

Our Ref: LM: tt:DA/4858 AD2025/0001504
Your Ref: 24-19/001338

27 March 2025

Tamara Y Bass
c/-Planning Plus & Tamara Y Bass
PO Box 399
Redlynch QLD 4870
E-mail: evan@planningplusqld.com.au

Attention: Evan Yelavich

Dear Mr Yelavich

Decision Notice - Approval
Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4858) please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision:	Council approved the Development Application by delegation to CEO on 27 March 2025.
Approval 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.

Application Details

Application Number:	DA/4858
Approval Sought:	Development Permit for Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot (1 into 2)
Category of Development:	Assessable Development
Category of Assessment:	Code
Planning Scheme:	Cook Shire Council Planning Scheme 2017 (v2.0)

Location Details

Street Address: 28 Jensens Crossing Road, COOKTOWN QLD 4895

Real Property Description: Lot 7 on RP704416

Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment 1.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Plumbing and Drainage Work
2. Development Permit for Building Work
3. Development Permit for Operational Works

Properly Made Submissions

Not applicable - no part of the application required public notification.

Referral Agencies

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road.
Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection.
E-mail: CairnsSARA@dasilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017) – Reconfiguring a lot involving clearing native vegetation

Other requirements under section 43 of the *Planning Regulation 2017*

Not Applicable.

Approved Plans and Specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

Currency Period for the Approval

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994*, is required to be given to a local government for approval is not given within *four (4) years*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely



Lisa Miller

Manager Planning and Environment
Cook Shire Council

cc: State Assessment Referral Agency (SARA) E-mail: CairnsSARA@dsdilgp.qld.gov.au

enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 1 (B) – Conditions imposed by a concurrence agency (D25/5899)
Attachment 2 – Approved Plans (D25/104343)
Attachment 3 – Notice of Decision – Statement of Reasons (AD2025/0001514)
Attachment 4 – Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Attachment 1 (A) - Conditions imposed by the assessment manager (Cook Shire Council)

A. ASSESSMENT MANAGER (COUNCIL) CONDITIONS

No.	Condition	Timing
GENERAL		
1.	COMPLIANCE WITH CONDITIONS The Developer is responsible for ensuring compliance with this development approval and the conditions of the approval by an employee, agent, contractor, or invitee of the Developer.	At all times
2.	OUTSTANDING CHARGES All rates, service charges, interest and other charges levied on the land must be paid prior to Council endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey
3.	WORKS – APPLICANT’S EXPENSE The cost of all works associated with the development and construction of the development, including services, facilities and/or public utility alterations required are met at no cost to the Council or relevant utility provider, unless otherwise stated in a development condition.	At all times
4.	WORKS - DAMAGE TO INFRASTRUCTURE The Developer must repair any damage to existing infrastructure that may have occurred during any works undertaken as part of the development. Any damage that is deemed to create a hazard to the community, must be repaired immediately.	At all times
5.	WORKS – DESIGN & STANDARD Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times
6.	WORKS – SPECIFICATION & CONSTRUCTION All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised, and certified by a Registered Professional Engineer of Queensland (RPEQ).	At all times

APPROVED PLANS & DOCUMENTS																									
7.	APPROVED PLANS & DOCUMENTS Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):				At all times																				
	<table><tr><th>Title</th><th>Ref.</th><th>Date</th><th>Prepared By</th></tr><tr><td>Proposed Reconfiguration Plan (1 into 2)</td><td>24-19.01 Issue B</td><td>29/01/25</td><td>Planning Plus</td></tr><tr><td>SARA Referral Agency Response</td><td>2501-44100 SRA</td><td>31/01/25</td><td>SARA</td></tr><tr><td>Vegetation Management Plan</td><td>2501-44100 SRA</td><td>07/02/25</td><td>Queensland Government</td></tr><tr><td>Derived Reference Points Datum:GDA2020, Projection: MGA Zone 55 (1 of 1)</td><td>2412-43824 SRA</td><td>07/02/25</td><td>Queensland Government</td></tr></table>					Title	Ref.	Date	Prepared By	Proposed Reconfiguration Plan (1 into 2)	24-19.01 Issue B	29/01/25	Planning Plus	SARA Referral Agency Response	2501-44100 SRA	31/01/25	SARA	Vegetation Management Plan	2501-44100 SRA	07/02/25	Queensland Government	Derived Reference Points Datum:GDA2020, Projection: MGA Zone 55 (1 of 1)	2412-43824 SRA	07/02/25	Queensland Government
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	Vegetation Management Plan	2501-44100 SRA	07/02/25	Queensland Government																					
	Derived Reference Points Datum:GDA2020, Projection: MGA Zone 55 (1 of 1)	2412-43824 SRA	07/02/25	Queensland Government																					
8.	CONDITIONS OF APPROVAL & APPROVED PLANS Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.				At all times																				

ON-SITE WATER SUPPLY		
9.	A separate source of water supply must be provided for proposed Lot 1 and Lot 2 at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.	As stated

ON-SITE SEWERAGE SUPPLY

10.	An on-site wastewater system must be provided for proposed Lot 1 and Lot 2 at the time of construction of a dwelling house. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – 'On-site domestic wastewater management'. Details are to be provided at the time of lodgement of a plumbing and building application.	At the time of construction of a dwelling house
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ELECTRICITY SUPPLY

11.	Proposed Lot 1 and Lot 2 must be connected to the reticulated electricity supply at the time of application for a development permit to carry out building works. If the development is proposed to be connected to another means of electricity supply, details of this supply must be provided for Council approval at the time of Building Application.	As stated
12.	All electrical infrastructure serving proposed Lot 1 and Lot 2 and must be contained entirely within the respective lot.	At all times

TELECOMMUNICATIONS

13.	Proposed Lot 1 and Lot 2 must be connected to the telecommunication network supply at the time of application for a development permit to carry out building works. If the development is proposed to be connected to another means of telecommunication service, details of this supply must be provided for Council approval at the time of a Building Application.	As stated
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BUSHFIRE MANAGEMENT

14.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times
15.	Any new building (other than a Class 10a) erected on proposed Lot 1 and Lot 2 must: (iii) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater;	At the time of construction of a dwelling house

	(iv) Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings.	
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VEGETATION CLEARING

16.	Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained as per approved plans.	At all times
17.	At all times, vegetation clearing must be in accordance with the Referral Agency Response – 2501-44100 SRA dated 07 February 2025, and approved Vegetation Management Plan – 2501-44100 SRA dated 07 February 2025.	At all times

INTERNAL WORKS - DRIVEWAYS

18.	The internal access driveway (compacted gravel or other impervious surface) must be constructed to the building envelope on proposed Lots 1 at the time of construction of a Dwelling House in accordance with FNQROC Standard Drawing S1110. The driveway(s) require assessment of stormwater flows and provision of drainage infrastructure to facilitate access to building envelopes.	As stated
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EXTERNAL WORKS - ACCESS

19.	Access to proposed Lot 2 must be from the existing access via Jenson's Crossing Road and maintained to Rural crossover standard in accordance with FNQROC Standard Drawing S1105.	At all times.
20.	Access to proposed Lot 1 must be from a new cross over access via Jenson's Crossing Road, to a Rural standard in accordance with FNQROC Standard Drawing S1105. Relevant drainage infrastructure with sufficient supporting calculations on sizing of the cross driveway culverts must be included. An application for cross-over access must be submitted for approval by Council's Director Infrastructure before construction of the cross-over commences.	Prior to Council endorsement of the Plan of Survey

STORMWATER		
21.	Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site. This is inclusive of any clearing activities, earthworks within the building envelopes and access driveways within the allotments created by this development.	At all times
22.	Existing watercourse systems and drainage areas within the subject site must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.	At all times
23.	All stormwater from the subject site must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.	At all times

ENVIRONMENTAL		
24.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times

AMENITY		
25.	EXTERNAL IMPACTS The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times
COMPLIANCE		
26.	All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.	As stated

B. ASSESSMENT MANAGER (COUNCIL) ADVICE

1. The Reconfiguring a Lot approval DA/4858 authorised under this Development Permit must be completed and the Plan of Survey submitted to Council for endorsement within **four (4) years** from the commencement of this approval or the approval will lapse in accordance with *Section 85 of the Planning Act 2016*.
2. 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.

3. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. Property Notation to be placed on Council's Register for Lot 1 and Lot 2:
 - (ii) All buildings, structures and onsite effluent disposal areas must be located entirely within each allotment (Council Reference: DA/4858).
5. Property Notation to be placed on Council's Register for Lot 1 and Lot 2:

Council do not have records of any existing structures on proposed Lot 1 and Lot 2 as of 24 March 2025.
6. The applicant/owner is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes on all landowners.
7. Removal of Protected Vegetation

This development approval does not approve or authorise the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:

- *Environment Protection and Biodiversity Conservation Act 1999 (Cth);*
- *Nature Conservation Act 1999 (Qld);*
- *Vegetation Management Act 1999 (Qld).*

C. REFERRAL AGENCY RESPONSE

1. State Assessment Referral Agency response dated 07 February 2025 (D25/5899).

Attachment 1 (B) – Conditions imposed by a concurrence agency (D25/5899)



SARA reference: 2501-44100 SRA
Applicant reference: 24-19/001338
Council reference: DA/4858

7 February 2025

Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895
mail@cook.qld.gov.au

Attention: Lisa Miller

Dear Sir/Madam

SARA referral agency response—Reconfiguring a Lot (1 lot into 2 lots) at 28 Jensens Crossing Road, Cooktown

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 7 January 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	7 February 2025
Conditions:	The conditions in Attachment 1 must be attached to any development approval
Advice:	Advice to the applicant is in Attachment 2
Reasons:	The reasons for the referral agency response are in Attachment 3

Development details

Description:	Development permit Reconfiguring a lot (1 lot into 2 lots)
SARA role:	Referral agency
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1

(Planning Regulation 2017) – Reconfiguring a lot near a state-controlled road intersection

Schedule 10, Part 3, Division 4, Table 2 (Planning Regulation 2017)
– Reconfiguring a lot involving clearing native vegetation

SARA reference: 2501-44100 SRA
 Assessment manager: Cook Shire Council
 Street address: 28 Jensens Crossing Road, Cooktown
 Real property description: Lot 7 on RP704416
 Applicant name: T Y Bass
 Applicant contact details: C/- Planning Plus
 PO Box 399
 REDLYNCH QLD 4870
 info@planningplusqld.com.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules). Copies of the relevant provisions are in **Attachment 4**.

A copy of this response has been sent to the applicant for their information.

For further information please contact Anthony Westbury, A/Senior Planning Officer, on 4037 3215 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Anthony Walsh
Manager Planning

cc T Y Bass, info@planningplusqld.com.au

enc Attachment 1 - Referral agency conditions
 Attachment 2 - Advice to the applicant
 Attachment 3 - Reasons for referral agency response
 Attachment 4 - Representations about a referral agency response
 Attachment 5 - Documents referenced in conditions

Attachment 1—Referral agency conditions

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) (Copies of the documents referenced below are found at **Attachment 5**)

No.	Conditions	Condition timing
Reconfiguring a lot		
Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 and Table 3 – Reconfiguring a lot near a state-controlled road and intersection—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	Direct access is not permitted between Endeavour Valley Road and proposed Lot 1, or between the part of Jensens Crossing Road located within the state-controlled road corridor of Endeavour Valley Road and proposed Lot 1.	At all times.
Schedule 10, Part 3, Division 4, Table 2 – Reconfiguring a lot involving clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development, to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
2.	Clearing of vegetation must not occur within the areas identified as Area B (B1-B3) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2501-44100 SRA, Sheet 1 of 1, version 1, dated 7 February 2025; and (b) Attachment to Vegetation Management Plan VMP 2501-44100 SRA, Derived Reference Points for GPS.	At all times.
3.	Built infrastructure, other than for fences, roads, underground services, firebreaks and fire management, must not be established, constructed or located within Area C (C1) as shown on the attached: (a) Vegetation Management Plan, prepared by Queensland Government, reference VMP 2501-44100 SRA, Sheet 1 of 1, version 1, dated 7 February 2025; and (b) Attachment to Vegetation Management Plan VMP 2501-44100 SRA, Derived Reference Points for GPS.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) v3.1. If a word remains undefined it has its ordinary meaning.
2.	Access Location The application material indicates that vehicular access for proposed Lot 1 will be via Jensens Crossing Road, a local council road. The northern section of Jensens Crossing Road is located within the state-controlled road corridor of Endeavour Valley Road. The vehicular access location for proposed Lot 1 via Jensens Crossing Road should be located a minimum distance of 74m from the centreline of Endeavour Valley Road to ensure compliance with SARA condition 1.

Attachment 3—Reasons for referral agency response

(Given under section 56(7) of the *Planning Act 2016*)

The reasons for the SARA decision are:

The proposed development, with conditions, complies with the relevant provisions of State code 1: development in a state-controlled road environment and State code 16: Native vegetation clearing, as it:

- Is unlikely to compromise the safety, function, and efficiency of Endeavor Valley Road, a state-controlled road, or the Endeavour Valley Road / Jensens Crossing Road intersection.
- Will have a new vehicle access for proposed Lot 1 located a sufficient distance from the Endeavour Valley Road / Jensens Crossing Road intersection.
- Is considered a small-scale development and traffic generation is unlikely to impact on the function of Endeavour Valley Road and the state-controlled road network.
- Appropriately avoids and minimises vegetation clearing, to avoid the loss of biodiversity and land degradation, maintain ecological processes, and conserve vegetation.
- Locates future buildings and the new boundary outside category B remnant vegetation as much as possible.
- Does not result in a significant residual impact on a matter of state environmental significance

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the State Development Assessment Provisions (version 3.1)
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- *Human Rights Act 2019*

Attachment 4— Representations about a referral agency response

(page left intentionally blank – attached separately)

Development Assessment Rules—Representations about a referral agency response

The following provisions are those set out in sections 28 and 30 of the Development Assessment Rules¹ regarding **representations about a referral agency response**

Part 6: Changes to the application and referral agency responses

28 Concurrence agency changes its response or gives a late response

- 28.1. Despite part 2, a concurrence agency may, after its referral agency assessment period and any further period agreed ends, change its referral agency response or give a late referral agency response before the application is decided, subject to section 28.2 and 28.3.
- 28.2. A concurrence agency may change its referral agency response at any time before the application is decided if—
- (a) the change is in response to a change which the assessment manager is satisfied is a change under section 26.1; or
 - (b) the Minister has given the concurrence agency a direction under section 99 of the Act; or
 - (c) the applicant has given written agreement to the change to the referral agency response.²
- 28.3. A concurrence agency may give a late referral agency response before the application is decided, if the applicant has given written agreement to the late referral agency response.
- 28.4. If a concurrence agency proposes to change its referral agency response under section 28.2(a), the concurrence agency must—
- (a) give notice of its intention to change its referral agency response to the assessment manager and a copy to the applicant within 5 days of receiving notice of the change under section 25.1; and
 - (b) the concurrence agency has 10 days from the day of giving notice under paragraph (a), or a further period agreed between the applicant and the concurrence agency, to give an amended referral agency response to the assessment manager and a copy to the applicant.

¹ Pursuant to Section 68 of the *Planning Act 2016*

² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

Part 7: Miscellaneous

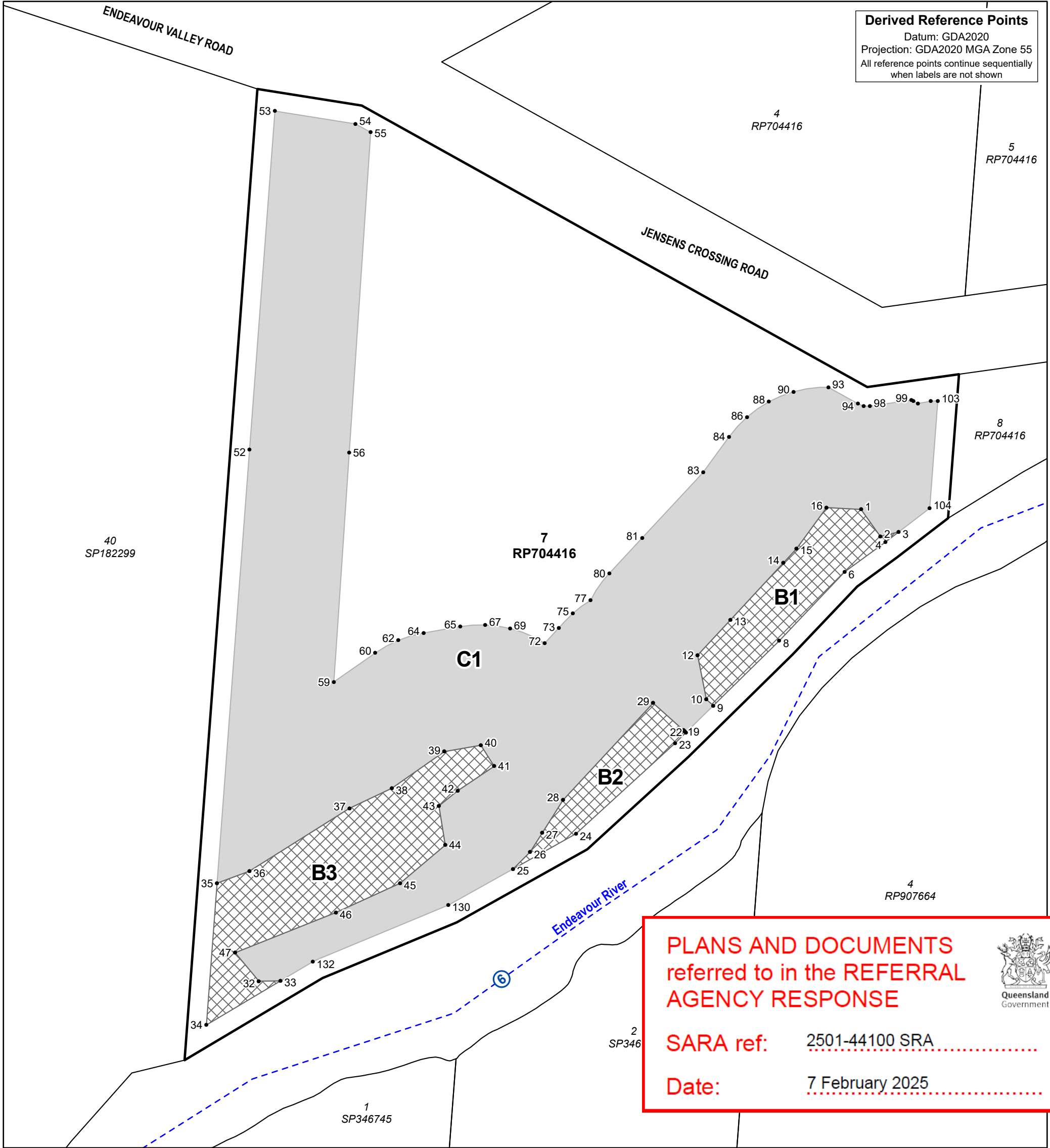
30 Representations about a referral agency response

30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.³

³ An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

Attachment 5—Documents referenced in conditions

(page left intentionally blank – attached separately)



Derived Reference Points
Datum: GDA2020
Projection: GDA2020 MGA Zone 55
All reference points continue sequentially when labels are not shown

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2501-44100 SRA
Date: 7 February 2025

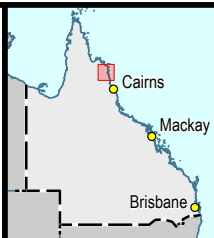
Notes: Derived Reference Points are provided to assist in the location of area boundaries. Responsibility for locating these boundaries lies solely with the landholder.
Watercourse and drainage feature locations shown on the Vegetation Management Plan are derived from the certified Vegetation Management Watercourse and Drainage Feature Map. These alignments are approximate only and require ground truthing to identify the exact location of the watercourse or drainage feature.
The property boundaries shown on this plan are APPROXIMATE ONLY. They are NOT an accurate representation of the legal boundaries.

This plan must be read in conjunction with conditions attached to 2501-44100 SRA

LEGEND

- 1 Derived Reference Points (see attachment)
- Subject Lot
- Area B - Clearing must not occur
- Area C - Firebreak/safety buffer (only certain infrastructure permitted)
- Watercourse and/or drainage feature (Stream order label)

Note: This is a colour map and must be reproduced in colour



Vegetation Management Plan

Plan of Area B (Parts B1 - B3) and Area C (Part C1) in Lot 7 on Plan RP704416



© The State of Queensland, 2025

VMP
2501-44100 SRA
Sheet 1 of 1

Version: 1

eLVAS Case ID: 2025/000044

Attachment: 2501-44100 SRA

Derived Reference Points

Datum: GDA2020, Projection: MGA Zone 55

Notes: Derived Reference Points are provided to assist in the location of Area boundaries.
 Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s).
 Coordinates start at a point indicated on the accompanying plan and continue sequentially when labels are not shown.

Part ID	Unique ID	Easting	Northing
B1	1	297657	8293061
B1	2	297667	8293047
B1	3	297677	8293049
B1	4	297670	8293044
B1	5	297648	8293028
B1	6	297614	8292992
B1	7	297580	8292958
B1	8	297576	8292962
B1	9	297572	8292985
B1	10	297589	8293003
B1	11	297616	8293033
B1	12	297623	8293041
B1	13	297639	8293062
B2	14	297564	8292946
B2	15	297565	8292945
B2	16	297565	8292945
B2	17	297566	8292944
B2	18	297560	8292939
B2	19	297508	8292891
B2	20	297475	8292873
B2	21	297484	8292882
B2	22	297490	8292892
B2	23	297501	8292909
B2	24	297548	8292960
B3	25	297342	8292814
B3	26	297353	8292814
B3	27	297315	8292791
B3	28	297320	8292866
B3	29	297337	8292872
B3	30	297390	8292905
B3	31	297412	8292915
B3	32	297439	8292934
B3	33	297458	8292938
B3	34	297465	8292927
B3	35	297446	8292914
B3	36	297436	8292906
B3	37	297440	8292885
B3	38	297416	8292865
B3	39	297382	8292850
B3	40	297330	8292829
C1	41	297337	8293093
C1	42	297350	8293270
C1	43	297393	8293263
C1	44	297401	8293259
C1	45	297389	8293091
C1	46	297381	8292971
C1	47	297403	8292986
C1	48	297415	8292993
C1	49	297428	8292996
C1	50	297447	8293000
C1	51	297461	8293001
C1	52	297474	8292999
C1	53	297492	8292991
C1	54	297499	8292999
C1	55	297506	8293007
C1	56	297516	8293014
C1	57	297525	8293028
C1	58	297543	8293046
C1	59	297575	8293081
C1	60	297588	8293099

Part ID	Unique ID	Easting	Northing
C1	61	297597	8293109
C1	62	297609	8293117
C1	63	297622	8293123
C1	64	297640	8293125
C1	65	297655	8293116
C1	66	297658	8293115
C1	67	297662	8293115
C1	68	297683	8293118
C1	69	297684	8293118
C1	70	297687	8293117
C1	71	297694	8293118
C1	72	297697	8293118
C1	73	297693	8293062
C1	74	297677	8293049
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C1	92	297475	8292873
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C1	97	297330	8292829
C1	98	297382	8292850
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C1	100	297440	8292885
C1	101	297436	8292906
C1	102	297446	8292914
C1	103	297465	8292927
C1	104	297458	8292938
C1	105	297439	8292934
C1	106	297412	8292915
C1	107	297390	8292905
C1	108	297337	8292872
C1	109	297320	8292866

PLANS AND DOCUMENTS
 referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2501-44100 SRA

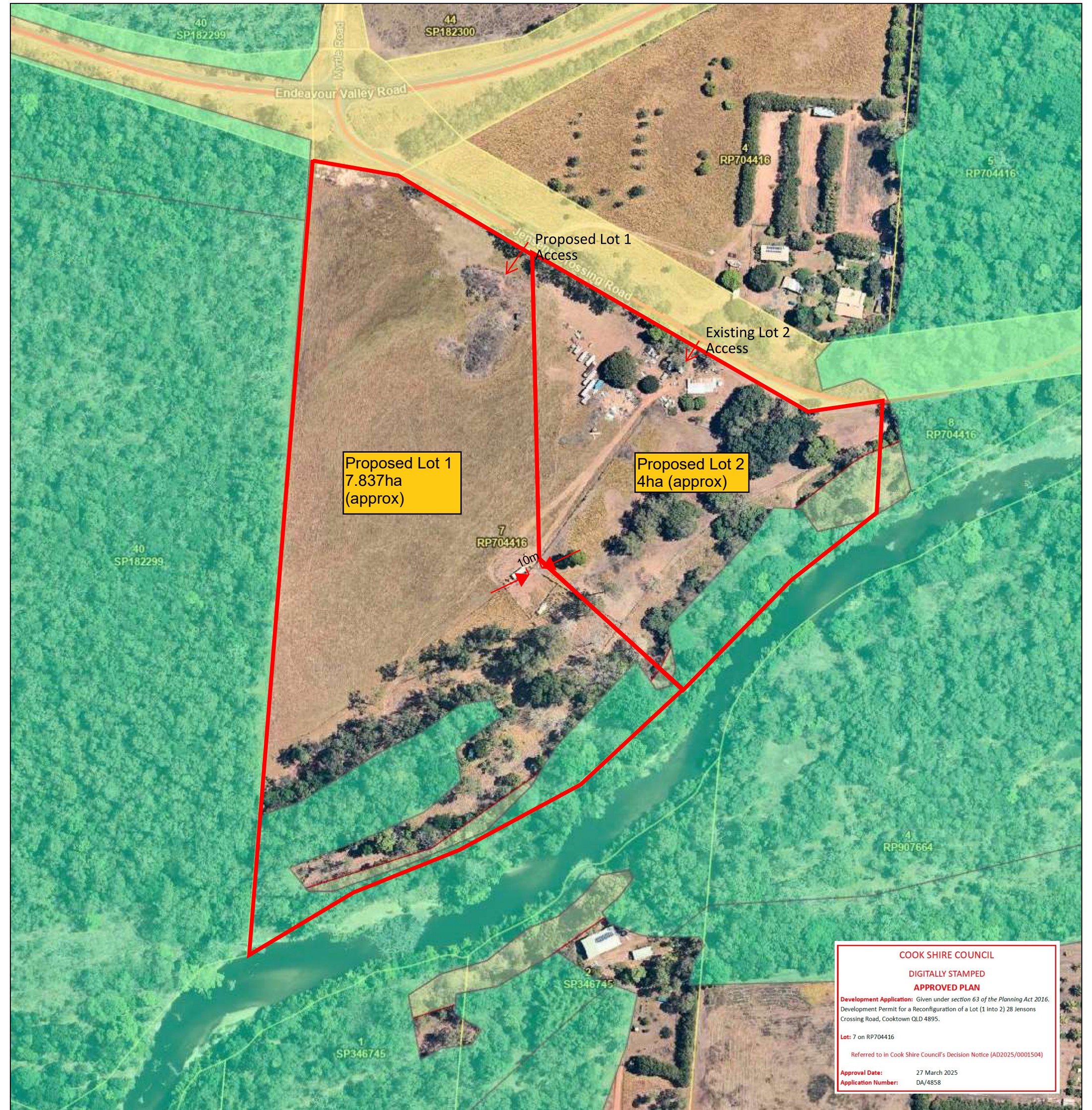
Date: 7 February 2025

Attachment 2 – Approved Plans (D25/104343)

Proposed Reconfiguration of a Lot (1 Lot into 2 Lots)

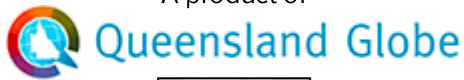
28 Jensens Crossing Road, Cooktown, described as Lot 7 on RP704416 / Plan No. 24-19.01 / Date:29/01/25

15°25'43"S 145°6'35"E15°25'43"S 145°6'58"E



15°26'6"S 145°6'35"E15°26'6"S 145°6'58"E

A product of

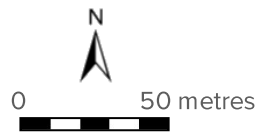


Legend located on next page



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COOK SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application: Given under section 63 of the Planning Act 2016.
Development Permit for a Reconfiguration of a Lot (1 into 2) 28 Jensens Crossing Road, Cooktown QLD 4895.

Lot: 7 on RP704416

Referred to in Cook Shire Council's Decision Notice (AD2025/0001504)

Approval Date: 27 March 2025
Application Number: DA/4858

Attachment 3 – Notice of Decision – Statement of Reasons (AD2025/0001514)

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/4858
Applicant:	Tamara Y Bass c/- Planning Plus
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot (1 into 2)
Street Address:	28 Jensions Crossing Road, COOKTOWN QLD 4895
Real Property Description:	Lot 7 on RP704416
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Impact or Code Assessment

DECISION DETAILS

Type of Decision:	Approval with conditions
Type of Approval:	Development Permit for a reconfiguration of a Lot (1 into 2)
Date of Decision:	26 March 2025

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 the State Assessment Referral Agency (SARA) under; <i>Schedule 10, Part 3, Division 4, Table 2, Item 1 – Reconfiguring a lot involving clearing native vegetation; Schedule 10 Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state-controlled road, Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state-controlled road intersection.</i>
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 State Planning Policy 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 no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP. However, amendments to any part of the SPP or supporting mapping may result in a local planning instrument no longer appropriately integrating a particular State interest. In these instances the SPP and/or the supporting mapping apply to the extent of any inconsistency.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- 6.2.9 Rural Zone Code;
- 8.2.2 Biodiversity Overlay Code;
- 8.2.3 Bushfire Hazard Overlay Code;
- 9.4.1 Reconfiguring a Lot Code; and
- 9.4.3 Works, Services 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 proposed development 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.

Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the *appellant*); and
- (ii) who is a respondent in an appeal of the matter; and

- (iii) who is a co-respondent in an appeal of the matter; and
- (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3) The *appeal period* is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or

- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
- (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and Drainage Act 2018*, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or

- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and
 - (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

(4) The **service period** is—

- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
- (b) otherwise—10 business days after the appeal is started.

Current as at 29 November 2024

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Authorised by the Parliamentary Counsel

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or
 - (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.

- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—
decision includes—
 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and
 - (c) the making of a decision or the failure to make a decision; and
 - (d) a purported decision; and
 - (e) a deemed refusal.**non-appealable**, for a decision or matter, means the decision or matter—
 - (a) is final and conclusive; and
 - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
 - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.