

Our Ref: LM: Imc:DA/4887 AD2025/0004471

Your Ref: R2/25

14 July 2025

D & S Bates c/-U&i Town Plan
35 Sutherland Street
MAREEBA QLD 4880
E-mail: ramon.samanes@gmail.com
Attention: Ramon Samanes

Dear Mr Samanes

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

With reference to Development Application (DA/4887) 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 the Chief Executive Officer on **14 July 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/4887

Approval Sought: Development Permit for a Reconfiguration of a Lot

Description of the Development: Reconfiguring a Lot – Boundary Realignment

Category of Development: Assessable Development

Category of Assessment: Code Assessment

Planning Scheme: Cook Shire Council Planning Scheme 2017 v2.0

Premises Details

Location - Street Address: 152 Shiptons Flat Road, Rossville QLD 4895 & Shiptons Flat Road, Rossville QLD 4895

Location - Real Property Description: Lot 61 on SP144060 & Lot 1 on SP301676

All or part of above land: All

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

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) Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214 E-mail: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 3, Division 4, Table 2, Item 1 (<i>Planning Regulation 2017</i>) – <i>Clearing Native Vegetation</i> .

Variation approval details

Not Applicable

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

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

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager
Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/24367)
Attachment 2 Approved Plans (D25/24377)
Attachment 3 Notice of Decision – Statement of Reasons (AD2025/0004470)
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): <table border="1"> <thead> <tr> <th>Title</th><th>Ref.</th><th>Date</th><th>Prepared By</th></tr> </thead> <tbody> <tr> <td>Subdivision Plan – Boundary Realignment (full extent)</td><td>Plan#6.0</td><td>27/05/25</td><td>U&I Town Plan</td></tr> <tr> <td>Subdivision Plan – Boundary Realignment (zoomed in)</td><td>Plan#7.0</td><td>27/05/25</td><td>U&I Town Plan</td></tr> <tr> <td>SARA Referral Agency Response</td><td>2504-45811 SRA</td><td>11/07/25</td><td>SARA</td></tr> <tr> <td>Plans and Documents referred to in Referral Agency Response</td><td>2504-45811 SRA</td><td>11/07/25</td><td>SARA</td></tr> </tbody> </table>	Title	Ref.	Date	Prepared By	Subdivision Plan – Boundary Realignment (full extent)	Plan#6.0	27/05/25	U&I Town Plan	Subdivision Plan – Boundary Realignment (zoomed in)	Plan#7.0	27/05/25	U&I Town Plan	SARA Referral Agency Response	2504-45811 SRA	11/07/25	SARA	Plans and Documents referred to in Referral Agency Response	2504-45811 SRA	11/07/25	SARA	At all times	
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SARA Referral Agency Response	2504-45811 SRA	11/07/25	SARA																				
Plans and Documents referred to in Referral Agency Response	2504-45811 SRA	11/07/25	SARA																				
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 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 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

ELECTRICITY SUPPLY		
11.	Proposed Lot 1 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 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

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: (i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater; (ii) 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.	At the time of construction of a dwelling house

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 – 2504-45811 SRA, dated 11 July 2025	At all times
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EXTERNAL WORKS - ACCESS		
18.	Access to proposed Lot 1 and Lot 2 must be from the existing access via State-Controlled Road and maintained to Rural crossover standard in accordance with Transport and Main Roads decision notice dated 28 November 2017, reference TMR16-017318.	At all times.

STORMWATER		
19.	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
20.	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
21.	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		
22.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times

AMENITY		
23.	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		
24.	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 (boundary realignment) approval DA/4887 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:
All buildings, structures and onsite effluent disposal areas must be located entirely within each allotment (Council Reference: DA/4887).
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 as of 11 July 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).*

Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/24367)

SARA reference: 2504-45811 SRA
Council reference: DA/4887
Applicant reference: R2-25

11 July 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 – 152 Shiptons Flat Road, Rossville

(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 30 April 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	11 July 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	Development permit for Reconfiguring a lot - boundary realignment (2 lots into 2 lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017). Development application for reconfiguring a lot involving native vegetation clearing.	

SARA reference: 2504-45811 SRA

Assessment manager: Cook Shire Council

Street address: 152 Shiptons Flat Road, Rossville

Real property description: Lot 61 on SP144060 and Lot 1 on SP301676

Applicant name: D & S Bates

Applicant contact details: C/- U&i Town Plan
35 Sutherland Street
MAREEBA QLD 4880
ramon@uitownplan.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 Sue Lockwood, A/Principal Planning Officer, on 07 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Carl Porter
A/ Manager Planning

cc D & S Bates c/- U&i Town Plan, ramon@uitownplan.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 provisions
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 of Development Approval	Condition Timing
	Schedule 10, Part 3, Division 4, Table 2, Item 1 (Planning Regulation 2017) - Reconfiguring a lot involving native vegetation clearing — 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 conditions:	
1	The reconfiguration of a lot must be carried out generally in accordance with the following plan: Subdivision Plan - Boundary Realignment (full extent) prepared by U&i Town Plan dated 27/05/2025, plan number 6.	Prior to submitting the Plan of Survey to the local government for approval

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) version 3.2. If a word remains undefined it has its ordinary meaning.

Attachment 3—Reasons for referral agency response

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

The reasons for the SARA's decision are:

The proposed development can be conditioned to comply with the relevant provisions of SDAP State code 16: Native vegetation clearing, in that the development:

- minimises clearing to:
 - o conserve vegetation
 - o avoid land degradation
 - o avoid the loss of biodiversity
 - o maintain ecological processes.
- avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not 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 3.2)
- 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 provisions

(page left intentionally blank – attached separately)

Attachment 5—Documents referenced in conditions

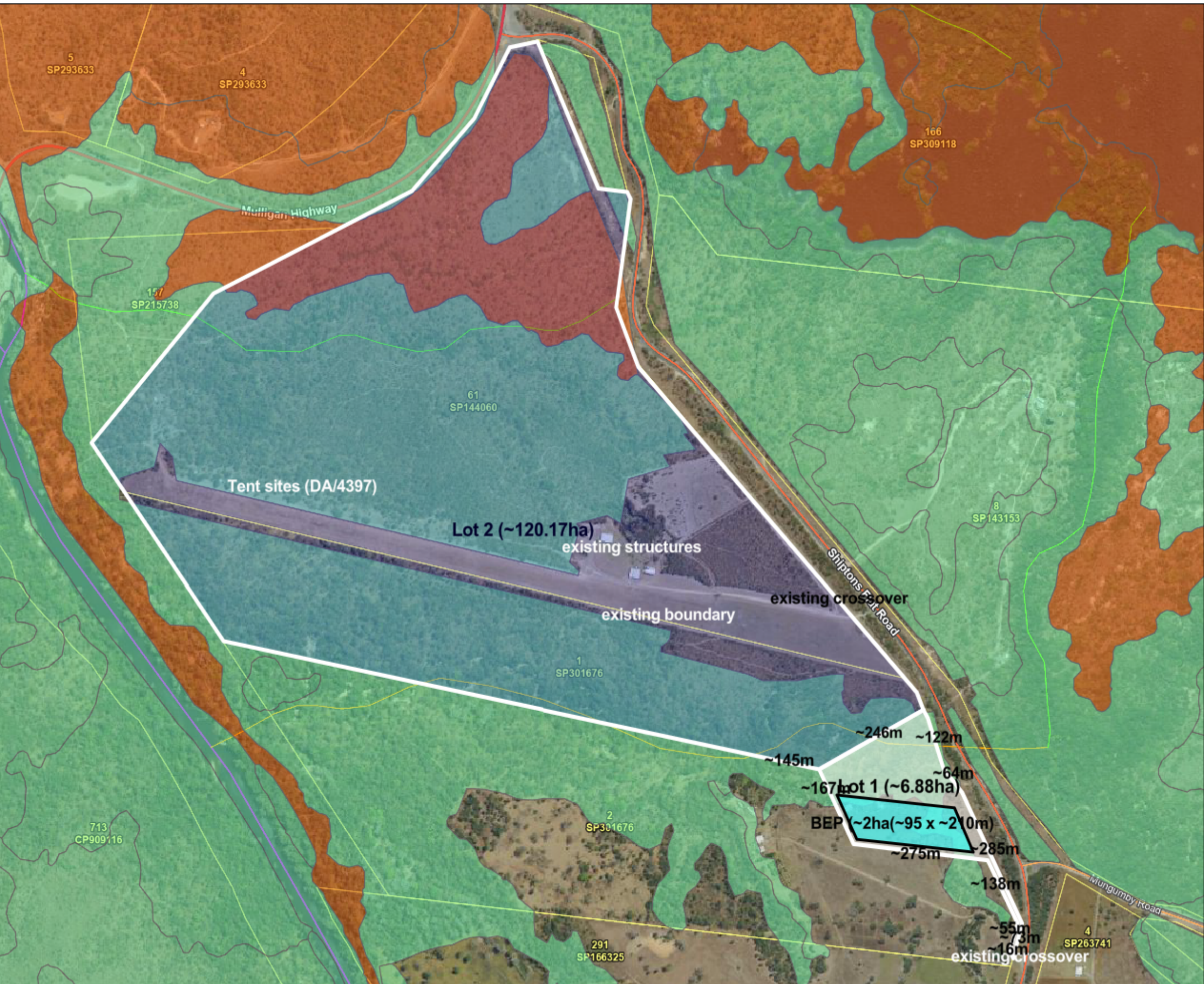
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Subdivision Plan - Boundary Realignment (full extent)

152 Shiptons Flat Road, Rossville (Lot 1 on SP301676 & Lot 61 on SP144060) Plan# 6.0, Date: 27.05.25, prepared by U&i Town Plan

15°40'34"S 145°12'24"E

15°40'34"S 145°13'48"E



15°41'37"S 145°12'24"E

15°41'37"S 145°13'48"E



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PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE



SARA ref:	2504-45811 SRA
Date:	11 July 2025



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Print date: 27/5/2025

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Queensland Government

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development

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.

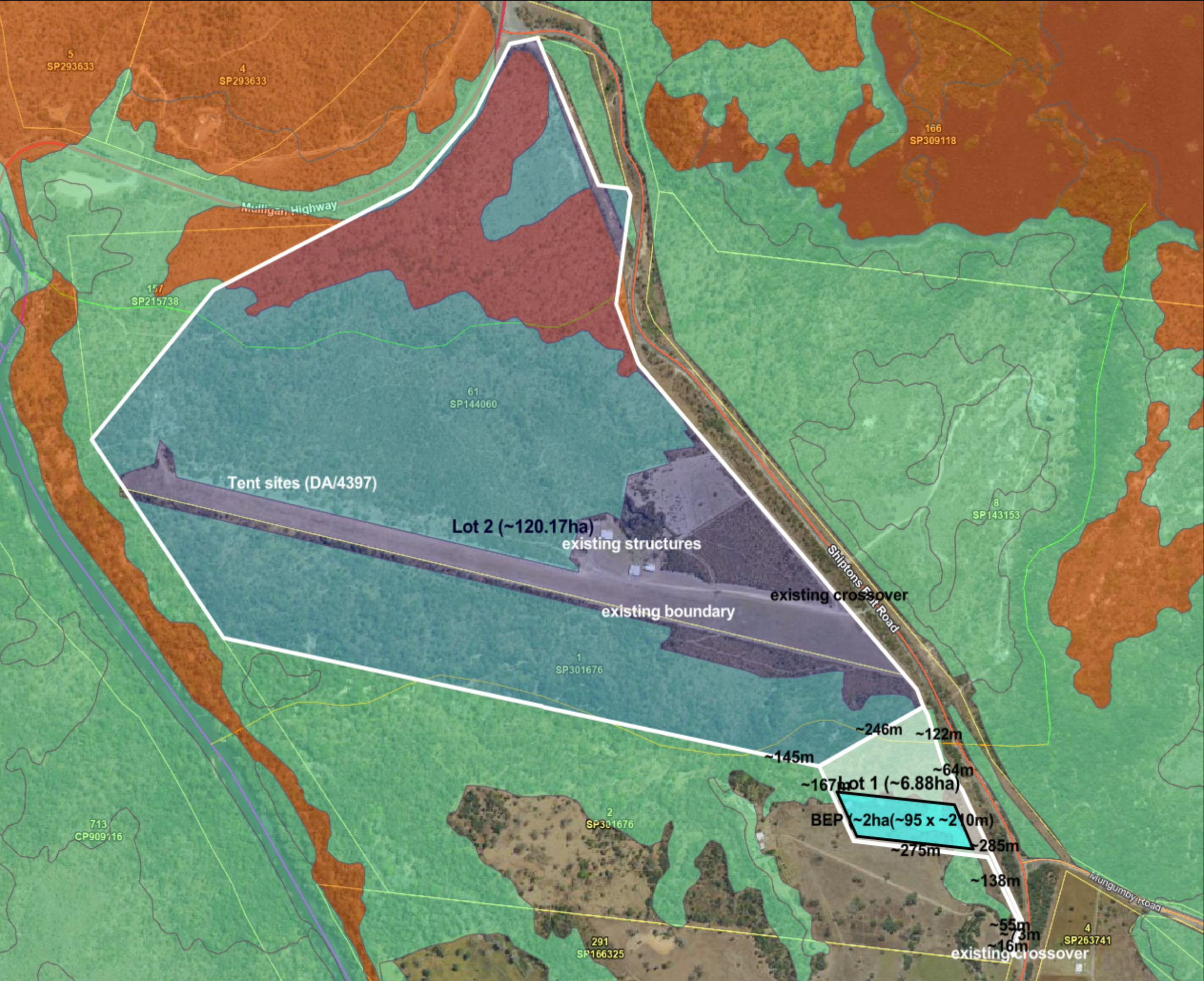
Attachment 2 **Approved Plans (D25/24377)**

Subdivision Plan - Boundary Realignment (full extent)

152 Shiptons Flat Road, Rossville (Lot 1 on SP301676 & Lot 61 on SP144060) Plan# 6.0, Date: 27.05.25, prepared by U&i Town Plan

15°40'34"S 145°12'24"E

15°40'34"S 145°13'48"E



15°41'37"S 145°12'24"E

15°41'37"S 145°13'48"E



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COOK SHIRE COUNCIL DIGITALLY STAMPED APPROVED PLAN

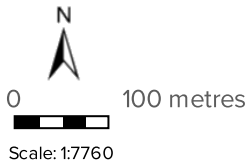
Development Application: Development Permit for a Reconfiguration of a Lot—Boundary Realignment

Lot: 61 SP144060 and Lot 1 SP301676

Referred to in Cook Shire Council's Decision Notice (AD2025/0004471)

Approval Date: 14 July 2025

Application Number: DA/4887



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**Queensland
Government**

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development

Subdivision Plan - Boundary Realignment (zoomed in)
152 Shiptons Flat Road, Rossville (Lot 1 on SP301676 & Lot 61 on SP144060) Plan# 7.0, Date: 27.05.25, prepared by U&i Town Plan

15°41'15"S 145°13'10"E

15°41'15"S 145°13'41"E



15°41'38"S 145°13'10"E

15°41'38"S 145°13'41"E



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COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

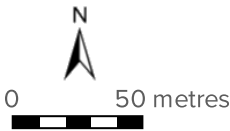
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Lot: 61 SP144060 and Lot 1 SP301676

Referred to in Cook Shire Council's Decision Notice (AD2025/0004471)

Approval Date: 14 July 2025

Application Number: DA/4887



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Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development

Attachment 3 **Notice of Decision – Statement of Reasons (AD2025/0004470)**

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/4887
Applicant:	D & S Bates c/- U&i Town Plan
Proposal:	Development Permit for a Reconfiguring a Lot
Description of the Development:	Reconfiguring a Lot (Boundary Realignment)
Street Address:	152 Shiptons Flat Road, Rossville QLD 4895 & Shiptons Flat Road, Rossville QLD 4895
Real Property Description:	Lot 61 on SP144060 & Lot 1 on SP301676
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot - (Boundary Realignment)
Date of Decision:	14 July 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.</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):

- Rural Zone Code;
- Biodiversity Overlay Code;
- Bushfire Hazard Overlay Code;
- Reconfiguring a Lot 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

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
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- Planning Act 2016
Chapter 6 Dispute resolution
[s 229]
- (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 30 June 2025

Page 253

Authorised by the Parliamentary Counsel

Planning Act 2016

Chapter 6 Dispute resolution

[s 231]

- (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

Page 254

Current as at 30 June 2025

Authorised by the Parliamentary Counsel

- (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.