

Dear Mr Samanes

Decision Notice - Approval (with conditions)
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on 24 March 2020.

Applicant details

Applicant name:	Franziska Inderbitzin and U&i Town Plan
Applicant contact details:	PO Box 426 Cooktown Qld 4895

Application details

Application number:	DA/4164
Approval sought:	Development Permit for Material Change of Use
Description of the development proposed:	Roadside Stall

Location details

Street address:	94 Peninsula Developmental Road Lakeland 4871
Real property description:	Lot: 214 RP: 884196

Decision

Date of decision:	14 July 2020
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Decision 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.

Details of the approval

Development Permit

Material Change of Use for a Roadside Stall (Code Assessable)

Conditions

This approval is subject to the conditions in Attachment 1.

Properly made submissions

Properly made submissions were received from the following principal submitters:

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter	Referral Role
Chief Executive - Department of Infrastructure, Local Government & Planning Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: (07) 07 4048 1111 Email: CairnsSARA@dsgmip.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 4, Subdivision 2, Table 4	Concurrence

Approved plans and specifications

Copies of the following plans, specifications and/or drawings are enclosed in Attachment 1.

Currency period for the approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

Lapsing of approval if development started but not completed

Any period required under a development condition.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016*. For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016*).

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information please contact Planning Officer, Michael Fallon or alternatively email: mail@cook.qld.gov.au on 07 4082 0500.

Yours sincerely



Lisa Miller
Manager
Environment and Planning

cc:
Chief Executive
Department of State Development, Manufacturing,
Infrastructure and Planning
Far North Queensland Regional Office
Cairns QLD 4870
Email: CairnsSARA@dsmip.qld.gov.au

enc: **Attachment 1 (Part 1)** – Conditions imposed by the assessment manager

Attachment 1 (Part 2) – Conditions imposed by a concurrence agency.

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 and Part 2 and Schedule 1 of the *Planning Act 2016*).

Attachment 1 (Part 1) – Conditions imposed by the assessment manager

Approved Plans

1. The development must be carried out generally in accordance with the following plans (Appendix 'A') submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Proposal Plan submitted in Response to Further Advice Notice – Prepared by U&i Town Plan – Dated: 12 June 2020.

Access

2. The road access location must be in accordance with the Department of State Development, Manufacturing, Infrastructure and Planning's Concurrence Agency response with conditions dated 11 May 2020.

Internal Driveway and Car Parking

3. The designated car parking area and internal driveways servicing the development must be constructed to a minimum compacted gravel standard to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.
4. All internal driveways and carparks must be maintained to the above standard for the life of the development.

Timing of Effect

5. The conditions of this development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use.
6. The applicant must notify Council that all the conditions of the development permit have been complied with prior to the commencement of the use.

Hours of Operation

7. The operating hours shall be between 6:00am and 6:00pm each day.

Environmental

8. The applicant/developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

Public Utilities

9. The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

Stormwater

10. Stormwater must be directed to a legal point of discharge.

Currency Period

11. The currency period for this development approval is six (6) years. Should the use not be established within this time, the approval shall lapse.

Outstanding Charges

12. All rates, service charges, interest and other charges levied on the land must be paid prior to the use commencing.

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. Premises proposed for the storage and preparation, handling, packing or service of food must comply with the requirements of the *Food Act 2006*.
3. The erection and use of the building must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
4. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003*, and in particular - 'the duty of care' that it imposes on all landowners.

C. Concurrence Agency (Department of State Development, Manufacturing, Infrastructure and Planning) Response:

See the attached (Appendix 'B') response from the Department of State Development, Manufacturing, Infrastructure and Planning, dated 11 May 2020.