

Our Ref: LM: Imc:DA/4943 AD2025/0005863

Your Ref: 2056

10 October 2025

M. T. Carey
C/-MD Land Surveys
228 Draper Street
PARRAMATTA PARK QLD 4870
E-mail: erin@mdlandsurveys.com.au

Attention: Erin Berthelsen

Dear Ms Berthelsen

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4943) 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 **3 October 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/4943
Approval Sought:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguration of a Lot (1 into 4) and Access Easement
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: 2 Ferrari Street, Cooktown 4895

Location - Real Property Description: Lot 3 on RP700324

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

Not Applicable.

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)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 -
Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214	Reconfiguring a Lot near a State- Controlled Intersection (<i>Planning Regulation 2017</i>)
E-mail: CairnsSARA@dsdilgp.qld.gov.au MyDAS2 online referrals: https://prod2.dev-assess.qld.gov.au/suite/	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a Lot near a State Transport Corridor (<i>Planning Regulation 2017</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 5 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
Cook Shire Council

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

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager
Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/29766)
Attachment 2 Approved Plans (D25/28380)
Attachment 3 Infrastructure Charges Notice (D25/35571)
Attachment 4 Notice of Decision – Statement of Reasons (AD2025/0005862)
Attachment 5 Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

Attachment 1 (A) Conditions Imposed by the Assessment Manager

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.	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):				At all times
	Title	Ref.	Date	Prepared By	
	Proposed Reconfiguration of a Lot, 1 Lot into 4 Lots and Access Easements	Job No. 20556, Revision B	15/08/2025	MD Land Surveys (E. Berthelson)	
8.	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

WATER SUPPLY		
9.	Extend water infrastructure to connect all allotments to Council's existing water infrastructure at a point that has sufficient capacity to service the development (inclusive of firefighting demand). All water infrastructure serving Lot 1, Lot 2, Lot 3, and Lot 4 must be contained entirely within each respective lot.	Prior to Council approval of the Plan of Survey

ON-SITE WASTEWATER		
10.	An on-site wastewater system must be provided for proposed Lot 1, Lot 2, Lot 3, and Lot 4 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. All on-site waste water infrastructure serving Lot 1, Lot 2, Lot 3, and Lot 4 must be contained entirely within each respective lot.	At the time of construction of a dwelling house

ELECTRICITY SUPPLY		
11.	Each lot must be provided with a reliable electricity and telecommunications supply at the time of construction of a Dwelling House in accordance with the standards and requirements of the relevant service provider.	At the time of construction of a dwelling house

	All electrical infrastructure serving Lot 1, Lot 2, Lot 3, and Lot 4 must be contained entirely within each respective lot.	
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TELECOMMUNICATIONS		
12.	Each lot must be connected to the telecommunication network supply at the time of construction of a dwelling house. 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. All telecommunication infrastructure serving Lot 1, Lot 2, Lot 3, and Lot 4 must be contained entirely within each respective lot.	At the time of construction of a dwelling house

BUSHFIRE MANAGEMENT		
13.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times

ACCESS		
14.	Access to Lot 1, Lot 2, Lot 3, and Lot 4 must be located in accordance with the approved plan of development.	At all times
15.	Construct a new access crossover to Lot 1, Lot 2, Lot 3, and Lot 4 generally in accordance with FNQROC Development Manual Standard Drawings S1105 (Revision D) to a Rural standard. Access crossover width to Lot 1 and 2 is to be double width in accordance with the mentioned FNQROC standard.	Prior to Council approval of the Plan of Survey
16.	Direct access is not permitted between Endeavour Valley Road and proposed Lot 4 in accordance with the State Assessment Referral Agency response, reference 2508-47607 SRA, dated 15 September 2025.	At all times
17.	ACCESS EASEMENT Prepare for lodgement for registration at the Department of Resources (Titles Registry) the following Access and Services Easements, as identified on the Approved Plan(s), at no cost to Council: (i) A reciprocal Access (type) easement over the driveway in favour of Lot 1, over Lot 2 as shown as on the approval plan(s) of development. A copy of the easement documents must be submitted to Council for endorsement at no cost to Council.	Prior to Council approval of the Plan of Survey

STORMWATER		
18.	Any site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.	At all times
19.	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
20.	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		
21.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times

INFRASTRUCTURE CHARGES		
22.	Infrastructure charges must be paid to Council prior to Council endorsement of the Plan of Survey as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.	Prior to Council approval of the Plan of Survey

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 approval 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.
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 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.
4. 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 (D25/29766)

SARA reference: 2508-47607 SRA
Council reference: DA/4943

15 September 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—2 Ferrari Street, Cooktown

(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 13 August 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	15 September 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	Reconfiguration of a Lot (1 lot into 4 lots and Access Easements)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State-controlled Road (10.9.4.2.1.1) Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a State-controlled Road intersection (10.9.4.2.3.1)	
SARA reference:	2508-47607 SRA	

Assessment manager: Cook Shire Council
 Street address: 2 Ferrari Street, Cooktown
 Real property description: 3RP700324
 Applicant name: Matthew T Carey C/- MD Land Surveys
 Applicant contact details: 228 Draper Street
 Parramatta Park QLD 4870
 erin@mdlandsurveys.com.au

Human Rights Act 2019 considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore; it is reasonable to conclude the decision is compatible with human rights.

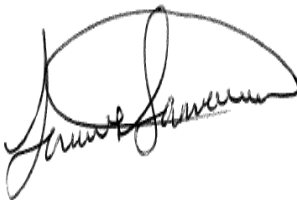
Representations

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 Charlton Best, A/Principal Planning Officer, on (07) 4037 3200 or via email CairnsSARA@dildgq.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
 A/ Manager (Planning)

cc Matthew T Carey, erin@mdlandsurveys.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) (A copy of the document referenced below is found at Attachment 5)

No.	Conditions	Condition timing
	10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor and 10.9.4.2.3.1 – Reconfiguring a lot near a state-controlled road intersection—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of Department of Transport and Main Roads 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.	Direct access is not permitted between Endeavour Valley Road and proposed Lot 4.	At all times.
2.	The road access must be located generally in accordance with the following plan: Proposed Reconfiguration of a Lot 1 Lot into 4 Lots & Access Easements prepared by MD Land Surveys, dated 15 August 2025, Plan No. ROL Layout 01, revision B, as amended in red by SARA.	At all times.

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 3.3). If a word remains undefined it has its ordinary meaning.
2.	Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the Building Act 1975 as a transport noise corridor. Information about transport noise corridors is available at state and local government offices. A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.

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 development complies with State code 1: Development in a state-controlled road environment of the SDAP. Specifically, the development:

- can be conditioned to ensure that it does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a state-controlled road
- does not adversely impact the function, efficiency, structural integrity, or physical condition of the state-controlled road.

Material used in the assessment of the application:

- the development application material and submitted plans
- *Planning Act 2016*
- Planning Regulation 2017
- the SDAP (version 3.3), as published by SARA
- the Development Assessment Rules
- SARA DA Mapping system
- State Planning Policy mapping system
- section 58 of the *Human Rights Act 2019*

Attachment 4—Representations about a referral agency response provisions

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Attachment 5—Document referenced in conditions

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PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: 2508-47607 SRA

Date: 15 September 2025

Permitted Road Access Locations as per
condition 2.

- Access to proposed Lots 1 and 2 via
Easement C
- Access to proposed Lot 3 via Easement B
- Access to proposed Lot 4 via Easement A



Amended in red by SARA on
15 September 2025



PROPOSED RECONFIGURATION OF A LOT
1 LOT INTO 4 LOTS & ACCESS EASEMENTS
2 Ferrari Street, Cooktown
Cancelling Lot 3 on RP700324

Date: 15 August 2025
Scale: 1:600 @ A3
Drawn: E Berthelsen
Job No: 2056
Plan No: ROL Layout 01_Rev B

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 (D25/28380)**

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for a Reconfiguration
of a Lot (1 Lot into 4 Lots and Access Easement)

Lot: 3 RP700324

Referred to in Cook Shire Council's Decision Notice (AD2025/0003862)

Approval Date: 03 October 2025

Application Number: DA/4943



This plan is conceptual and for discussion purposes only
All areas dimensions are preliminary and subject to
further investigation and Survey

Attachment 3 Infrastructure Charges Notice (D25/35571)



Our Ref: LM:tt:DA/4943: D25/35571

3 October 2025

M. T. Carey
C/- MD Land Survey
228 Draper Street
PARRAMATTA PARK QLD 4895
Email: erin@mdlandsurveys.com.au

Attention: Erin Berthelson

Dear Ms Berthelsen

ADOPTED INFRASTRUCTURE CHARGES NOTICE
Development Application - DA/4943 - 2 Ferrari Street, COOKTOWN 4895

Applicant:	Matthew Carey
Property Owner:	M. T. Carey C/- MD Land Surveys
Location:	2 Ferrari Street, COOKTOWN QLD 4895
Real Property Description:	Lot 3 on RP700324
Site Area:	1,5196 Hectares
Zone:	Rural Residential Zone
Proposed Use:	Reconfiguring one (1) Lot into four (4) Lots and Access Easement

CHARGES CALCULATION

Reconfiguration of a Lot

Reconfiguring A Lot				
Development Class	Charge	Unit of Measure	No. of Lots	Amount of Charge
Residential RAL (Res allocation)	\$2,100.00 (Water Supply)	Per Lot	4	\$8,400.00
Residential RAL (Res allocation)	\$2,100.00 (Sewerage)	Per Lot	N/A	N/A
Residential RAL (Res allocation)	\$2,520.00 (Transport)	Per Lot	4	\$10,080.00
Residential RAL (Res allocation)	\$840.00 (Public Parks & Community Land)	Per Lot	4	\$3,360.00
Residential RAL (Res allocation)	\$840.00 (Stormwater	Per Lot	4	\$3,360.00
Total Charge				\$25,200.00

CREDIT CALCULATION

Reconfiguration of a Lot

Reconfiguring A Lot				
Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL (Res allocation)	\$2,100.00 (Water Supply)	Per dwelling	1	\$2,100.00
Residential RAL (Res allocation)	\$2,100.00 (Sewerage)	Per dwelling	N/A	N/A
Residential RAL (Res allocation))	\$2,520.00 (Transport)	Per dwelling	1	\$2,520.00
Residential RAL (Res allocation)	\$840.00 (Public Parks & Community Land)	Per dwelling	1	\$840.00
Residential RAL (Res allocation)	\$840.00 (Stormwater)	Per dwelling	1	\$840.00
Total Charge				\$6,300.00

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$25,200.00	\$6,300.00	\$18,900.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made at the time of issuing the Certificate of Classification.

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning Environment, Lisa Miller on (07) 4082 0500.

Yours faithfully



Brian Joiner
Chief Executive Officer

Attachment 4 **Notice of Decision – Statement of Reasons (AD2025/0005862)**

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/4943
Applicant:	M. T. Carey c/- MD Land Surveys
Proposal:	Development Permit for Reconfiguring a Lot and Access Easement
Description of the Development:	Lot Reconfiguration (1 into 4) and Access Easement
Street Address:	2 Ferrari Street, Cooktown QLD 4895
Real Property Description:	Lot 3 on RP700324
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Residential Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for a Lot Reconfiguration (1 into 4) and Access Easement
Date of Decision:	3 October 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)	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a State-controlled Road (10.9.4.2.1.1); and Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a State-controlled Road intersection (10.9.4.2.3.1)
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 Residential Zone 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 development has demonstrated that the proposed lots 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 5 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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Current as at 18 July 2025

Authorised by the Parliamentary Counsel

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.

Note—

For limitations on appeal rights in relation to a development approval
for development requiring social impact assessment, see section 106ZJ.

(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*

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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.

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- (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

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- (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.