

## 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

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Application No:	DA/4677
Applicant:	Kwikbridge Pty Ltd ACN 010 595 801 c/- Property Projects Australia Pty Ltd
Proposal:	Development Permit
Description of the Development:	Material Change of Use – Shopping Centre
Street Address:	81 Savage Street COOKTOWN 4895
Real Property Description:	Lot 212 on C17915
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Medium Density Residential
Assessment Type:	Impact Assessment

### DECISION DETAILS

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Type of Decision:	Approval with conditions
Type of Approval:	Development Permit for Material Change of Use – Shopping Centre
Date of Decision:	2 September 2024

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## **ASSESSMENT BENCHMARKS**

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

<b>Assessment Benchmarks</b>	<b>Comment</b>
<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 was referred to Ergon Energy for Infrastructure Related Referrals (Electricity Infrastructure). Ergon Energy provided a response for the application on 22 September 2023 advising no requirements.
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State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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> (SPP) 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 Categorising Instrument (Cook Shire Council Planning Scheme 2017):**

- Medium Density Residential Zone Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Parking and Access Code; and
- Works, Services, and Infrastructure Code.

### **Local Categorising Instrument (Variation Approval)**

Not Applicable

### **Local Categorising Instrument (Temporary Local Planning Instrument)**

Not Applicable

## **PUBLIC NOTIFICATION**

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One (1) not properly made submission was received during the Public Notification period.

## **REASONS FOR THE DECISION**

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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. Development conditions have been imposed to:
  - i. limit any adverse impact on the locality or adjoining lots;
  - ii. address the constraints of the site; and
  - iii. provide a broader benefit to Cooktown and the community.

## **REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

Not Applicable

## **ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Section 54 (5) (b) of the Act states that Impact Assessment may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Planning need was identified as a relevant matter in this instance, referring to whether the community interests would be well served by this development in this location as an outcome. The development will improve the availability of day-to-day services and basic necessities available in the Cooktown locality, directly benefiting the community.

While Officers note there are preferred site/s within the primary activity centre of Cooktown that would support the vibrancy of centres and alignment of uses with supporting infrastructure, Cooktown is noted to have an eclectic mix of land uses interspersed without a particular regularity. This sporadic location of co-existing land uses is considered to contribute to Cooktown's unique land use pattern. On balance, the location of the development is not considered to have a negative impact on community interests, and the economic benefits are considered to outweigh any identified limitations of the centre being established away from Cooktown's main street and on a constrained site. As such, it is considered that planning need is a relevant matter and, in this circumstance, warrants support for the development.



**OTHER MATTERS PRESCRIBED BY THE PLANNING REGULATION 2017**

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Not Applicable

**OTHER DETAILS**

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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.