

## 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/4590
Applicant:	MTC Tower Pty Ltd c/ KFB Engineers
Proposal:	Development Permit for Operational Works
Description of the Development:	Operational Works Associated with Development Permit DA/4310 for Reconfiguring a Lot (1 Lot into 12 Lots)
Street Address:	2 Hope Street, Cooktown
Real Property Description:	Lot 23 on SP219110
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Low Density Residential Zone
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Operational Works
Date of Decision:	29 August 2024

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## ASSESSMENT BENCHMARKS

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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 of the Planning Regulation 2017 is not applicable as the application is not for building work under the Building Act
<i>Planning Regulation 2017</i> (Schedule 10)	Schedule 10 of the Planning Regulation 2017 is not applicable as the development application does not include any referrable works.
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State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme. Further, assessment against the SPP was undertaken at the time of assessment of the Reconfiguring a Lot approval.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

Assessment against the relevant provisions of the planning scheme was undertaken at the Reconfiguring a Lot stage (Development Permit DA/4310). The development demonstrated compliance with the relevant benchmarks. The works forming part of this application for Operational Work have either been designed to meet the requirements of the Works, Services and Infrastructure Code and FNQROC Development Manual, or conditioned to comply.

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

Not Applicable

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

Not Applicable

**PUBLIC NOTIFICATION**

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Not Applicable

**REASONS FOR THE DECISION**

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The application is **approved** on the following grounds:

- a. An assessment was made against the related Development Permit for Reconfiguring a Lot and the applicable assessment benchmarks and the proposed development demonstrated compliance.

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

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Not Applicable

**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Not Applicable

**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.