

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/4606
Applicant:	Ronald & Christa Palmer, c/-U&i Town Plan
Proposal:	Development Permit for Operational Works
Description of the Development:	Operational Works (Fill and Excavation)
Street Address:	55 Helen Street, Cooktown QLD 4895
Real Property Description:	Lot 323 SP337584 (previously Lot 323 C1791)
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Centre Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Operational Works (Fill and Excavation)
Date of Decision:	15 August 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 did not trigger 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State Planning Policy, part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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 assessment benchmark mapping applicable to Part E has determined that the state interests are 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	A previous application for Reconfiguring a Lot (Boundary Realignment) was approved by Council 9 November 2022, and issued a Decision Notice on 15 November 2022. Council endorsed the relevant Plan of Survey on 24 April 2023.
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):

- Landslide Hazard Code
- Works Service and Infrastructure Code

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 applicant has demonstrated the excavation and fill undertaken onsite will not have an adverse impact on the subject site or adjacent properties.

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.