

Our Ref: LM:tt D25/13930

Your Ref:

24 April 2025

Saeng Mouykeng
2097 Endeavour Valley Road,
COOKTOWN QLD 4895
Email: smouykeng@gmail.com

Dear Ms Mouykeng

Exemption Certificate

Given under Section 46(3)(b) of the *Planning Act 2016*

Cook Shire Council has decided to approve an Exemption Certificate for a Material Change of Use for a Roadside Stall, at 2097 Endeavour Valley Road, Cooktown Qld 4895, formally described as, Lot 15 on RP728045.

The reason Council has decided to issue an exemption certificate is because the effects of the development are minor or inconsequential considering the circumstances under which the development was categorised as assessable development.

Specifically:

- The effects of the development would be minor or inconsequential considering the circumstances under which the development was categorised as assessable development.
- The proposal is considered consistent with the purpose and overall outcomes of the relevant Codes and achieves compliance with either the prescribed Acceptable Outcomes (AO) or Performance Outcomes (PO) of the Cook Shire Planning Scheme 2017 (V2.0).
- The development has obtained confirmation of a request to agree to an exemption certificate from the State Assessment Referral Agency (SARA) relative to the development details outlined in the exemption certificate.

If you find an inaccuracy in any of the information provided or have a query or seek clarification about any of these details, please contact Council's Manager Planning and Environment, Lisa Miller on (07) 40820500 or e-mail mail@cook.qld.gov.au.

Yours sincerely



Lisa Miller

Manger Planning & Environment

Planning Act 2016
EXEMPTION CERTIFICATE

INTRODUCTION

This exemption certificate is given on 22 April 2025 under *section 46 (3)(b)(i) of the Planning Act 2016* by Cook Shire Council acting as the local government that would be the assessment manager if the development, and no other development, were the subject of a development application.

APPLICANTS DETAILS

Applicant name: Saeng Mouykeng

Applicant contact details: 2097 Endeavour Valley Road,
COOKTOWN QLD 4895

APPLICATION DETAILS

Application Reference Number: D25/13919
Application Made Date: 08 April 2025
Local Categorising Instrument: Cook Shire Council Planning Scheme 2017 (V2.0)

SITE DETAILS

Street Address: 2097 Endeavour Valley Road, QLD 4895
Real Property Description: Lot 15 on RP728045
Local Government Area: Cook Shire

DEVELOPMENT TO WHICH THIS EXEMPTION CERTIFICATE RELATES

Description of Proposal: Material Change of Use for a Roadside Stall at 2097 Endeavour Road, Cooktown Qld 4895, formally described as Lot 15 on RP728045.

As described above in accordance with the following plans/specifications.

Document No.	Issue	Title	Date
A00	1	Site Plan	08/04/2025
WR25/7484		Request to agree to exemption certificate—Roadside Stall at 2097 Endeavour Valley Road, Cooktown	20/03/25

WHEN DEVELOPMENT MUST START OR BE COMPLETED

This exemption certificate has effect for two (2) years after the day this certificate was given, in accordance with *section 46 (8) of the Planning Act 2016*.

REQUIREMENTS

1. The applicant intends to open and operate a Roadside Stall located on the applicant's private property selling produce only from Lot 15 on RP728045 or adjoining farms.
2. The development must be in accordance with the development details outlined in the State Assessment Referral Agency (SARA) exemption certificate letter dated 20 March 2025, reference WR25/7484.

3. The development only includes one (1) roadside stall on the site; and
4. The total area occupied by the use is no larger than 30m²; and
5. The Roadside Stall construction is limited to:
 - a. Relocatable (i.e. wheeled) trailers or carts;
 - b. Freestanding shelves, tables or display areas; and/or
 - c. Structural coverings for weather protection only (i.e. no solid walls); and
 - d. Roadside Stall construction does not involve any building work that is assessable against the Building Regulations.
6. Access and car parking is safe, efficient and convenient.
7. The development is not to result in an environment nuisance relating to emission of light, noise, odour and particles (including dust).
8. No vegetation clearing can occur on the site unless required to construct buildings, infrastructure or to maintain safety from fire and tree fall.

ADVICE

This Exemption Certificate attaches to the premises and benefits each of the owners, the owners' successors in title and any occupiers of the premises.

To the extent the development does not comply with a requirement stated above, this exemption certificate has no effect.