

## 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

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|---------------------------------|---|
| Application No:                 | DA/4925   |
| Applicant:                      | Trailfinders Pty Ltd c/- Gilvear Planning Pty Ltd   |
| Proposal:                       | Development Permit for a Material Change of Use   |
| Description of the Development: | Material Change of Use for a Food and Drink Outlet, Reconfiguring a Lot (Access Easement) and Operational Works |
| Street Address:                 | 31 Dabu Lane and 26 Norman Street, Ayton  |
| Real Property Description:      | Lot 26 on SR750 and Lot 1 on A3024  |
| Planning Scheme:                | Cook Shire Council Planning Scheme 2017 v2.0  |
| Land Zoning:                    | Industry Zone and Environmental Management and Conservation Zone  |
| Assessment Type:                | Impact Assessment   |

### DECISION DETAILS

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|-------------------|--|
| Type of Decision: | Approval with Conditions   |
| Type of Approval: | Development Permit for a Material Change of Use for a Food and Drink Outlet, Reconfiguring a Lot (Access Easement) and Operational Works |
| Date of Decision: | 28 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)  | The development did not require referral under Schedule 9 of the Planning Regulation 2017.  |
| <i>Planning Regulation 2017</i> (Schedule 10) | The development did not require referral under Schedule 10 of the Planning Regulation 2017.   |
| 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 <i>State Planning Policy</i> 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 the state interests are reflected in the Planning Scheme and no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP. |
| Temporary State Planning Policy               | There are no Temporary State Planning Policies.   |

### Local Categorising Instrument (Cook Shire Council Planning Scheme 2017):

- Environmental Management and Conservation Zone Code.
- Industry Zone Code.
- Biodiversity Overlay Code.
- Bushfire Hazard Overlay Code.
- Flood and Other Coastal Hazards Overlay Code.
- Landslide Hazard Overlay Code.
- Reconfiguring a Lot Code.
- Parking and Access Code.
- Works, Services, and Infrastructure Code.

### Local Categorising Instrument (Variation Approval)

Not Applicable

### Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

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**PUBLIC NOTIFICATION**

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A review of Council's records has determined 16 submissions were received.

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**REASONS FOR THE DECISION**

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The application is **approved** on the following grounds:

- a. An assessment was made against the applicable assessment benchmarks and the development demonstrated compliance with a majority of the prescribed matters. Where necessary, other relevant matters were considered to inform a recommendation.
- b. Development conditions have been imposed to:
  - i. limit any adverse impact on the locality or adjoining lots; and
  - ii. address the constraints of the site.

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**REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

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Not Applicable

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**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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The development application was subject to public notification from 30 July 2025 to 26 August 2025. The Notice of Compliance was submitted to Council 28 August 2025 advising that the public notification was carried out in accordance with the provisions of the Act.

Sixteen (16) properly made submissions were received during the Public Notification period.

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**OTHER MATTERS PRESCRIBED BY THE *PLANNING REGULATION 2017***

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Not Applicable

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**OTHER DETAILS**

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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.