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OUR REF: J001767
DATE: 11 September 2025

Cook Shire Council
PO Box 3
Cooktown QLD 4895

Attention: Assessment Manager
Council Reference: DA/4925

Via email

Dear Assessment Manager,

RE: RESPONSE TO PROPERLY MADE SUBMISSIONS RECEIVED FOR DA/4925 – DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE (FOOD AND DRINK OUTLET), RECONFIGURING A LOT (ACCESS HANDLE EASEMENT) AND OPERATIONAL WORK (WORKS IN COUNCIL MANAGED ROAD RESERVE) ON LAND AT 31 DABU LANE, AYTON, DESCRIBED AS LOT 26 ON SR750, AND 26 NORMAN STREET, AYTON, DESCRIBED AS LOT 1 ON A3024 (SUBJECT SITE).

As you are aware, Gilvear Planning Pty Ltd (Gilvear Planning) is providing town planning assistance to Trailfinders Pty Ltd, the Applicant, in relation to the above-described Development Application.

During the Public Notification Period, from 6 August 2025 to 26 August 2025, there were a total of 16 properly made submissions lodged with Council in respect to the application. The following analysis has identified five Key Themes common throughout the submissions, with each submission number and position noted underneath, and the Applicant's response.

KEY THEME 1: Public access to the wharf and boat ramp

14 submissions raised concerns (submission #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, and #16)

A common sentiment expressed throughout a majority of the submissions is a concern for the closure of the public's access to the wharf and boat ramp located within the subject site that provide access to the Bloomfield River. Currently, there is no formal arrangement in place permitting public access to, or use of, this part of the subject site. Notwithstanding this, the Applicant acknowledges the value held by the community for this area and reinforces their commitment that public access to the wharf and boat ramp is to remain.

Please refer to Attachment 1 and Figure 1 below which demonstrate how the public access is intended to operate alongside the proposed development. The Applicant is agreeable to this commitment being assured via the imposition of an appropriate condition(s) upon the approval when granted.

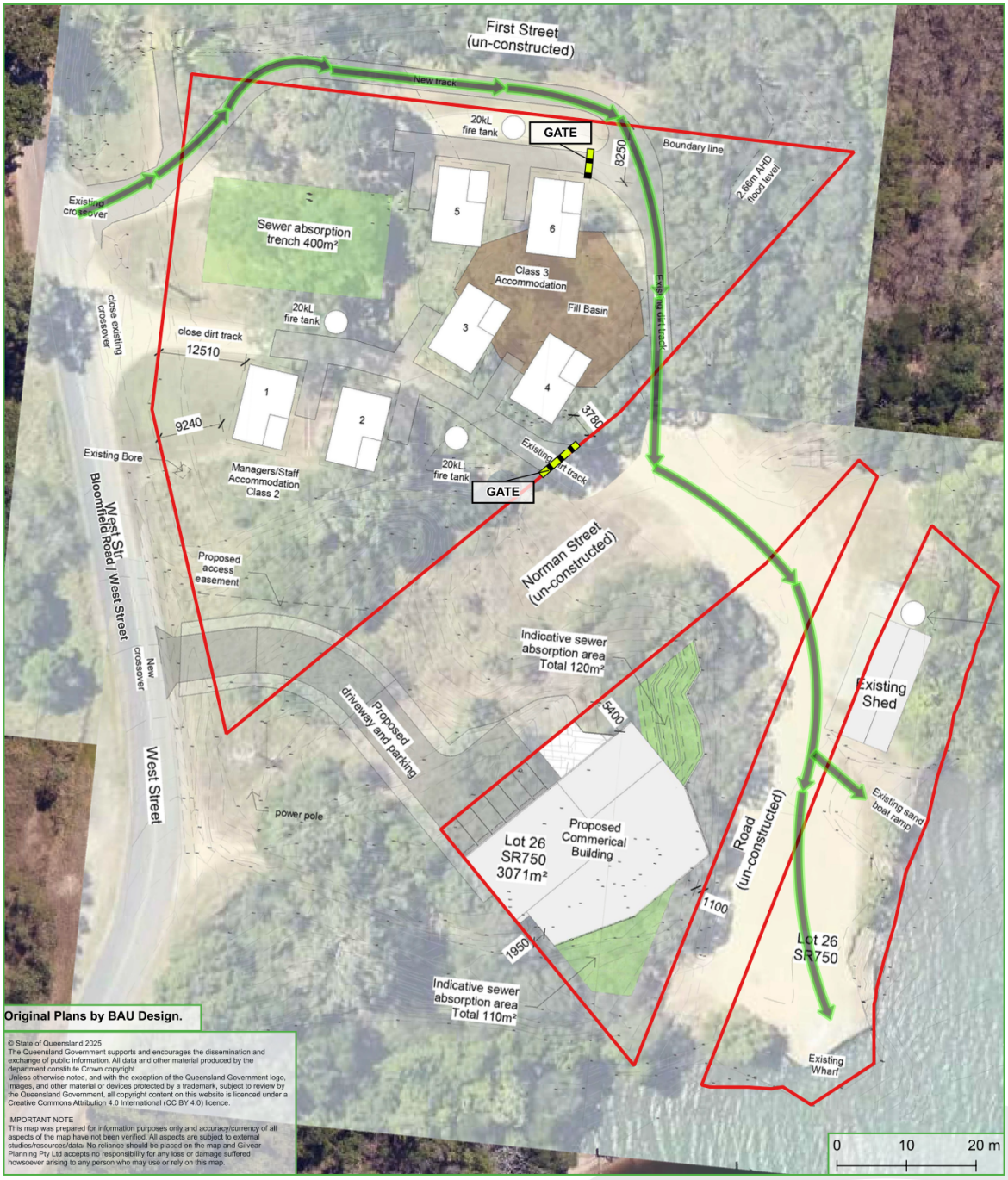


Figure 1 – Proposed Public Access Map

KEY THEME 2: Parking provision and traffic safety

7 submissions raised concerns (submission #6, #8, #10, #11, #12, #13, and #14)

Concern has been raised that the proposal does not provide car parking spaces adequate for the restaurant's patronage capacity. Acceptable Outcome 1.1 of the Parking and Access Code within the *Cook Shire Council Planning Scheme 2017 (v2)* (the Planning Scheme) requires a Food and Drink Outlet provides one car parking space per 50m^2 of gross floor area (GFA); with the proposed 435m^2 GFA (inclusive of the deck), the proposal therefore generates a requirement for nine car parking spaces. Further to the Performance Outcome 1 response provided within the application material, the shortfall of two spaces has resulted due to the following:

Developable space is considerably constrained by the existing access track to the boat ramp and wharf traversing the site and the required effluent absorption areas. Excluding these areas, practically, the developable area is therefore limited to the south-western corner; an area that is also further constrained by the adjoining protected vegetation (Matters of State Environmental Significance – Category B) and Council road reserve. As such, meeting the Code's Acceptable Outcome requirement for car parking provision has been unachievable. If, however, parking capacity issues are identified during the course of the proposed restaurant's operation, further investigation will be undertaken.

In addition, attention has been given to the safety of the proposed access, with concerns regarding sight lines and the existing road environment within West Street, particularly the slope and speed approaching/ departing the site frontage. We would like to reiterate that the Engineering Services Report prepared by Neon Consulting and included within the application material considered the proposed access to/from the site, noting that from their review, the proposed access meets appropriate safety standards. Further, we note that Council did not issue an Information Request requiring clarification or further traffic engineer advice and as such, it is understood that the proposal complies with the Planning Scheme's Parking and Access Code, with Performance Outcome 3 being of relevance, in prescribing that, '*Access points are located to operate efficiently and safely and minimise conflicts considering the: (a) Amount and type of vehicular traffic; (b) Type of use and road traffic conditions; (c) Nature and extent of future street or intersection improvements; (d) Current and future on street parking; and (e) Available sight distances.*'

KEY THEME 3: Siting and management

7 submissions raised concerns (submission #6, #10, #11, #12, #13, #14, and #16);
1 submission provides support (submission #1)

Concerns have been raised regarding the proposal's siting within flood-prone areas on the site. It is important to reiterate that the proposed development footprint, including road access, is located entirely outside all potential flood hazard areas and storm tide inundation areas as mapped within the Planning Scheme's Flood and Other Coastal Hazards Overlay. As expressed within the application material, including the Engineering Services Report prepared by Neon Consulting, the proposed building's habitable floor levels will be constructed above the appropriate flood level, as required by Cook Shire Council and Emergency Management Queensland. This will be ensured via an appropriate condition of approval, requiring confirmation that finished floor levels are above nominated flood levels. The site works

are not anticipated to destabilise or interrupt the riverine environment given the proposal largely utilises the existing levels on site, retains surrounding bushland, and is sufficiently setback from the Bloomfield River itself. Further, stormwater management and erosion and sediment control methods and can also be assured via imposition of appropriate condition(s) of approval, as a standard requirement for this type of development.

There have also been queries raised regarding the adequacy of the proposed effluent disposal system and other utility servicing, including water supply and electricity, citing concerns of common power outages and impacts of weather events. The Hydraulic Services Infrastructure Report prepared by Gilboy Hydraulic Solutions, which was included within the application material, provided a conceptual starting point for the required siting and capacities of the proposal at a level appropriate for its current stage, being the Material Change of Use stage; further detailed, technical designs will be provided for later plumbing and drainage approvals as required by Cook Shire Council.

KEY THEME 4: Cultural and historical values

3 submissions raised concerns (submission #2, #8, and #12)

A submission has claimed that the application mistakenly omitted assessment against the Eastern Kuku Yalanji Local Plan Code. It must be reiterated that Table 5.9.1 A and Table 5.9.1 B of the Planning Scheme specifically provides that 'Where not in a local plan precinct', there are 'Nil' assessment benchmarks – please refer to Figure 2 below for a direct screenshot of these tables, with the quoted sections highlighted in yellow. The key determining factor here is if the development is within a precinct of this Local Plan. The subject site is located within the broader Local Plan Boundary, however it is not within an identified precinct, these being: Precinct 1–Trevethan, Precinct 2–Mungumby North, Precinct 3–Little Annan, Precinct 4–Mungumby South, and Precinct 5–Shipton's Flat. Again, reference is made to the Planning Scheme's Local Plan Map, provided as a copy in Figure 3 below, which show the locations of these precincts numbered 1 to 5 on a broader map, then as closer map insets. Further, in reviewing the Eastern Kuku Yalanji Local Plan Code itself, it is clearly expressed in its Application that the Code applies to assessing development 'in a precinct' of the Local Plan, with the associated Acceptable and Performance Outcomes tailored to the specific precinct, particularly Acceptable Outcome 1.1 which explicitly restricts certain types of development for each precinct. There are no applicable benchmarks within the Eastern Kuku Yalanji Local Plan Code to assess the proposed development against, as the subject site is not located within a precinct.

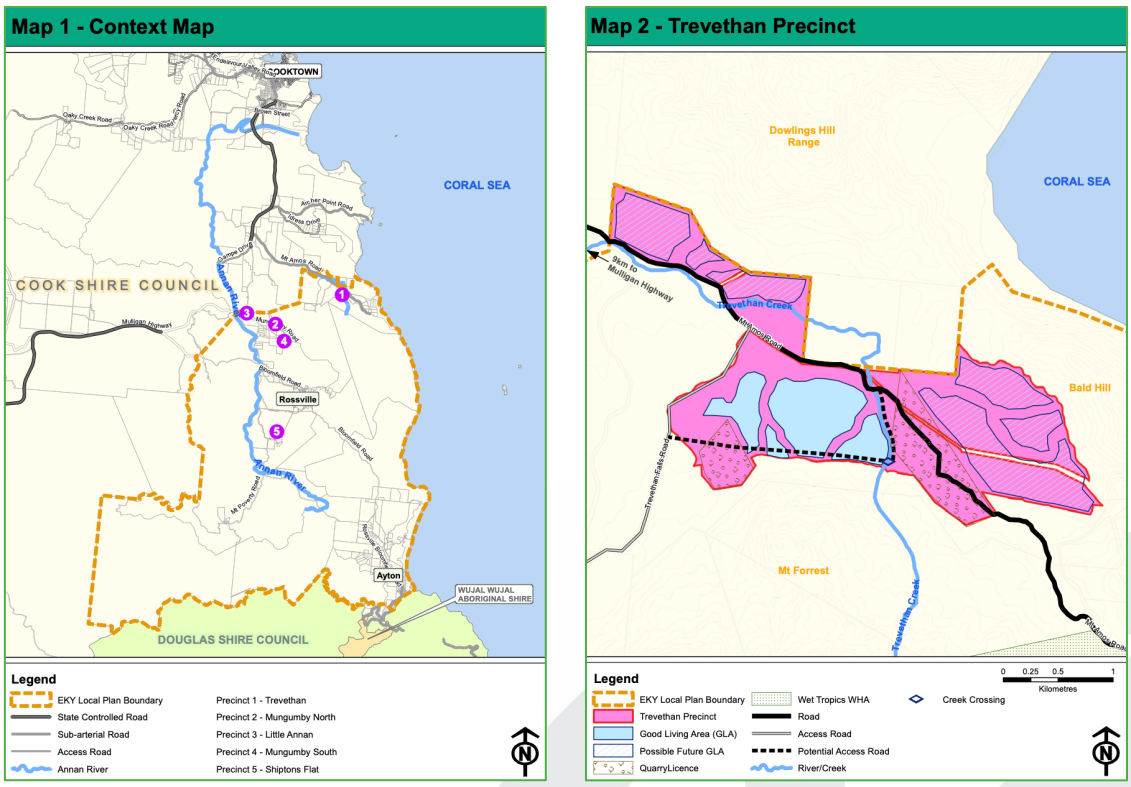
Table 5.9.1 A—Eastern Kuku Yalanji Local Plan: Material change of use

Use	Category of development and assessment	Requirements for accepted development and assessment benchmarks
Where not in a local plan precinct		
All development	No change	Nil
Where in a local plan precinct		
Caretaker's accommodation Community use if for a ranger station or community shed Dual occupancy Dwelling house Home based business Multiple dwellings Outstation	**Accepted development subject to requirements**	
	If: ▪ not exceeding the extent of development in Table 6.1.1 and ▪ located in the 'Good Living Area' on the Precinct Maps and ▪ complying with the assessment benchmarks	Acceptable outcomes of the Eastern Kuku Yalanji local plan code
	Code assessment	
	If: ▪ not exceeding the extent of development in Table 7.1.1 and ▪ located in the 'Good Living Area' on the Precinct Maps and ▪ not complying with the assessment benchmarks	Eastern Kuku Yalanji local plan code Parking and Access Code Works, services & infrastructure Code
	Impact assessment	
	If not accepted development subject to requirements or code assessable	The planning scheme

Table 5.9.1 B— Eastern Kuku Yalanji Local Plan: Reconfiguring a lot

Local plan	Category of development and assessment	Assessment benchmarks
Where not in a local plan precinct		
No change		
Where in a local plan precinct		
All Development	No Change	Eastern Kuku Yalanji local plan code

Figure 2 – Table 5.9.1 A and Table 5.9.1 B with quoted sections highlighted (Source: Cook Shire Council Planning Scheme 2017 (v2))



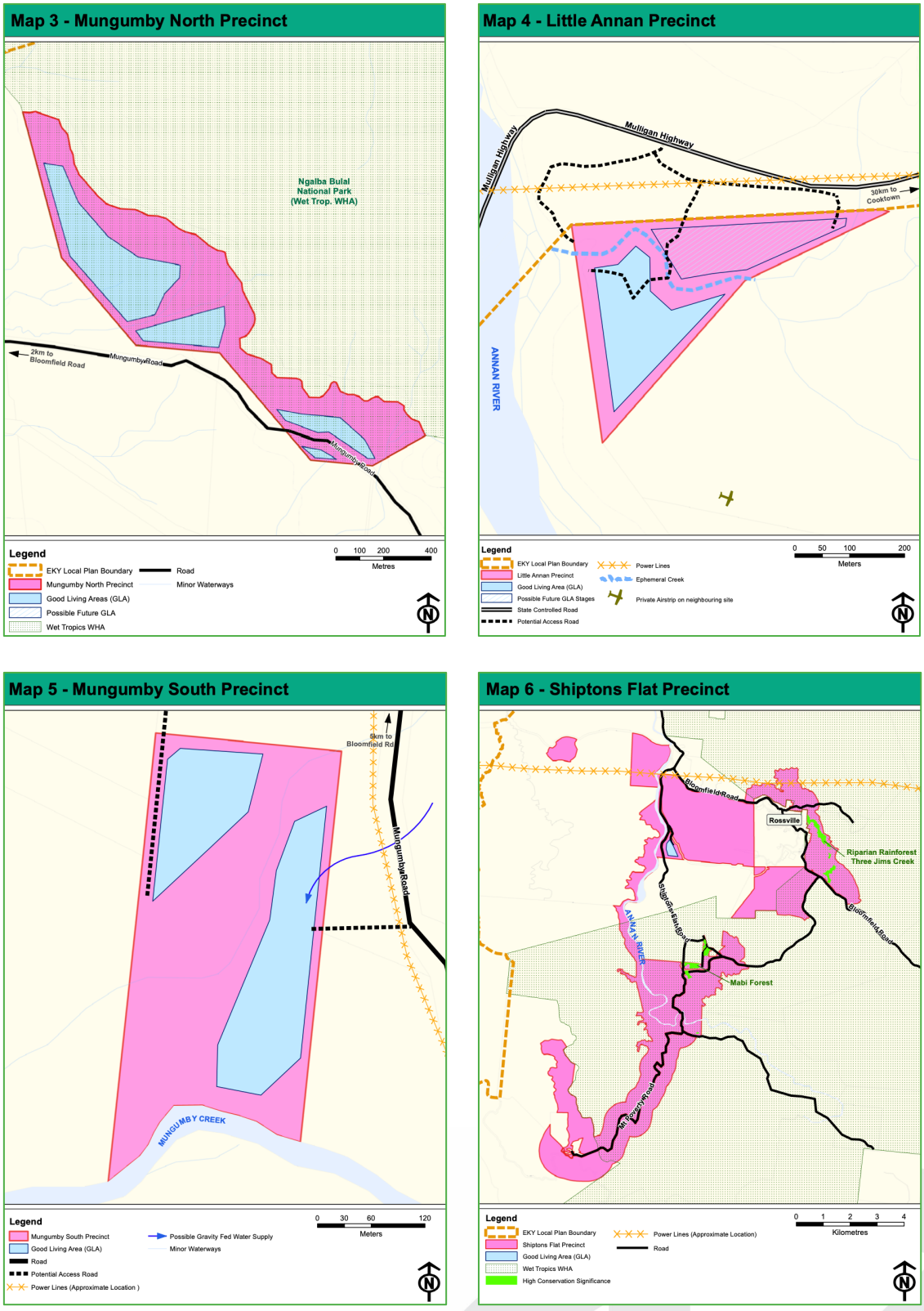


Figure 3 – Eastern Kuku Yalanji Local Plan Precinct Mapping (Source: Cook Shire Council Planning Scheme 2017 (v2))

Outside of this specific provision of the Planning Scheme, consultation with the Dabu Jajikal Corporation has been queried, alongside broader considerations regarding the site's historical, cultural heritage. In terms of Native Title, being freehold land, any Native Title rights have been extinguished. Above all, the Applicant acknowledges the need to comply with statutory obligations in respect to cultural heritage, and have sought to place the proposed development across the land in areas previously or currently disturbed, reducing potential risks as much as possible.

KEY THEME 5: Local economy

2 submissions raised concerns (submission #6 and #13);
6 submissions provide support (submission #2, #3, #6, #7, #11, and #15)

While some submissions raised concern regarding a negative impact on the existing local context, citing potential competition issues with existing businesses – arguably, a personal financial factor that cannot be considered pursuant to Section 45(5)(b) of the *Planning Act 2016* – there was also clear acknowledgement and enthusiasm for the economic and social benefits the proposed development may bring to the community, particularly local employment.

CONCLUSION

We look forward to liaising with Council regarding Draft Conditioning at the conclusion of the Public Notification Period pursuant to Part 4, Section 19.3 and Section 20.1(a)(i) of the *Development Assessment Rules*.

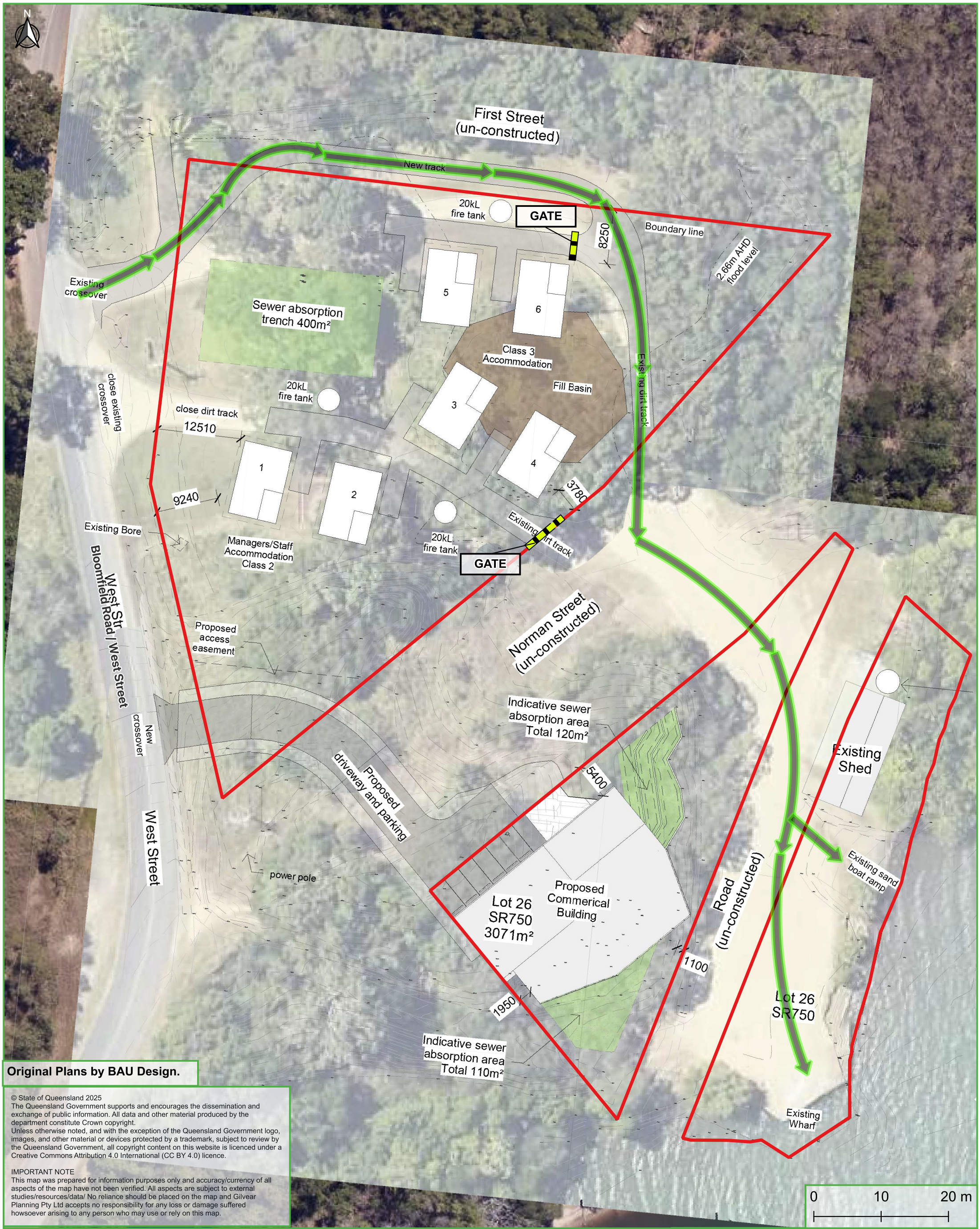
Should any additional information be required, please do not hesitate to contact the undersigned.

Kind Regards,

Kristy Gilvear
MANAGING DIRECTOR

Attachment 1

Proposed Public Access Map



Original Plans by BAU Design.

Boat Ramp Access and Gates

SCALE:	1:500 @ A3	CLIENT:	TRAILFINDERS AUSTRALIA
COORDINATE SYSTEM:	EPSG: 7855 / GDA2020	DATE:	09/09/2025
JOB NUMBER:	J001767	LOCALITY:	BLOOMFIELD

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