

Our Ref: LM: Imc:DA/4941 AD2025/0006859

Your Ref: M6-25

04 November 2025

R. De Silva
C-/ U&I Town Plan
35 Sutherland Street
MAREEBA QLD 4880

E-mail: Ramon.samanes@gmail.com

Attention: Ramon Samanes

Dear Mr Samanes

Decision Notice - Approval
Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4941) 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 A and are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

Application Details

Application Number: DA/4941

Approval Sought: Material Change of Use

Description of the Development: Multiple Dwelling (4 x 2 bedroom units)

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: 9 Adelaide Street, COOKTOWN 4895

Location - Real Property Description: Lot 16 on C17927

All or part of above land: All

Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment A.

Further Development Permits

Not Applicable.

Properly Made Submissions

There were no properly made submissions for this application.

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 C.

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 E 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 A | Conditions Imposed by the Assessment Manager |
| | Attachment B | Infrastructure Charges Notice (D25/37516) |
| | Attachment C | Approved Plans (D25/37062) |
| | Attachment D | Notice of Decision – Statement of Reasons (AD2025/0006858) |
| | Attachment E | Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i>) |

Attachment 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. | COMMENCEMENT OF USE The use must not commence until the conditions of the approval relevant to each stage have been complied with. | At all times |
| 3. | WORKS - DEVELOPER'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 |

| 7. | <p>INFRASTRUCTURE CONDITIONS</p> <p>All development conditions contained in this development approval about infrastructure under Chapter 4 of the <i>Planning Act 2016</i> (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.</p> | As stated | | | | | | | | | | | | | | | | | | | | |
|----------------------------|---|----------------------------------|----------------------|------|-------------|-----------|-------------|------------|----------------------|-------------------|-------------|------------|----------------------|------------|-------------|------------|----------------------|------------|-------------|------------|----------------------|--------------|
| APPROVED PLANS & DOCUMENTS | | | | | | | | | | | | | | | | | | | | | | |
| 8. | <p>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):</p> <table><tr><th>Title</th><th>Reference</th><th>Date</th><th>Prepared by</th></tr><tr><td>Site Plan</td><td>25066 SK-01</td><td>18/08/2025</td><td>EDR Building Designs</td></tr><tr><td>Site Set Out Plan</td><td>25066 SK-01</td><td>18/08/2025</td><td>EDR Building Designs</td></tr><tr><td>Floor Plan</td><td>25066 SK-01</td><td>18/08/2025</td><td>EDR Building Designs</td></tr><tr><td>Elevations</td><td>25066 SK-01</td><td>18/08/2025</td><td>EDR Building Designs</td></tr></table> | Title | Reference | Date | Prepared by | Site Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | Site Set Out Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | Floor Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | Elevations | 25066 SK-01 | 18/08/2025 | EDR Building Designs | At all times |
| Title | Reference | Date | Prepared by | | | | | | | | | | | | | | | | | | | |
| Site Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | | | | | | | | | | | | | | | | | | | |
| Site Set Out Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | | | | | | | | | | | | | | | | | | | |
| Floor Plan | 25066 SK-01 | 18/08/2025 | EDR Building Designs | | | | | | | | | | | | | | | | | | | |
| Elevations | 25066 SK-01 | 18/08/2025 | EDR Building Designs | | | | | | | | | | | | | | | | | | | |
| 9. | <p>CONDITIONS OF APPROVAL & APPROVED PLANS</p> <p>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.</p> | At all times | | | | | | | | | | | | | | | | | | | | |
| SERVICES | | | | | | | | | | | | | | | | | | | | | | |
| 10 | <p>ELECTRICITY SUPPLY</p> <p>The development must be connected to the reticulated electricity supply network in accordance with the standards and requirements of the relevant service provider. Internal reticulation between the dwelling units must be via underground distribution.</p> | Prior to the commencement of use | | | | | | | | | | | | | | | | | | | | |

| | | |
|----------------------------------|--|---|
| 11 | TELECOMMUNICATIONS Telecommunications must be provided to the premises to the standards and requirements of the relevant service provider. | Prior to the commencement of use |
| 12 | RETICULATED WATER SUPPLY The development must be connected to the reticulated water supply at full cost to the applicant. The developer will be responsible for sub metering. | Prior to the commencement of use |
| 13 | RETICULATED SEWERAGE SUPPLY The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing. | As stated |
| BUILDING SITING | | |
| 14 | All buildings or structures must be entirely located within the boundary of the respective allotment as nominated on the approved plans of development. | At all times |
| FENCING & LANDSCAPING | | |
| 15 | Fencing must be constructed in accordance with the approved Plans of Development and have a minimum height of 1.8m along the side and rear boundaries. Fencing along the street frontage and in all areas identified as Private Open Space must have a minimum height of 1.5m. | Prior to commencement of use and at all times |
| 16 | Landscaping must be provided and maintained in the landscaped areas in accordance with the approved plans of development. The landscaping must include a selection of species that enhance the visual amenity of the site. | Prior to commencement of use and at all time |
| ACCESS & PARKING | | |
| 17 | The access crossover and driveway as illustrated on the Approved Plan(s) must be constructed in accordance with FNQROC Development Manual Standard Drawings S1015 (Residential Standard) and S1110. An application for cross-over | Prior to commencement of use |

| | | |
|---|--|---|
| | <p>access for the driveway, must be submitted for approval by Council's Director Infrastructure before construction of the cross-over commences.</p> <p>Conduits for internal allotment services must be provided adjacent to the concrete driveway for the full length of the driveway, unless otherwise approved.</p> | |
| 18 | <p>The amount of car parking to be provided for the development, must be in accordance with the <i>Cook Shire Planning Scheme 2017</i>.</p> <p>The internal driveway and vehicular maneuvering areas must comply with the AS 2890.1:2004 Parking facilities – Off-street car parking.</p> <p>In addition, all internal driveway and vehicular maneuvering areas must be imperviously sealed and with drainage.</p> <p>Space must be provided on site for vehicles to turn around so that all vehicles can enter and exit in a forward direction.</p> | Prior to commencement of use and at all times |
| STORMWATER | | |
| 19 | <p>All stormwater from the subject site must be directed to a lawful point of discharge as such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.</p> | At all times |
| 20 | <p>Any site works must not adversely affect flooding or drainage characteristics of properties that are upstream, downstream, or adjacent to the development site. This is inclusive of any clearing activities, earthworks within the building envelopes and access driveways within the allotments created by this development.</p> | At all times |
| WASTE DISPOSAL & REFUSE BINS | | |
| 21 | <p>All bins and waste storage areas must be located on site, and not visible from the street or neighbouring properties. Refuse bins must not be stored on Adelaide Street for any period greater than twenty-four (24) hours around collection days.</p> | As stated |
| EROSION & SEDIMENT CONTROL | | |

| | | |
|------------------------|---|--|
| 22. | 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 |
| BUSHFIRE MANAGEMENT | | |
| 23 | The development must be maintained at all times to a standard so as not to create a fire hazard. | At all times |
| INFRASTRUCTURE CHARGES | | |
| 24 | Infrastructure Charges must be paid to Council at the time of issuing the Certificate of Classification of the building application as indicated on the Adopted Infrastructure Charges Notice (Attachment B) at the rate applicable at the time of payment. | At the time of issuing a Certificate of Classification |
| ENVIRONMENTAL | | |
| 25 | PEST MANAGEMENT No state declared or environmental pest, plants, and animals are to be introduced onto the property. | At all times |
| AMENITY | | |
| 26 | 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 | | |
| 27 | All relevant conditions of this development permit must be complied with prior to commencement of use. | Prior to commencement of use |

B. Assessment Manager (Council) Advice

1. The currency period for this Development Approval is six (6) years. Should the use of a 'Multiple Dwelling' not be established within this time the approval shall 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. Property Notation for Lot 16 on C17927 – All buildings or structures associated with the proposed development must be entirely located within the boundary of the respective allotment as nominated on the approved plans of development.
5. The applicant/owner must notify Council their intention to commence the use after acceptance of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of use. This will allow a check for compliance with conditions to be carried out by Council Officers.
6. 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 B Infrastructure Charges Notice (D25/37516)

Our Ref: LMIL:Imc:DA/4941:D25/37516

04 November 2025

R. De Silva
C-/ U&I Town Plan
35 Sutherland Street
MAREEBA QLD 4880

E-mail: Ramon.samanes@gmail.com

Attention: Ramon Samanes

Dear Mr Samanes

ADOPTED INFRASTRUCTURE CHARGES NOTICE
Development Application - DA/4941 - 9 Adelaide Street, Cooktown QLD

Applicant: R. De Silva c/-U&I Town Plan
Property Owner: Zest for Life Pty Ltd (as Tte)
Location: 9 Adelaide Street, Cooktown QLD 4895
Real Property Description: Lot 16 on C17927
Site Area: 1,012sqm
Zone: Low Density Residential Zone
Proposed Use: Multiple Dwelling (4 x 2 bedroom units)

CHARGES CALCULATION

Material Change of Use for Multiple Dwellings

| Development Class | Charge | Unit of Measure | No. of Units | Amount of Charge |
|---------------------------------------|--|-----------------|--------------|------------------|
| Residential (1 or 2 bedroom dwelling) | \$1,500.00 (Water Supply) | Per dwelling | 4 | \$6,000.00 |
| Residential (1 or 2 bedroom dwelling) | \$1,500.00 (Sewerage) | Per dwelling | 4 | \$6,000.00 |
| Residential (1 or 2 bedroom dwelling) | \$1,800.00 (Transport) | Per dwelling | 4 | \$7,200.00 |
| Residential (1 or 2 bedroom dwelling) | \$600.00 (Public Parks & Community Land) | Per dwelling | 4 | \$2,400.00 |
| Residential (1 or 2 bedroom dwelling) | \$600.00 (Stormwater) | Per dwelling | 4 | \$2,400.00 |
| Total Charge | | | | \$24,000.00 |

CREDIT CALCULATION

| Vacant Lot | | | | |
|-------------------|--|-----------------|--------------|------------------|
| Development Class | Charge | Unit of Measure | No. of Units | Amount of Charge |
| Vacant lot | \$2,100.00 (Water Supply) | Per Lot | 1 | \$2,100.00 |
| Vacant lot | \$2,100.00 (Sewerage) | Per Lot | 1 | \$2,100.00 |
| Vacant lot | \$2,520.00 (Transport) | Per Lot | 1 | \$2,520.00 |
| Vacant lot | \$840.00 (Public Parks & Community Land) | Per Lot | 1 | \$840.00 |
| Vacant lot | \$840.00 (Stormwater) | Per Lot | 1 | \$840.00 |
| Total Credit | | | | \$8,400.00 |

Net Adopted Infrastructure Charges Summary:

| Total Adopted Charge | Total Credit | Total Infrastructure Charge |
|----------------------|--------------|-----------------------------|
| \$24,000.00 | \$8,400.00 | \$15,600.00 |

(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.

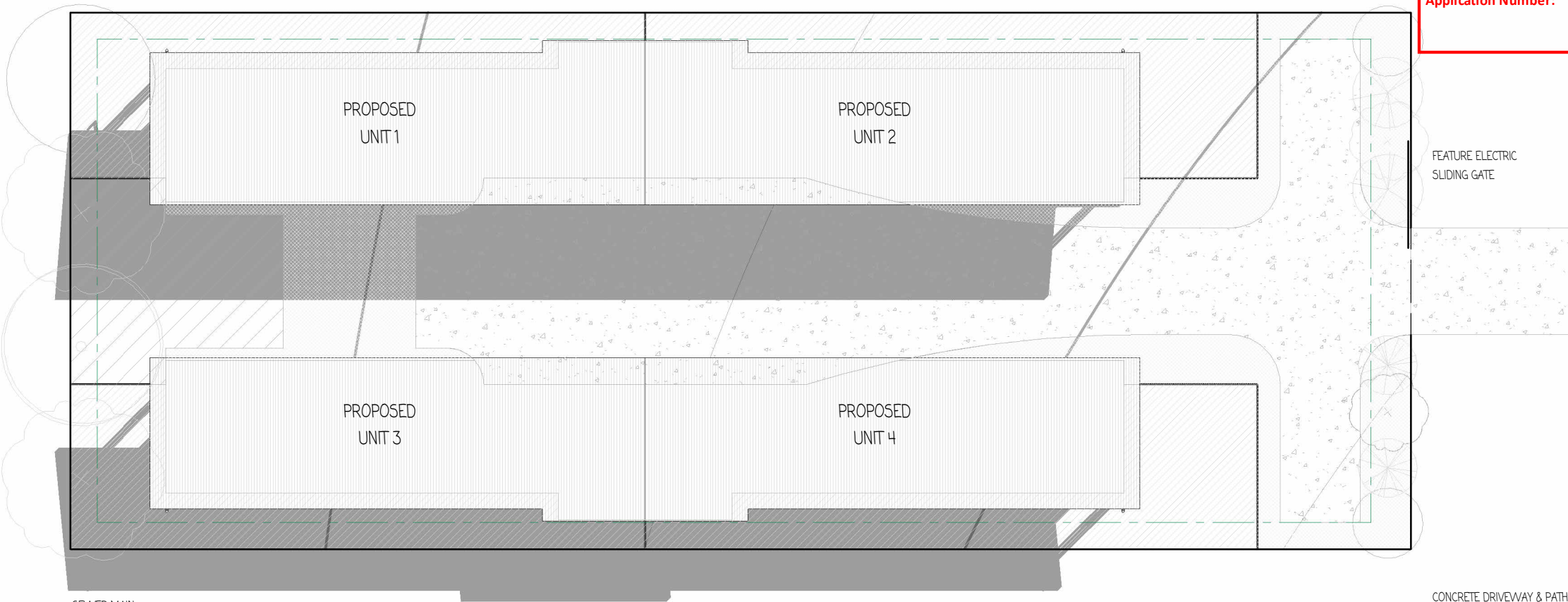
Yours faithfully,



Heather Kelly
Acting Chief Executive Officer

PLANNING INFORMATION

| | |
|-------------------------|----------|
| SITE AREA | 1011m2 |
| UNIT AREA (TOTAL) | 347m2 |
| PRIVATE OPEN SPACE AREA | 244m2 |
| LANDSCAPING AREA | 112m2 |
| DRIVEWAY AREA | 258m2 |
| COMMUNAL SPACE AREA | 50m2 |
| CAR PARKS REQ'D | 5 SPACES |
| CAR PARKS PROVIDED | 6 SPACES |



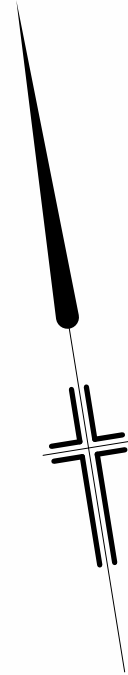
SEWER MAIN

- 90Ø UPVC STORMWATER LINES
WITH FALL TO KERB &
CHANNEL OR DRAINAGE EASEMENT
- INSTALL AG DRAIN AS
REQUIRED TO KEEP WATER
AWAY FROM SLAB & FOOTINGS
- CONNECT SERVICES TO
SEWER MAIN.

CONCRETE DRIVEWAY & PATH ARE
DIAGRAMMATIC ONLY. EXACT LAYOUT WILL
BE CONFIRMED ON SITE. DRIVEWAY TO BE IN
ACCORDANCE WITH AS2890, PARKING
FACILITIES, PART 1: OFF STREET CARPARKING

FEATURE ELECTRIC
SLIDING GATE

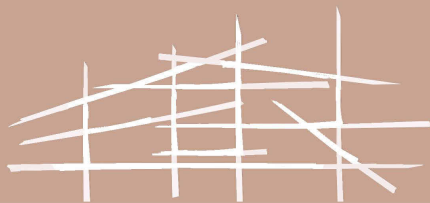
STREET



Site Plan

Proposed Units

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BUILDING DESIGNS. DO NOT SCALE FROM THE DRAWING.
THE CONTRACTOR & HIS/HER SUB-CONTRACTORS ARE TO
VERIFY DIMENSIONS ON SITE PRIOR TO SHOP
DRAWINGS OR COMMENCING MANUFACTURE THE
CONTRACTOR IS TO ANNOUNCE ANY DISCREPANCIES TO
THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING
PRIOR TO COMMENCING CONSTRUCTION.



Zest for Life
Pty Ltd

Lot 16 Adelaide St
Cooktown

25066
SK-01

COOK SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

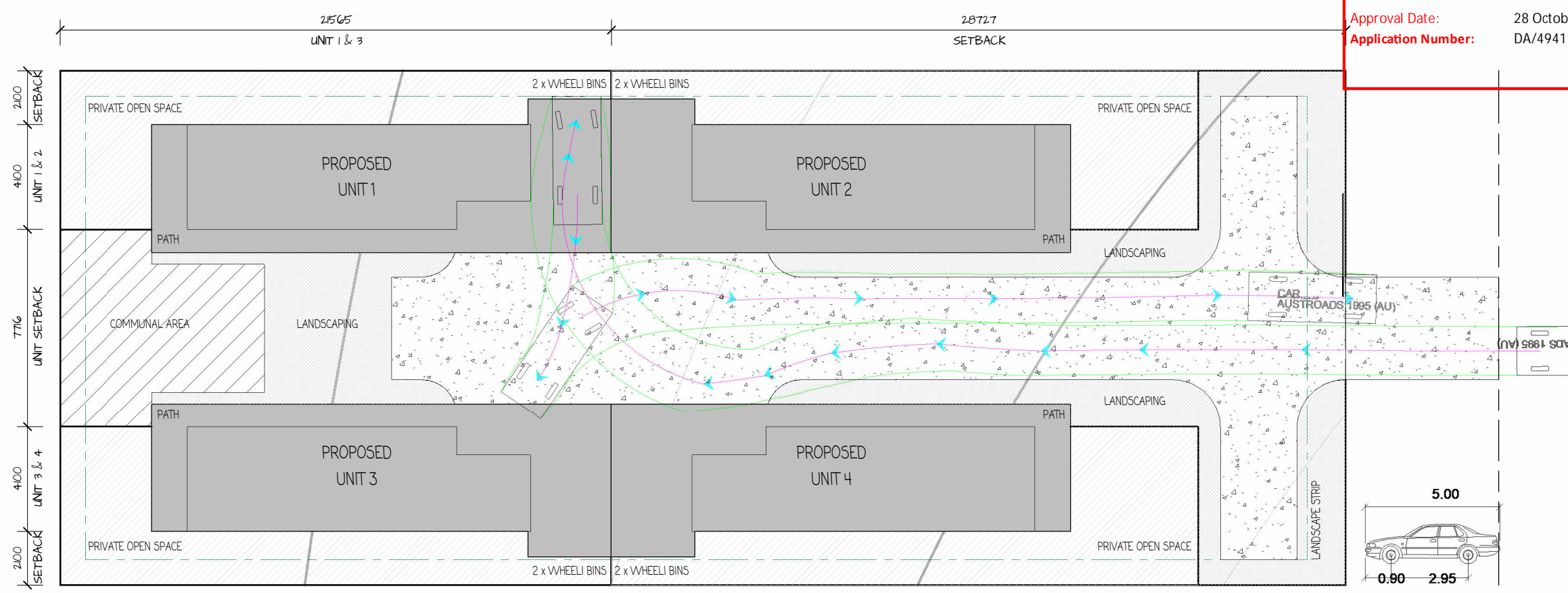
Development Application: Development Permit for a Material Change
of Use - Multiple Dwelling (4 Units)

Lot: 16 on C17927

Referred to in Cook Shire Council's Decision Notice (AD2025/0006859)

Approval Date: 28 October 2025

Application Number: DA/4941

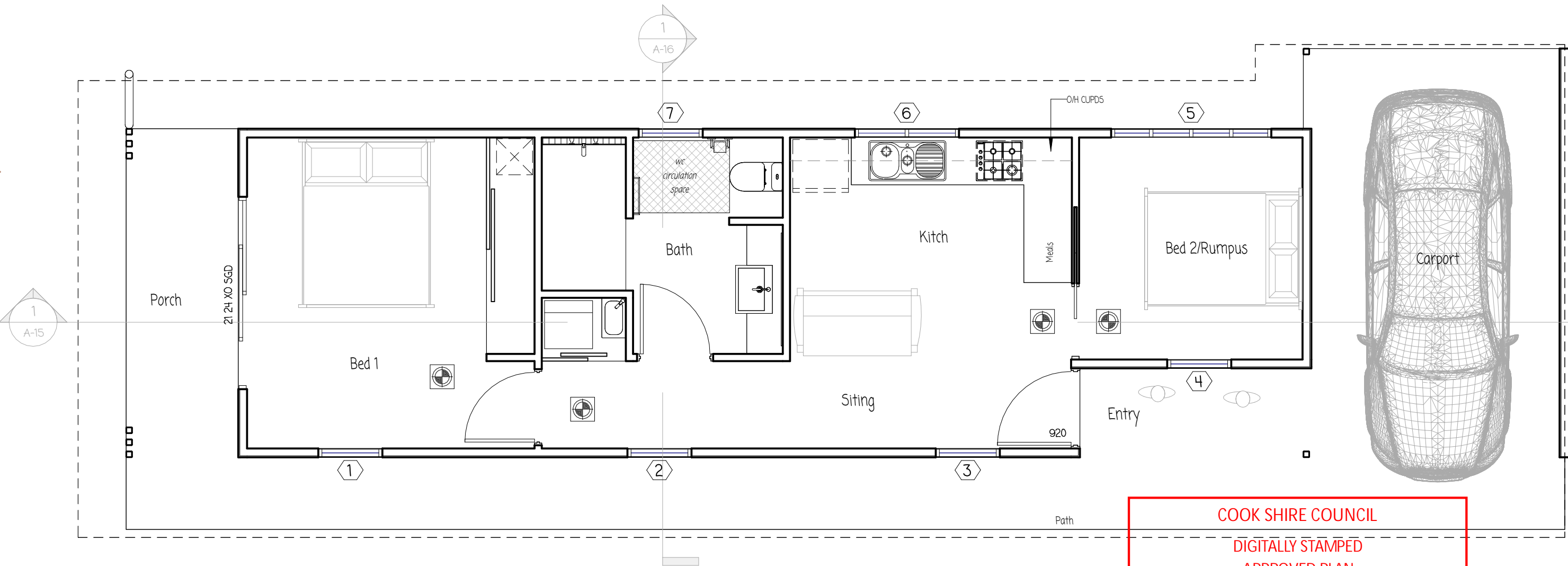


Site Setout Plan

Proposed Units

Floor Area

| | |
|---------------|---------|
| Living | 51.7 m² |
| Carport/Entry | 19.4 m² |
| Porch | 5.7 m² |
| | 76.9 m² |



COOK SHIRE COUNCIL

**DIGITALLY STAMPED
APPROVED PLAN**

Development Application: Development Permit for a Material Change of Use - Multiple Dwelling (4 Units)

Lot: 16 on C17927

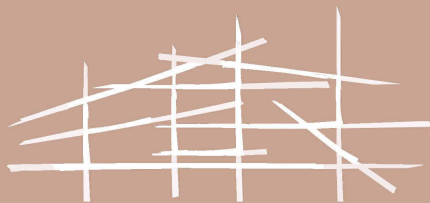
Referred to in Cook Shire Council's Decision Notice (AD2025/0006859)

Approval Date: 28 October 2025
Application Number: DA/4941

Floor Plan

Proposed Units

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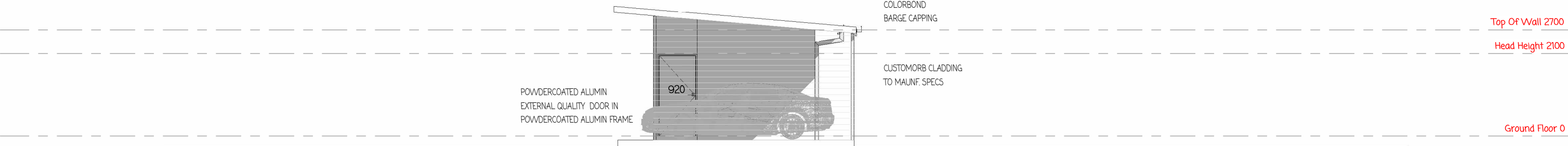
Zest for Life
Pty Ltd

Lot 16 Adelaide St
Cooktown

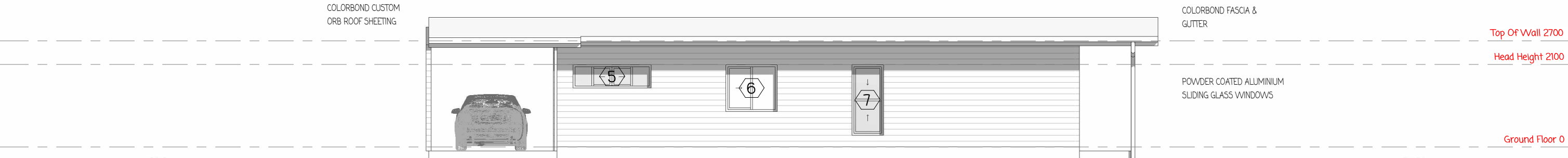
25066
SK-03



Elevation 1



Elevation 2



Elevation 3



Elevation 4

COOK SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application: Development Permit for a Material Change of Use - Multiple Dwelling (4 Units)

Lot: 16 on C17927

Referred to in Cook Shire Council's Decision Notice (AD2025/0006859)

Approval Date: 28 October 2025

Application Number: DA/4941

Elevations

Proposed Units

Attachment D Notice of Decision – Statement of Reasons (AD2025/0006858)

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/4941 |
| Applicant: | R. De Silva c/-U&I Town Plan |
| Proposal: | Development Permit for a Material Change of Use |
| Description of the Development: | Multiple Dwelling (4 x 2 bedroom units) |
| Street Address: | 9 Adelaide Street, Cooktown QLD 4895 |
| Real Property Description: | Lot 16 on C17927 |
| Planning Scheme: | Cook Shire Council Planning Scheme 2017 v2.0 |
| Land Zoning: | Low Density Residential Zone |
| Assessment Type: | Impact Assessment |

DECISION DETAILS

| | |
|-------------------|---|
| Type of Decision: | Approval with Conditions |
| Type of Approval: | Development Permit for a Material Change of Use - Multiple Dwelling (4 x 2 bedroom units) |
| 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) | Schedule 9 is not applicable as the application is not for building work under the Building Act. |
| <i>Planning Regulation 2017</i> (Schedule 10) | This application did not require Referral to the State Assessment Referral Agency (SARA). |
| 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 | <p>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 mapping has determined that the state interests are adequately 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.</p> <p>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.</p> |
| Temporary State Planning Policy | There are no Temporary State Planning Policies. |

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

- Low Density Residential Zone code
- Bushfire Hazard Overlay Code
- Residential Use 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 no 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 proposed development demonstrated compliance.
- b. The proposed development will have no adverse impact on the amenity of the locality or adjoining lots.

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 03 September 2025 to 24 September 2025. The Notice of Compliance with Public Notification was submitted to Council on 25 September 2025 advising that the public notification was carried out in accordance with the provisions of the Planning Act. No submissions were received during the Public Notification period

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.

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.