

Our Ref: LM: Imc:DA/4926 AD2025/0006812

Your Ref: J001767

04 November 2025

Trailfinders Pty Ltd c/- Gilvear Planning Pty Ltd

PO Box 228

BABINDA QLD 4861

E-mail: kristy@gilvearplanning.com.au

Attention: Kristy Gilvear

Dear Ms Gilvear

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4926) 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 at Councils Ordinary Meeting on **28 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/4926

Approval Sought: Development Permit for a Material Change of Use

Description of the Development: Short-term Accommodation, Tourist Park and Operational Works

Category of Development: Assessable Development

Category of Assessment: Impact Assessment

Planning Scheme: Cook Shire Council Planning Scheme 2017 v2.0

Premises Details

Location - Street Address: 26 Norman Street, AYTON 4895

Location - Real Property Description: Lot 1 on A3024

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

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Plumbing and Drainage Work
2. Development Permit for Building Work

Properly Made Submissions

Properly made submissions were received from the following principal submitters:

| Submitter Name | Submitter Residential or Business Address | Submitter Electronic Address |
|--|--|--------------------------------------|
| Robyn Manns and John Duncan | 4 First Street Ayton QLD 4895 | wearybay@gmail.com |
| Johannes Anthonis | 40 Dowling Road, Bloomfield QLD 4895 | hannes.anthonis@gmail.com |
| David Kempton MP | | cook@parliament.qld.gov.au |
| James Coase | | jamescoase@hotmail.com |
| John and Debbie Corbett | 9 Weary Bay Road Bloomfield QLD 4895 | bloomfieldescape@bigpond.com |
| Robyn Guedes | 2529 Cape Tribulation Bloomfield Road Bloomfield Qld | robynjaime@yahoo.com.au |
| Ashley Holliday | | rasholly51@yahoo.com |
| Wujal Justice Group c/- Lucille Cassar | 120 Hartwig St Wujal Wujal | lucille.cassar@wujaljusticegroup.org |
| Andre Scarton | | andre.scarton@gmail.com |
| Barbara Dunn | 16 Second St Ayton. 4895 | barbengel26@gmail.com" |
| Colin Burns | Broadway Street Ayton QLD | |
| Katrina Hewitt and Craig Noble | 2869 Rossville Bloomfield Rd, Bloomfield QLD 4895 | khewitt240@gmail.com" |
| Dan Hall | 1 Hartwig Street, Wujal Wujal 4895 | buildingservices@wujal.qld.gov.au |

Referral Agencies

Not applicable - no part of the application required referral.

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 and 3**.

Currency Period for the Approval

This approval lapses if the first change of use does not happen within *six (6) 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 6 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

| | | |
|------|---------------------|--|
| enc: | Attachment 1 | Conditions Imposed by the Assessment Manager |
| | Attachment 2 | Approved Plans (D25/37509) |
| | Attachment 3 | Approved Documents and Reports (D25/37508) |
| | Attachment 4 | Infrastructure Charges Notice (D25/506) |
| | Attachment 5 | Notice of Decision – Statement of Reasons (AD2025/0006811) |
| | Attachment 6 | Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i>) |

Attachment 1 Conditions Imposed by the Assessment Manager

A. Assessment Manager (Council) Conditions

| No. | Condition | Timing |
|----------------|---|--------------|
| GENERAL | | |
| 1 | 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 | 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 |
| 3 | The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) 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 |
| 4 | Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards. | At all times |
| 5 | 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 |
| 6 | The use must not commence until the conditions of the approval have been complied with. | At all times |

| | | |
|---------------------------------------|--|--------------|
| APPROVED PLANS & DOCUMENTS | | |
| 7 | 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 |

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):

| Title | DWG / Ref. | Date | Prepared By |
|---|-------------------------|---------------|----------------------------------|
| Site Plan | A-O1 24063 Issue 4 | 21/05/2025 | BAU Design |
| Demolition Works | A-O2 24063 Issue 3 | 21/05/2025 | BAU Design |
| Floor Plans | A-O3 24063 Issue 3 | 21/05/2025 | BAU Design |
| Site Elevations | A-O4 24063 Issue 3 | 21/05/2025 | BAU Design |
| Site Elevations | A-O5 24063 Issue 3 | 21/05/2025 | BAU Design |
| Boat Ramp Access and Gates | J001767 | 09/09/2025 | Gilvear Planning |
| Ecological Assessment | Rev 2 | 04/06/2025 | 4 Elements |
| Protected Plant Survey and Impact Management Plan | Rev 2 | March 2025 | 4 Elements |
| Engineering Services Report | 022-2501-R-001 Rev B | 13/06/2025 | Neon Consulting |
| Proposed Hydraulic Services Infrastructure | 245650 | n.d. | Gilboy Hydraulic Solutions |
| Site Investigation and Classification | GT25-093-002R Rev 1 | June 2025 | ETS Geotechnical |

8.

At all times

LIMITATION OF USE

| | | |
|---|--|------------------------------------|
| 9 | Occupancy of the approved Tourist Park must not exceed a maximum of seventy-four (74) persons at any one time. | Prior to Commencement of Use |
|---|--|------------------------------------|

| OPERATIONAL PLAN | | |
|-------------------------|--|------------------------------|
| 10. | Provide an Operational Plan addressing all operational aspects of the Tourist Park, including security, site management, evacuation plan, emergency management and first aid, bushfire management, communications, waste management, safety guidelines and standards of behaviour. | Prior to Commencement of Use |
| 11 | Operational aspects of the approved use must be carried out generally in accordance with the Operational Plan. | At all times. |

| WATER SUPPLY AND SEWERAGE WORKS | | |
|--|---|------------------------------|
| 12 | An onsite water supply system must be provided for the proposed development in accordance with the recommendations of the Proposed Hydraulic Services Infrastructure Report (245650) prepared by Gilboy Hydraulic Solutions. | Prior to Commencement of Use |
| 13 | <p>An on-site wastewater system must be provided for the proposed development in accordance with the recommendations of the Proposed Hydraulic Services Infrastructure Report (245650) prepared by Gilboy Hydraulic Solutions.</p> <p>Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation and 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.</p> | Prior to Commencement of Use |

| ACCESS | | |
|---------------|---|---|
| 14 | <p>Prepare for lodgement with the Titles Office an easement in gross for a public right of way (Public Utility Easement) generally in the location shown on the Boat Ramp Access and Gates Plan (J001767), dated 09/09/2025, prepared by Gilvear Planning.</p> <p>A copy of the fully executed easement documentation must be submitted to Council for endorsement.</p> | Prior to Council approval of the Plan of Survey |
| 15 | The landowner must ensure that the area of land burdened by the Public Utility Easement remains accessible to the public and Council | At all times. |

| | | |
|----|--|------------------------------|
| | <p>at all times, including unobstructed vehicular access.</p> <p>The area must not be fenced, gated, built over or otherwise obstructed in a way that restricts or prevents access by the beneficiaries of the easement.</p> | |
| 16 | <p>Undertake the following works:</p> <ul style="list-style-type: none"> a. Upgrade First Street to a trafficable standard in accordance with the FNQROC Development Manual Standard Drawing S1110. Any alternative standard must be agreed in writing with Council's Director Infrastructure. <p>Note: <i>Prior to undertaking any physical works associated with this condition, the Applicant is encouraged to liaise with Council regarding planned works or a potential shared-cost arrangement. Any such arrangement would be formalised and managed under an Infrastructure Agreement.</i></p> <ul style="list-style-type: none"> b. Upgrade the crossover to Bloomfield Road to a commercial crossover standard in accordance with the FNQROC Development Manual Drawing S1015. <p>Note: <i>Infrastructure works required under this condition are considered to be non-trunk infrastructure for the purposes of section 145 of the Planning Act 2016.</i></p> | Prior to Commencement of Use |

| VEHICLE PARKING | | |
|-----------------|--|------------------------------|
| 17 | The amount of vehicle parking for the development must be a minimum of six (6) spaces located internal to the site as per the approved plans of development. | Prior to Commencement of Use |
| 18 | The car parking layout including parking bay dimensions, must comply with the requirements of the Australian Standard AS2890.1-2004 Parking Facilities – Off Street Car Parking. | Prior to Commencement of Use |

| FIRE MANAGEMENT | | |
|-----------------|---|---|
| 19 | <p>Provide a Site-Specific Bushfire Hazard Assessment in accordance with the methodology in the Queensland Fire and Emergency Services (QFES) Bushfire resilient communities document and Planning Scheme Policy – Bushfire.</p> <p>The requirements and recommendations of the Site-Specific</p> | Prior to Commencement of Works and as stated. |

Bushfire Hazard Assessment must be implemented prior to Commencement of Use.

VEGETATION

| | | |
|----|---|------------------------------|
| 20 | Vegetation clearing must be undertaken in accordance with the recommendations of the Ecological Assessment (Rev 2), dated 04/06/2025, prepared by 4 Elements. Existing vegetation on the subject land must be retained in all areas except those affected by the development footprint. | Prior to Commencement of Use |
| 21 | Undertake the recommendations of the Protected Plant Survey and Impact Management Plan (Rev 2), dated March 2025, prepared by 4 Elements. This includes establishing a tree protection zone (TPZ) around the host tree and ensuring clearing and footprints do not result in any direct loss of the Ant Plant population. | Prior to Commencement of Use |

FLOOR LEVELS

| | | |
|----|---|------------------------------|
| 22 | Construct habitable floor levels to a minimum of: a. 4m RL for the four accommodation units; and b. 5.3m RL for the managers/staff residence. | Prior to Commencement of Use |
|----|---|------------------------------|

LAWFUL POINT OF DISCHARGE

| | | |
|----|---|--------------|
| 23 | All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development. | At all times |
|----|---|--------------|

GEOTECHNICAL

| | | |
|----|---|-----------|
| 24 | Construction must be undertaken in accordance with the recommendations of the Site Investigation and Classification Report (GT25-093-002R Rev 1) dated June 2025, prepared by ETS Geotechnical. The works must be supervised by a Registered Professional Engineering Queensland (RPEQ) with all work detailed on a certificate of supervision and a copy of the supervision certificate | As stated |
|----|---|-----------|

provided to Council's Director Infrastructure upon completion.

SEDIMENT AND EROSION CONTROL

| | | |
|----|---|--------------|
| 25 | Soil and water management measures must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the <i>Environmental Protection Act 1994</i> , and the FNQROC Development Manual). | At all times |
|----|---|--------------|

CONSTRUCTION MANAGEMENT PLAN

| | | |
|----|---|------------------------------------|
| 26 | <p>A Construction Management Plan must be submitted to, and endorsed by, the Director Infrastructure prior to the issue of a Development Permit for Building Work. The Construction Management Plan must address all activities/operations associated with construction including, but not limited to:</p> <ul style="list-style-type: none"> a. Hours of construction; b. Construction access; c. Parking of vehicles (including construction site employees and delivery vehicles); d. Traffic management and control (including sequencing of the on-road works required to maintain two way traffic flow at all times). e. Identify the need for and timing on obtaining necessary permits required for proposed temporary road closures. f. Maintenance of safe pedestrian access across the site's frontage (including access by persons with a disability). g. Building and demolition waste storage and disposal. h. On-site dust and noise management, so as to not cause a nuisance to the amenity of the surrounding area; i. An erosion and sediment control plan. j. Tree protection management. k. Location and details of construction signage including any signage that is to be illuminated. <p>The endorsed Construction Management Plan must be complied with, and a copy kept on site, at all times during construction of the development.</p> | Prior to the Commencement of Works |
|----|---|------------------------------------|

| STOCKPILING AND TRANSPORTATION OF MATERIAL | | |
|---|--|--------------|
| | Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the Commencement of Works on the site. | |
| 27. | <p>Transportation of fill or spoil to and from the site must not occur:</p> <ul style="list-style-type: none"> a. Within peak traffic times (including school drop off and pick up times). b. Before 7:00am or after 6:00pm Monday to Friday. c. Before 7:00am or after 1:00pm Saturday. d. On Sunday or a Public Holiday. | At all times |

| STORAGE OF MACHINERY AND PLANT | | |
|---------------------------------------|--|--------------|
| 28 | The storage of any machinery, material or plant must not cause a nuisance to surrounding properties. | At all times |

| DAMAGE TO INFRASTRUCTURE | | |
|---------------------------------|--|--------------|
| 29 | In the event that any part of Council's existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to mobilisation of heavy earthmoving equipment and stripping/grubbing, the applicant/owner must notify the Cook Shire Council immediately of the affected infrastructure and have it repaired or replaced by Cook Shire Council, at the developer/builder/owner's cost, prior to the Commencement of Use. | At all times |

| ELECTRICITY AND TELECOMMUNICATIONS SUPPLY | | |
|--|--|------------------------------|
| 30 | The development must be connected to the reticulated electricity supply network in accordance with the relevant standards and requirements of the relevant service provider. | Prior to Commencement of Use |
| 31 | Telecommunications must be provided to the premises in accordance with the relevant standards and requirements of the relevant service provider. | Prior to Commencement of Use |

B. Assessment Manager (Council) Advice

1. 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.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. The applicant/owner must notify Council of their intention to commence the use compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
4. 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.
5. 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:

A. *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;

B. *Nature Conservation Act 1999 (Qld)*;

C. *Vegetation Management Act 1999 (Qld)*.

Clickable Link [Attachment 2](#) [Approved Plans \(D25/37509\)](#)

Clickable Link [Attachment 3](#) [Approved Documents and Reports \(D25/37508\)](#)

Attachment 4 **Infrastructure Charges Notice (D25/506)**

Our Ref: LMIL:Imc:DA/4926:D25/37506

04 November 2025

Trailfinders Pty Ltd c/- Gilvear Planning Pty Ltd
PO Box 228
BABINDA QLD 4861
E-mail: kristy@gilvearplanning.com.au

Attention: Kristy Gilvear

Dear Ms Gilvear

ADOPTED INFRASTRUCTURE CHARGES NOTICE

Development Application - DA/4926 - 26 Norman Street, Ayton 4895

Applicant: Trailfinders Pty Ltd c/- Gilvear Planning Pty Ltd
Property Owner: Trailfinders Pty Ltd
Location: 26 Norman Street, Ayton 4895
Real Property Description: Lot 1 on A3024
Site Area: 5,169m²
Zone: Environmental Management and Conservation Zone
Proposed Use: Material Change of Use for Short-term Accommodation and Tourist Park and Operational Works

CHARGES CALCULATION

Material Change of Use – Short-term Accommodation & Tourist Park

| Accommodation (short-term) | | | | |
|-----------------------------------|-------------------------|----------------------------------|---------------------|-------------------------|
| Development Class | Charge | Unit of Measure | No. of Units | Amount of Charge |
| Accommodation (Short-term) | \$750.00 (Water Supply) | Per suite (with 1 or 2 bedrooms) | 0 | \$0.00 |
| Accommodation (Short-term) | \$750.00 (Sewerage) | Per suite (with 1 or 2 bedrooms) | 0 | \$0.00 |
| Accommodation (Short-term) | \$900.00 (Transport) | Per suite (with 1 or 2 bedrooms) | 6 | \$5,400.00 |

| | | | | |
|----------------------------|--|----------------------------------|---|-------------------|
| Accommodation (Short-term) | \$300.00 (Public Parks & Community Land) | Per suite (with 1 or 2 bedrooms) | 6 | \$1,800.00 |
| Accommodation (Short-term) | \$300.00 (Stormwater) | Per suite (with 1 or 2 bedrooms) | 6 | \$1,800.00 |
| Total Charge | | | | \$9,000.00 |

(Note: Infrastructure Charge calculation based on Gross floor Area (GFA) of 435m² and total impervious area of 860m². Total GFA and Impervious areas are as defined in the approved plan of development. Impervious area is as defined in the *Cook Shire Council Charges Resolution No.2 2018*.

CREDIT CALCULATION

Residential RAL

| Development Class | Charge | Unit of Measure | No. of Units | Amount of Charge |
|---------------------|---|-----------------|--------------|-------------------|
| Vacant Land | \$2,100.00 (Water Supply) | Per Lot | 0 | \$0.00 |
| Vacant Land | \$2,100.00 (Sewerage) | Per Lot | 0 | \$0.00 |
| Vacant Land | \$2,520.00 (Transport) | Per Lot | 1 | \$2,520.00 |
| Vacant Land | \$840.00 (Public Parks & Community Land) | Per Lot | 1 | \$840.00 |
| Vacant Land | \$840.00 (Stormwater) | Per Lot | 1 | \$840.00 |
| Total Credit | | | | \$4,200.00 |

Net Adopted Infrastructure Charges Summary:

| Total Adopted Charge | Total Credit | Total Infrastructure Charge |
|----------------------|--------------|-----------------------------|
| \$9,000.00 | \$4,200.00 | \$4,800.00 |

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

Due Date for Payment:

Payment of the total infrastructure charge must be paid to Council prior to the commencement of Use.

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



Heather Kelly
Acting Chief Executive Officer

Attachment 5 **Notice of Decision – Statement of Reasons (AD2025/0006811)**

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/4926 |
| 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 Short-term Accommodation and Tourist Park and Operational Works |
| Street Address: | 26 Norman Street, Ayton QLD 4895 |
| Real Property Description: | Lot 1 on A3024 |
| Planning Scheme: | Cook Shire Council Planning Scheme 2017 v2.0 |
| Land Zoning: | Environmental Management and Conservation Zone |
| Assessment Type: | Impact Assessment |

DECISION DETAILS

| | |
|-------------------|---|
| Type of Decision: | Approval with Conditions |
| Type of Approval: | Development Permit for a Material Change of Use for Short-term Accommodation and Tourist Park 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 <i>Planning Regulation 2017</i> . |
| <i>Planning Regulation 2017</i> (Schedule 10) | The development did not require referral under Schedule 10 of the <i>Planning Regulation 2017</i> . |
| 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.
- Biodiversity Overlay Code.
- Bushfire Hazard Overlay Code.
- Flood and Other Coastal Hazards Overlay Code.
- Landslide Hazard Overlay 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

PUBLIC NOTIFICATION

A review of Council's records has determined 13 submissions were received.

REASONS FOR THE DECISION

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.

REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

Not Applicable

ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT

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

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 6 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

Page 274

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*

Current as at 18 July 2025

Page 275

Authorised by the Parliamentary Counsel

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.

Current as at 18 July 2025

Page 277

Authorised by the Parliamentary Counsel

Planning Act 2016
Chapter 6 Dispute resolution

[s 231]

- (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

Page 278

Current as at 18 July 2025

Authorised by the Parliamentary Counsel

- (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.