

Our Ref: LM:tt: DA/4738:AD2024/0001613

Your Ref: R3/24

19 April 2024

L. Hanley & G. Scott C/- U&i Town Plan

PO Box 426

COOKTOWN QLD 4895

E-mail: ramon@uitownplan.com.au

Attention: Ramon Samanes

Dear Mr Samanes

Information Request

Given under section 12 of the Development Assessment Rules

Cook Shire Council has carried out a further review of your development application for the following premises.

Location Details

Street Address: 252 Poison Creek Road, COOKTOWN QLD 4895

Real Property Description: Lot 31 on BK808310
Lot 32 on BK808310

Local Government Area: Cook Shire Council

Application Details

Application Number: DA/4738

Approval Sought: Development Permit for Reconfiguring a Lot (Boundary Realignment)

Description of Proposal: Reconfiguring a Lot (Boundary Realignment) on Lot 31 on BK808310 and Lot 32 on BK808310, 252 Poison Creek Road, COOKTOWN QLD 4895

Category of Development: Assessable Development

Category of Assessment: Code Assessment

Information Requested

Cook Shire Council has determined that the following additional information is needed to assess the application:

ENCROACHMENT OF EXISTING LAND USE & EXISTING SITE ACCESS

Council records indicate that Lot 31 on BK808310 has a development permit for a Material Change of Use - Extractive Industry, specifically for storage/screening and crushing activities totalling less than 5,000 tonnes. This development permit was issued on the 19 August 2004 by Cook Shire Council. Rate records confirm the ongoing use of the extractive industry on the site, and is also corroborated in the town planning report submitted as part of the current development application.

However, the town planning report does not clarify how the proposed boundary realignment addresses the issue of encroachment from the nominated site area related to the extractive industry on Lot 31 (proposed Lot 1) onto Lot 32 (proposed Lot 2), as well as the relocation of the approved site access from Poison Creek Road to Minke Road for Lot 31 (proposed Lot 1) as outlined in DA/1085. Please see Attachment 1 for further details.

1. Please clarify how the proposed boundary realignment will address the encroachment of the designated site area for the extractive industry on Lot 31 on BK808310 (proposed Lot 1) into Lot 32 on BK808310 (proposed Lot 2)
2. Provide information on how the proposed boundary realignment addresses the relocation of the approved site access to Lot 31 on BK808310 (proposed Lot 1) in accordance with approved DA/1085, from Poison Creek Road to Minke Road.

Further details

The due date for providing the requested information is **three (3) months** from the date of this request, therefore you are required to respond no later than **19 July 2024**.

In accordance with section 13.2 of the Development Assessment Rules, you may respond by giving:

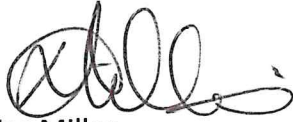
- (a) all of the information requested; or
- (b) part of the information requested; or
- (c) a notice that none of the information will be provided.

As Cook Shire Council's assessment of your application will be based on the information provided, it is recommended that you provide all the information requested. In accordance with section 14.2 of the Development Assessment Rules, if you do not provide a response before the above due date (or a further agreed period), it will be taken as if you have decided not to respond to the information request and the Cook Shire Council will continue the assessment of your application without the information requested.

Please note that Council may request further advice any time before the application is decided if other matters arise as a result of public notification or further assessment of the application.

For further information, if you have a query, or to seek clarification about any of these details, please contact 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



COOK SHIRE COUNCIL

COUNCIL MEETING 16-17-18 August 2004
Our Ref: JH:alg:DA/1085
19 August 2004

Cape York Earthmoving
PO Box 47
COOKTOWN QLD 4895

Dear Mr and Mrs Palmer

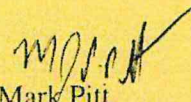
**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR MAKING A MATERIAL CHANGE
OF USE OF PREMISES FOR AN EXTRACTIVE INDUSTRY ON LOT 31 ON BK808310
PARISH OF SOLANDER**

I write with reference to your development application DA/1085, Making a Material Change of Use of Premises for Extractive Industry (less than 5,000 tonnes of material per annum) on Lot 31 on BK808310 Parish of Solander. This application was received by Council on the 18 May 2004.

Please find enclosed the relevant Decision Notice.

Should you have any further enquiries with regard to this matter, please contact John Harrison, Council's Town Planning Officer or Anne Gampe, Council's Town Planning Officer-Cadet on (07) 4069 5444.

Assessment Manager


Mark Pitt
Chief Executive Officer

Enclosed Document (1)

B/C: Cook Shire Council
PO Box 3
COOKTOWN QLD 4895
Attention: Environmental Health Officer

Decision Notice
APPROVAL
Integrated Planning Act 1997 S 3.5.15

DA/1085
John Harrison
(07) 4069 5444

Cape York Earthmoving
PO Box 47
COOKTOWN QLD 4895

Dear Mr and Mrs Palmer

RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR MAKING A MATERIAL CHANGE OF USE OF PREMISES FOR AN EXTRACTIVE INDUSTRY ON LOT 31 ON BK808310 PARISH OF SOLANDER

I wish to advise that, on 17 August 2004, the above development application was-

- ✓ approved in full with conditions. The conditions relevant to this approval are attached. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Council approves the application by Cape York Earthmoving for the issue of a development permit for a Material Change of Use for an Extractive Industry (storage, crushing and screening of less than 5,000 tonnes of material per annum) on Lot 31 on BK808310 Parish of Solander subject to the following conditions:

ASSESSMENT MANAGER (COUNCIL) CONDITIONS

1. Development must generally accord with the proposal plan submitted with the application, except to the extent of any minor modifications required to satisfy the conditions of this approval.
2. Extractive material on site is limited to less than 5,000 tonnes per annum.
3. The extractive industry approval is limited to material obtained under consent permit C163 over Lot 132 on Plan C157153 and Lot 283 on Plan BK15761 Parish of Solander.
4. Compliance with the Workplace Health and Safety Regulations.
5. Hours of operations are to be limited to the following:
 - Storage, crushing and screening operations: 7.00am to 6.00pm
 - No operations are to be conducted on Sunday or Public Holidays.
6. Compliance with the provisions of Cook Shire's transitional planning scheme for the operation of an extractive industry.
7. Internal access driveway is to be kept dust free during haulage periods.

8. All care must be taken to prevent dust, sand or earth fill blowing onto adjoining roads or to any other land that is not being used for extractive industry.
9. Storage, crushing and screening sites are to be suitably bunded to prevent any sediment runoff. An erosion and sediment control plan prepared by a suitably person is to be submitted for approval by Council's Manager, Infrastructure Services prior to the use commencing.
 - (i) Ingress and egress is to be not less than six (6) metres and not greater than nine (9) metres.
 - (ii) Council will require the widening of the Poison Creek road pavement to facilitate vehicles turning right into the approval area.
 - (iii) Installation of truck turning signs complete with covers. Covers to be removed during truck movements.
 - (iv) Engineering plans for parts (i) and (ii) are to be submitted for approval by Council's Manager, Infrastructure Services prior to works commencing.
10. Council will require the site to be rehabilitated to the satisfaction of Council's Manager, Infrastructure Services upon cessation of the use authorised by this development permit.

CONCURRENCE AGENCY APPROVAL

Integrated Planning Act 1997

IDAS C-6 Concurrence Agency Response

Section 3.3.16 and 3.3.18

Assessment Manager:	:	Cook Shire Council
Application No:		DA/1085
Applicant Name:		Cape York Earthmoving (Ron and Chris Palmer)
Applicant Address:		PO Box 47, Cooktown Qld 4895
Date received by CSC:		18 May 2004
Jurisdiction:		Environmental Protection Act 1994
		Environmentally Relevant Activity
Property Description:		Lot 31 on BK808310 Parish of Solander
Role:		Concurrence
Approval Type:		Development Approval
Type of Development:		Material Change of Use – Extractive Industry (storage, crushing and screening less than 5,000 tonnes per annum).

Pursuant to the Integrated Planning Act 1997, Cook Shire Council's Environmental Health Officer has assessed the proposed development and requires the following conditions of development for the subject application.

1. ensure that the activity does not cause a nuisance to neighbouring residents;
2. ensure that the activity does not have an adverse effect on the amenity of the surrounding area;
3. ensure that the activity does not interfere with existing services located in, on or over the land upon which the activity will be carried out;
4. ensure that any employees or agents of the operator who will be involved in the activity have been properly trained and briefed on any relevant safety procedures;
5. keep a record of the times and dates the activity was carried out and make that record available to an authorised person for inspection upon request;
6. fence the site and any stockpiles of extracted materials and maintain vegetation to screen the site and prevent or minimise visual pollution;

7. ensure that a blasting permit is applied for prior to any blasting operations;
8. ensure that preventative measures are taken to prevent or minimise pollution of adjoining land, water or air;
9. ensure that land affected by the operations carried out under the permit are rehabilitated after operations at the site cease.

ADVICE (COUNCIL)

- The applicant be advised that a further development permit is required for any building work associated with the proposed development.

1. Details of the approval -

The following type of approval has been issued -

	Development Permit	Preliminary Approval
• Carrying out building work (<i>assessable against the Standard Building Regulation 1993</i>)	☐	☐
• Reconfiguring a lot	☐	☐
• Material change of use made assessable by the planning scheme;	☐	☐
• Associated work made assessable by the planning scheme -		
• building works	☐	☐
• operational works	☐	☐
• Material change of use for an environmentally relevant activity	☒	☐
• Material change of use for a licensed brothel	☐	☐
• Material change of use on strategic port land , inconsistent with an approved land use plan	☐	☐
• Making a material change of use for a major hazard facility or possible major hazard facility	☐	☐
• Planning scheme works -		
• building works	☐	☐
• operational works	☐	☐
• Operational works for the clearing of native vegetation on freehold land protected under the Vegetation Management Act	☐	☐
• Operational work for a referable dam or that will increase the storage capacity of a referable dam by more than 10%	☐	☐
• Operational work for tidal work or work within a coastal management district	☐	☐
• Operational work that allow taking, or interfering with, water (<i>other than using a water truck to pump water</i>)	☐	☐
• Development in a heritage registered place -		
• Building work assessable against the <i>Standard Building Regulation 1993</i>	☐	☐
• Building work assessable against the planning scheme	☐	☐
• Material change of use	☐	☐
• Reconfiguring a lot	☐	☐
• Operational work	☐	☐

2. The currency period -

- ✓ the standard currency periods stated in section 3.5.21 of IPA apply to each aspect of development in this approval.

3. **The approved plans** – See Condition 1 of Assessment Manager's (Council) Conditions.
4. **Other necessary development permits** – A development permit is required for any building work associated with the proposed development.
5. **Codes for self-assessable development** – N/A
6. **Superseded planning scheme** – N/A
7. **Preliminary approval overriding the planning scheme** – N/A
8. **IDAS referral agencies** -

The IDAS referral agencies applicable to this application are –

Referrals – triggered by other assessable development under schedule 8 of the IPA

	For an application involving...	Name of agency	Status	Address (<i>Insert address</i>)
Reconfiguration				
☐	On contaminated land	Environmental Protection Agency	Concurrence	
☐	Impacting on a State-controlled road	Dept. of Main Roads	☐ Concurrence ☐ Advice	
☐	In a declared catchment area where any lot resulting from the reconfiguration is less than 16 hectares	Dept. of Natural Resources, Mines & Energy	Concurrence	
☐	Completely or partly within a coastal management district or in connection with the construction of a canal	Environmental Protection Agency	Concurrence	
Material change of use				
☒	For an environmentally relevant activity (ERA)	☐ Environmental Protection Agency ☒ Local government ☐ Dept. of Primary Industries and Fisheries	Concurrence	Cook Shire Council PO Box 3 COOKTOWN QLD 4895 Attn: Environmental Health Officer
☐	On strategic port land, inconsistent with the approved land use plan	Queensland Transport	Concurrence	
☐	For a major hazard facility or possible major hazard facility	Dept. of Emergency Services	Concurrence	
Operational work				
☐	For filling or excavation (not associated with reconfiguration) impacting on a State-controlled road	Dept. of Main Roads	☐ Concurrence ☐ Advice	
☐	For clearing native vegetation on freehold land	Dept. of Natural Resources, Mines & Energy	Concurrence	
☐	That allows taking or interfering with water	Dept. of Natural Resources, Mines & Energy	Concurrence	
☐	Controlling the flow of water in drainage and embankment areas	Dept. of Natural Resources, Mines & Energy	Concurrence	
☐	That is the construction of a referable dam under the <i>Water Act 2000</i> or that will increase the storage of a referable dam by more than 10%	Dept. of Natural Resources, Mines & Energy	Concurrence	

	For an application involving...	Name of agency	Status	Address (<i>Insert address</i>)
☐	That is tidal work	Qld Transport	Concurrence	
☐	Within a coastal management district , that is the disposing of dredge spoil or other solid waste material in tidal water, other than under an allocation notice under the <i>Coastal Protection and Management Act 1995</i>	Environmental Protection Agency and Qld Transport	Concurrence	
☐	Within a coastal management district , for draining or allowing drainage or flow of water or other matter across State coastal lands above high water mark	Environmental Protection Agency	Concurrence	
☐	Within a coastal management district , in a watercourse and not assessable under schedule 8, part 3, items 3B and 3C of the IPA	Environmental Protection Agency	Concurrence	
☐	Within a coastal management district, that is reclaiming land under tidal water	Environmental Protection Agency and Qld Transport	Concurrence	
☐	Within a coastal management district , that is constructing an artificial waterway associated with reconfiguration	Environmental Protection Agency and Qld Transport	Concurrence	
☐	Within a coastal management district , that is constructing an artificial waterway not associated with reconfiguration, on land other than State coastal land, above high water mark if the surface area of water in the waterway is at least 5 000m ²	Environmental Protection Agency	Concurrence	
☐	Within a coastal management district , that is constructing a bank or bund wall to establish a ponded pasture on land, other than State coastal land, above high water mark	Environmental Protection Agency	Concurrence	
☐	Within a coastal management district , that is removing or interfering with coastal dunes on land other than State coastal land, that is in an erosion prone area and above high water mark.	Environmental Protection Agency	Concurrence	
Certain aspects of development				
☐	Below high water mark and within the limits of a port	The port authority for the land	☐ Concurrence ☐ Advice	
All aspects of development				
☐	For the removal of quarry material if an allocation notice is required under the Water Act 2000	Environmental Protection Agency	Concurrence	
☐	In a heritage registered place	Queensland Heritage Council	Concurrence	

9. Submissions – N/A

There ✓ **were no** properly made submissions about the application.

In accordance with s 4.1.40 of IPA a list of the names and addresses of any submitters will be made available to the applicant upon request, if an appeal is lodged.

10. Appeal rights -

Attached is an extract from the *Integrated Planning Act 1997* which details your appeal rights regarding this decision. See Section 4.1.27(1) → (3) Applicant Appeal Rights, and Sections 3.5.17(1) → (6) and 3.5.18(1) → (4) Negotiated Decision Notice.

11. When the development approval takes effect -

This development approval takes effect —

- from the time the decision notice is given, if there is no submitter and the applicant does not appeal the decision to the court

OR

- when the submitter's appeal period ends, if there is a submitter and the applicant does not appeal the decision to the court

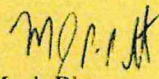
OR

- subject to the decision of the court, when the appeal is finally decided, if an appeal is made to the court.

This approval will lapse unless substantially started within the above stated currency periods (refer to sections 3.5.19 and 3.5.20 of IPA for further details).

If you wish to discuss this matter further, please contact John Harrison, Council's Town Planning Officer or Anne Gampe, Council's Town Planning Officer-Cadet on (07) 4069 5444.

Assessment Manager


Mark Pitt
Chief Executive Officer

MINKE

31BK808310

PROPOSED
SITE

EXISTING SHED OVERLAPS
BOUNDARY BY 5 m.

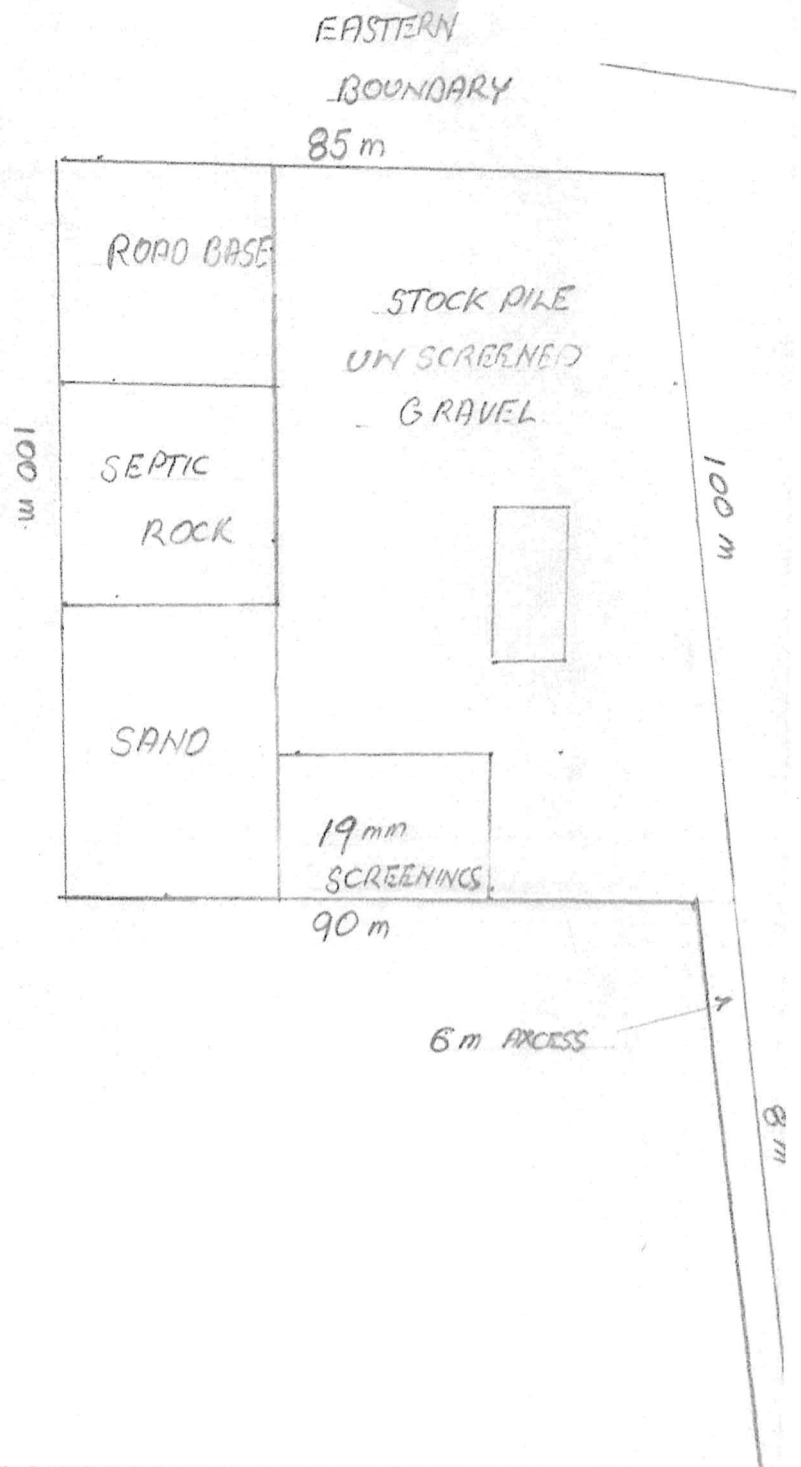
ROAD

ACCESS IS 100%
ON LOT 31

[Signature]

7/06/04

31 BK 808310



POISON CK ROAD

MINKE

31BK808310

250 m TO POISON CR

PROPOSED
SITE

250 m TO MINK
ROAD

20 m TO EASTERN BOUNDARY

120 m TO EIGHT MILE
CREEK

70 m TO POISON
CR ROAD

ROAD

