

Our Ref: LM:DA/4600:AD2023/0000916

Your Ref:

13 March 2023

South Cape York Catchments
PO Box 546
Cooktown Qld 4895
Email: ericge@westnet.com.au

Attention: Eric George

Dear Mr George

Action Notice - Not Properly Made Application
Given under section 3.1 of the Development Assessment Rules

The development application was lodged with Cook Shire Council on 28 February 2023

Location Details

Street Address: N/A

Real Property Description: N/A

Coordinates:

Easting(s)	Northing(s)	Zone Ref.
From 311123.78 To 310987.651	From 8288564.12 To 8288559.641	55

Local Government Area: Cook Shire Council

Application Details

Application Number: DA/4600

Approval Sought: Development Permit

Description of Development: Operational Works for Prescribed Tidal Works (Boardwalk)

Category of Development: Assessable Development

Category of Assessment: Code Assessment

Council considers this development application is not properly made under section 51(5) of the *Planning Act 2016*.

The reasons why Cook Shire Council is not satisfied the application is properly made are:

1. Owners' Consent is outstanding.
 - Council notes the comment on the covering email that the applicant has received advice from the State Assessment & Referral Agency (SARA) that the owners' consent from Council is required. This advice is not attached, however previous Prelodgement advice received from SARA dated 31 May 2022 (Ref: 2205-28783 SPL) stated that for any operational works below the high-water mark, such as walkway piers, owners' consent from the Department of Resources will be required.

Council's position is that owners' consent from the Department of Resources is required.

2. Payment of the application fee is outstanding.
 - Council notes the applicant's request that the application fees be waived. In order for the application to be determined to be 'properly made' an approval from Council for a fee waiver request under the Community Grants and Support Program Policy is required (a copy of the policy and guidelines is attached for your reference). Alternatively, the applicant can pay the relevant fee and have this refunded should Council approve to waive the fees.

The following action must be taken to make the development application comply with section 51(5) of the *Planning Act 2016*:

- Provide evidence of owners consent; and
- Pay the application fee of \$1,125.00.

The above actions must be completed and a notice given to Cook Shire Council advising that the action notice has been complied with, **within 20 business days** starting the day after receiving this notice, or a further period agreed with, otherwise the application will be taken to have not been made in accordance with section 3.7 of the Development Assessment Rules.

For further information, or have query, or seek clarification about any of these details, please contact Councils Planning staff, on (07) 4082 0500 – or via E-mail: mail@cook.qld.gov.au .

Yours sincerely



Lisa Miller
Manager Planning and Environment
Cook Shire Council