

Our Ref: LM: Imc:DA/4957 AD2025/0007142

Your Ref: 2111

3 December 2025

RJ Webber, BF Webber, DB Webber and RR Webber

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/4957) please find attached the relevant Decision Notice, which was approved by 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 **28 November 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/4957

Approval Sought: Development Permit

Description of the Development: Reconfiguration of a Lot (1 into 2 lots 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: 232 Shiptons Flat Road, Rossville 4895

Location - Real Property Description: Lot 2 on SP301676

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) Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214 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, Item 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 4 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 cairnssara@dsdilgp.qld.gov.au

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager
Attachment 1 (B) Conditions Imposed by a Concurrence Agency (D25/37527)
Attachment 2 Approved Plans (D25/40608)
Attachment 3 Notice of Decision – Statement of Reasons (AD2025/0007141)
Attachment 4 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.	APPROVED PLANS & DOCUMENTS 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 into 2 Lots), Easement A (Access) and Easement B (Electricity)	Job No:2105 Layout_01 Revision B	11/08/2025	MD Land Surveys	
	SARA Referral agency response	2503-45403SRA	16/10/2025	Queensland Government – Department of State Development, Infrastructure & Planning	
	Decision Notice – Permitted Road Access Location	TMR25-047593	03/10/2025	Queensland Government – Department of Transport & Main Roads	
	Plans & documents referred to in the Referral Agency Response	2503-45403SRA	16/10/2025	Queensland Government – Department of State Development, Infrastructure & Planning	
8.	CONDITIONS OF APPROVAL & APPROVED PLANS 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

EASEMENTS		
9.	Provide an access easement on the title of proposed Lot 22 for the shared access to proposed Lot 21 generally in accordance with the approved plan of development.	Prior to Council endorsement of the Plan of Survey
10.	The applicant must establish, register, and maintain an electrical services easement over Proposed Lot 22 in favour of Proposed Lot 21, in accordance with the approved plan of reconfiguration.	Prior to Council endorsement of the Plan of Survey
11.	All easement must be provided at no cost to Council and must not be surrendered, extinguished, altered, or relocated without prior written approval from the Assessment Manager.	As stated

ON-SITE WATER SUPPLY		
12.	A separate source of water supply must be provided for proposed Lot 21 at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity of 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.	As stated

ON-SITE SEWERAGE SUPPLY		
13.	An on-site wastewater system must be provided for proposed Lot 21 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.	At the time of construction of a dwelling house

ELECTRICITY SUPPLY		
14.	Proposed Lot 21 must be connected to the reticulated electricity supply at the time of application for a development permit to carry out building works. If the development is proposed to be connected to another means of electricity supply, details of this supply must be provided for Council approval at the time of Building Application.	As stated
15.	All electrical infrastructure serving proposed Lot 21 and Lot 22 and must be contained entirely within the respective lot with the exception of the existing electrical easement over proposed Lot 21 in service of proposed Lot 22.	At all times

TELECOMMUNICATIONS		
16.	Proposed Lot 22 must be connected to the telecommunication network supply at the time of application for a development permit to carry out building works. 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.	As stated
BUSHFIRE MANAGEMENT		
17.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times
18.	Any new building (other than a Class 10a) erected on proposed Lot 21 and Lot 22 must: (i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater; (ii) Be provided with a source of water for fire-fighting purposes of not less than 10,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings.	At the time of construction of a dwelling house
VEGETATION CLEARING		
19.	Vegetation clearing must be limited to that required for firebreaks, dwelling houses, and associated infrastructure. Any regulated vegetation not required for building works or bushfire management purposes must be retained as per approved plans.	At all times
EXTERNAL WORKS - ACCESS		
20.	Road access is located generally in accordance with Proposed Reconfiguration of a Lot prepared drawing by MD Land Surveys, dated 11th August 2025, Plan No. ROL Layout 01_Rev B.	At all times.
21.	Road access works, to be in accordance with SARA referral agency response dated 16 October 2025, reference 2503-4503 SRA.	At all times.

INTERNAL ACCESS		
22.	Internal access to Lot 21 must be obtained through Easement A as shown on the approved plans.	At all times.
23.	<p>Access to Proposed Lot 22 must be obtained through Easement A, following the access handle along the southern boundary as shown on the approved plans.</p> <p>Advice note: <i>The internal access handle to Proposed Lot 22 must be maintained in accordance with the FNQROC Design Manual standards at all times.</i></p>	At all times.

STORMWATER		
24.	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.	At all times
25.	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
26.	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		
27.	<p>PEST MANAGEMENT</p> <p>No State declared or environmental pest, plants, and animals are to be introduced onto the property.</p>	At all times

AMENITY		
28.	<p>EXTERNAL IMPACTS</p> <p>The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.</p>	At all times

COMPLIANCE		
29.	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 (boundary realignment) approval DA/4957 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 in accordance with *Section 85 of the Planning Act 2016*.
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 must notify Council their intention to commence the use after acceptable of and 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. Property Notation to be placed on Council's Register for Lot 21 and Lot 22:
 - (i) All buildings, structures and onsite effluent disposal areas must be located entirely within each allotment (Council Reference: DA/4957).
 - (ii) All future development within Lot 21 and Lot 22 must be designed and carried out in a manner that avoids adverse impacts on groundwater reserves (sub-artesian aquifers), surface water quality, and the Annan River catchment.
5. 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.
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 1 (B) Conditions Imposed by a Concurrence Agency (D25/37527)

SARA reference: 2503-45403 SRA
Council reference: DA/4957
Applicant reference: 2111

16 October 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—232 Shiptons Flat Road, Rossville

(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 12 September 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	16 October 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 into 2 lots and Access Easement)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 (Planning Regulation 2017) – Reconfiguring a lot near a state	

transport corridor

SARA reference: 2503-45403 SRA

Assessment manager: Cook Shire Council

Street address: 232 Shiptons Flat Road, Rossville

Real property description: Lot 2 on SP301676

Applicant name: RJ Webber, BF Webber, DB Webber and RR Webber
C/- MD Land Surveys

Applicant contact details: 228 Draper Street
Parramatta Park QLD 4870
erin@mdlandsurveys.com.au

State-controlled road access permit: This referral included an application for a road access location, under section 62A(2) of *Transport Infrastructure Act 1994*. Below are the details of the decision:

- Approved
- Reference: TMR25-047592
- Date: 3 October 2025

If you are seeking further information on the road access permit, please contact the Department of Transport and Main Roads at Far.North.Queensland.IDAS@tmr.qld.gov.au

Human Rights Act 2019 considerations: A consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

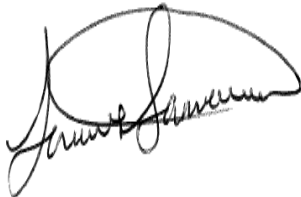
Representations

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, Senior Planning Officer, on (07) 4037 3200 or via email CairnsSARA@dsdilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
A/ Manager (Planning)

cc RJ Webber, BF Webber, DB Webber and RR Webber, 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) (Copies of the documents referenced below are found at Attachment 5)

No.	Conditions	Condition timing
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor—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 condition(s):		
1.	<p>(a) Provide an access easement on the title of proposed Lot 22 for the shared access to proposed Lot 21 generally in accordance with Proposed Reconfiguration of a Lot prepared by MD Land Surveys, dated 11th August 2025, Plan No. ROL Layout 01_Rev B as amended in red by SARA.</p> <p>(b) Provide evidence that part (a) of this condition has been complied with to the Department of Transport and Main Roads via Far.North.Queensland.IDAS@tmr.qld.gov.au.</p>	<p>(a) At the time of Plan of Survey registration.</p> <p>(b) Within 20 business days of registration of the easements.</p>
2.	<p>(a) Road access is located generally in accordance with Proposed Reconfiguration of a Lot prepared by MD Land Surveys, dated 11th August 2025, Plan No. ROL Layout 01_Rev B as amended in red by SARA.</p> <p>(b) Provide road access works comprising of a sealed Type B – Rural Property Access at the road access location, referred to in part (a) of this condition.</p> <p>(c) Design and construct the road access works, referred to in part (b) of this condition, in accordance with Department of Transport and Main Roads Rural Property Access, Sheets 1 & 2, Standard Drawing No. 1807, dated 3/2024, Revision C.</p>	<p>(a) At all times.</p> <p>(b) and (c) Prior to submitting the Plan of Survey to the local government for approval and to be maintained at all times.</p>

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.
Further development permits required – Road works approval	
2.	<p>Under section 33 of the <i>Transport Infrastructure Act 1994</i>, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Cairns district office of the Department of Transport and Main Roads on 4045 7144 or by email at Far.North.Queensland.IDAS@tmr.qld.gov.au to make an application for road works approval.</p> <p>This approval must be obtained prior to commencing any works on the state-controlled road reserve. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ).</p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

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 can be conditioned to comply with *State code 1: Development in a state-controlled road environment* of the SDAP. Specifically, the development, with conditions:

- does not adversely impact on the safety of users of the state-controlled road
- does not adversely impact the structural integrity or physical condition of the state-controlled road
- does not adversely impact the function and efficiency of the state-controlled road
- does not adversely impact the state's ability to plan, construct, maintain, upgrade or operate 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
- *Human Rights Act 2019*



Attachment 4—Representations about a referral agency response provisions

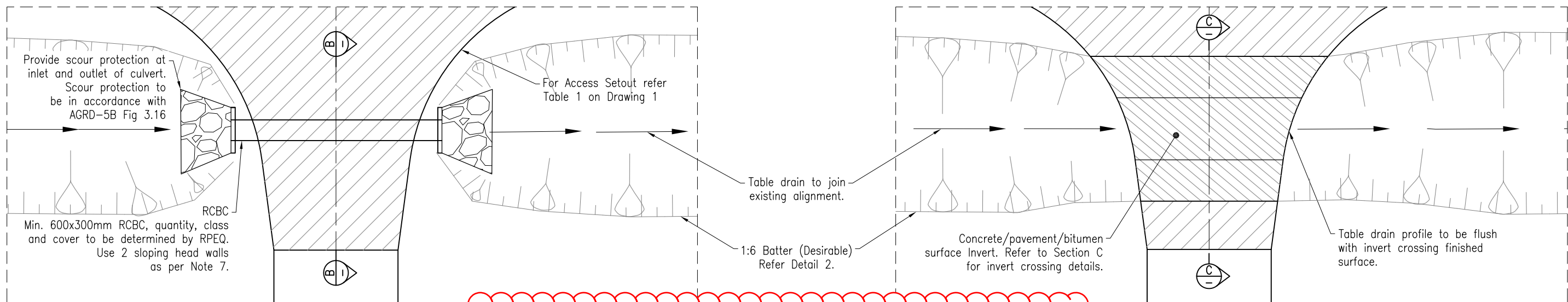
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Attachment 5—Documents referenced in conditions

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Department of Transport and Main Roads	  <p>© The State of Queensland (Department of Transport and Main Roads) 2024 http://creativecommons.org/licenses/by/4.0/</p>	
PROPERTY ACCESS		
RURAL PROPERTY ACCESS DRAWING 1 OF 2	A3	Standard Drawing No
	Not to Scale	1807
		Date 3/2024



RC BOX CULVERT PLAN VIEW

INVERT CROSSING PLAN VIEW

ADDITIONAL NOTES:
a) In all cases, bitumen seal to extend a minimum of 10m from road edge.
b) Annexure to construction drawings is to be read in conjunction with standard drawing 1807.

LEGEND

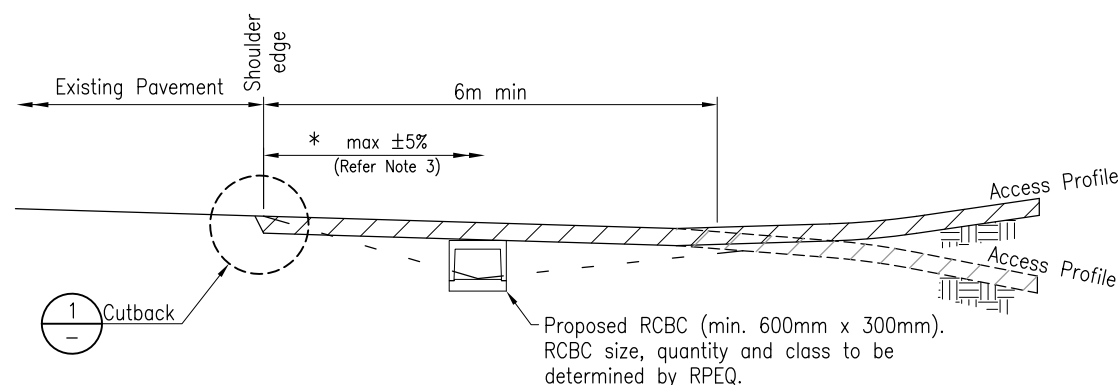
Pavement Type 2 – Gravel, unbound pavement. Refer to Table 2 of Drawing 1 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimize gravel on through road) to be determined by the RPEQ.

Invert crossing surface

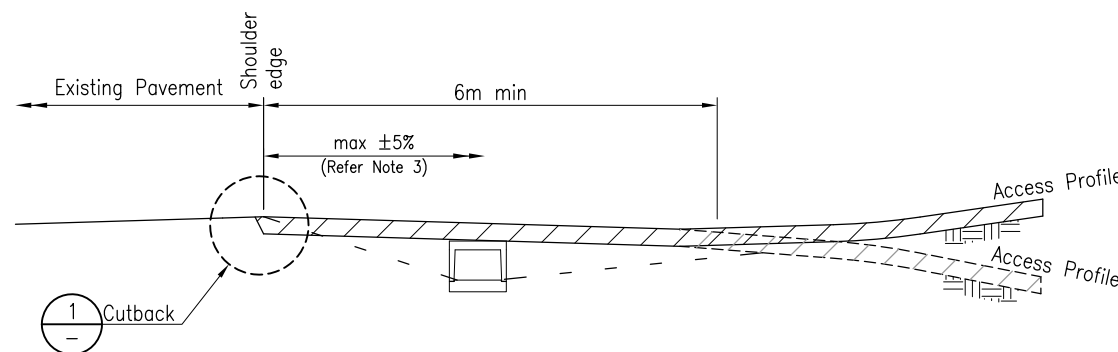
* Maintain existing shoulder crossfall and superelevation.

NOTES:

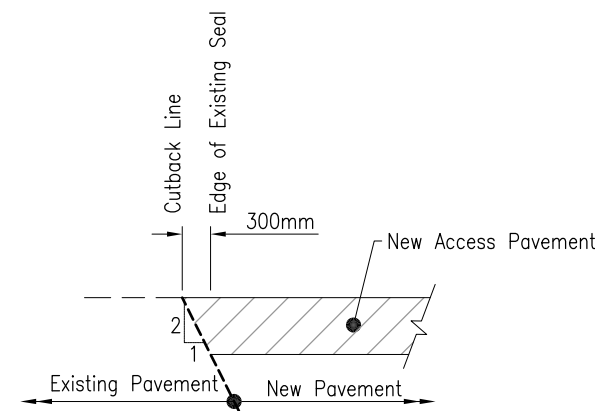
1. This drawing is to be read in conjunction with Drawing 1 of 2.
2. Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
3. 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow rate for appropriate design ARI event to ensure invert crossing can meet required capacity. Type 22 and Type 28 inverts can be used if drainage design criteria is met.
4. Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
5. For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
6. Concrete access to have minimum N32 concrete, 100mm thick on 100mm thick sub-base gravel. Concrete access to be reinforced with SL72 mesh with minimum 40mm top cover.
7. Refer to RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 5B and Part 6 for application of sloping headwalls.



ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURVES



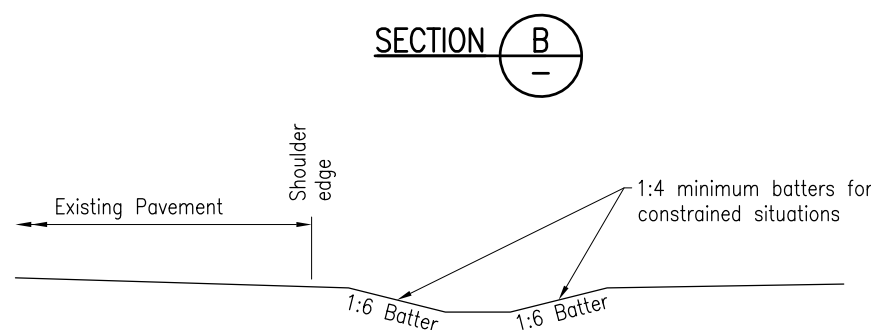
CUTBACK DETAIL

DETAIL 1

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2503-45403 SRA

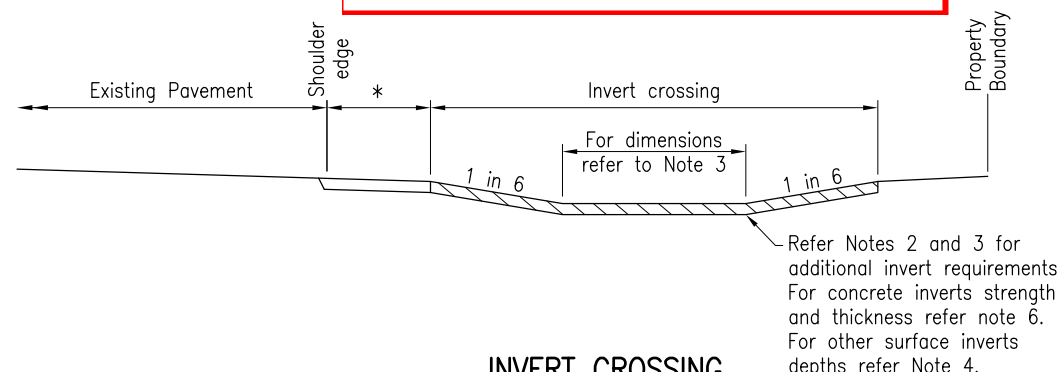
Date: 16 October 2025



BATTER DETAIL

DETAIL 2

Department of Transport and Main Roads note:
Site specific requirements may not reflect this example in its entirety. Drawing details must reflect site specific conditions for Road Works / Road Access Works.



INVERT CROSSING

SECTION C

REFERENCED DOCUMENTS:

Departmental Standard Drawings:

1260 R C Box Culverts and Slab Link Box Culverts – Culverts Height = 375 To 600

1033 Kerb and Channel – Profiles

Australian Standards Documents:

AS2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities

Department of Transport and Main Roads					
PROPERTY ACCESS		Standard Drawing No		1807	
RURAL PROPERTY ACCESS		A3		Date 3/2024	
DRAWING 2 OF 2		Not to Scale			
		A		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.

Our ref TMR25-047592
Your ref
Enquiries Ronald Kaden



3 October 2025

Department of
Transport and Main Roads

Decision Notice – Permitted Road Access Location (s62(1) *Transport Infrastructure Act 1994*)

This is not an authorisation to commence work on a state-controlled road¹

Development application reference number DA/4957:AD2025/0005473, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 2SP301676, [the land the subject of the application, and Shiptions Flat Road (a state-controlled road)].

In accordance with section 62A(2) of the *Transport Infrastructure Act 1994* (TIA), this development application is also taken to be an application for a decision under section 62(1) of TIA.

Applicant Details

Name and address RJ Webber, BF Webber, DB Webber & RR Webber
C/- MD Land Surveys
228 Draper Street
Parramatta Park QLD 4870

Application Details

Address of Property Shiptions Flat Road, Rossville QLD 4895
Real Property Description 2SP301676
Aspect/s of Development Development Permit for Reconfiguration of a Lot (1 into 2 lots and Access Easement)

Decision (given under section 67 of TIA)

It has been decided to approve the application, subject to the following conditions:

No.	Conditions of Approval	Condition Timing
1.	Proposed Lot 21 & Proposed Lot 22 The permitted road access location is approximately 15m from the southern boundary of Lot 2SP301676, and approximately 190m south of Mungumby Road, in accordance with: 1) TMR Layout Plan (6507 - 2.32km) Issue C 29/09/2025; and 2) Proposed Reconfiguration of a Lot - 1 Lot into 2 Lots, Easement A (Access) & Easement B (Electricity), Cancelling Lot 2 on SP301676 prepared by MD Surveys, dated 11 August 2025, Reference ROL_Layout 01_Rev B.	At all times.

¹ Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
2.	Direct access is prohibited between Shiptons Flat Road and Lot 2SP301676 at any other location other than the Permitted Road Access Location described in Condition 1.	At all times.
3.	Road Access Works comprising of a 'Type B' property access must be provided at the permitted access location, generally in accordance with: a) 'Type B' Property Access Drawing prepared by Queensland Government dated 3/2024, Reference 1807 Issue C (with additional notes).	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.
4.	The use of the permitted road access location is restricted to design vehicles up to a maximum size four axle truck - Class 5 heavy vehicle** for rural allotment. Note: **as described in Austroads Vehicle Classification System	At all times.
5.	(a) The applicant must register an access easement on the title of proposed Lot 22 for the shared access to proposed Lot 21. (b) The applicant must provide to Cairns Corridor Management Unit (Far North District) via far.north.queensland.idas@tmr.qld.gov.au of the Department of Transport and Main Roads a copy of Registration Confirmation Statement/s and easement registration dealing number/s as evidence of the registration of the easement/s referred to in part (a) of this condition.	(a) At the time of survey plan registration. (b) Within 20 business days of registration of the easements.

Reasons for the decision

The reasons for this decision are as follows:

- The proposed development is requesting a new property access via Shiptons Flat Road, a state-controlled road.
- The number of property access locations via the state-controlled road is increasing via a shared access junction location via Shiptons Flat Road.
- Vehicular access to proposed Lot 21 and proposed Lot 22 will be via an 'access easement'.
- A new 's62 approval' is required from the department is required to formalise the new road access and access easement.
- Previous access sealing works on or about 12/02/2018 are in disrepair and new sealing access works are required.
- The sealing works for the new road access will be required to comply with TMR access standards, particularly 'Type B' Property Access drawing prepared by Queensland Government dated 3/2024 reference 1807 Issue C (with additional notes).

Please refer to **Attachment A** for the findings on material questions of fact and the evidence or other material on which those findings were based.

Information about the Decision required to be given under section 67(2) of TIA

1. There is no guarantee of the continuation of road access arrangements, as this depends on future traffic safety and efficiency circumstances.
2. In accordance with section 70 of the TIA, the applicant for the planning application is bound by this decision. A copy of section 70 is attached as **Attachment B**, as required, for information.

Further information about the decision

1. In accordance with section 67(7) of TIA, this decision notice:
 - a) starts to have effect when the development approval has effect; and
 - b) stops having effect if the development approval lapses or is cancelled; and
 - c) replaces any earlier decision made under section 62(1) in relation to the land.
2. In accordance with section 485 of the TIA and section 31 of the *Transport Planning and Coordination Act 1994* (TPCA), a person whose interests are affected by this decision may apply for a review of this decision only within 28 days after notice of the decision was given under the TIA. A copy of the review provisions under TIA and TPCA are attached in **Attachment C** for information.
3. In accordance with section 485B of the TIA and section 35 of TPCA a person may appeal against a reviewed decision. The person must have applied to have the decision reviewed before an appeal about the decision can be lodged in the Planning and Environment Court. A copy of the Appeal Provisions under TIA and TPCA is attached in **Attachment C** for information.

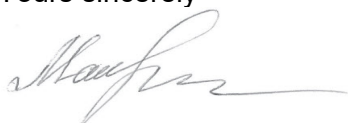
Further approvals

The Department of Transport and Main Roads also provides the following information in relation to this approval:

1. Road Access Works Approval Required – Written approval is required from the department to carry out road works that are road access works (including driveways) on a state-controlled road in accordance with section 33 of the TIA. This approval must be obtained prior to commencing any works on the state-controlled road. The approval process may require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ). Please contact the department to make an application.

If you require further information about this approval or any other related query, I encourage you to contact Ronald Kaden, Development Control Officer, Corridor Management by email at ron.p.kaden@tmr.qld.gov.au or on (07) 4045 7151.

Yours sincerely



Liliya Yates
Principal Engineer (Civil)

Attachments: Attachment A – Decision evidence and findings
Attachment B - Section 70 of TIA

Attachment C - Appeal Provisions

Attachment D - Permitted Road Access Location Plan

Attachment A

Decision Evidence and Findings

Evidence or other material on which findings were based:

Title of Evidence / Material	Prepared by	Date	Reference no.	Version/Issue
TMR Layout Plan (6507 - 2.32km)	Queensland Transport and Main Roads	29/09/2025	TMR25-047592	C
Proposed Reconfiguration of a Lot - 1 Lot into 2 Lots, Easement A (Access) & Easement B (Electricity), Cancelling Lot 2 on SP301676	MD Surveys	11 August 2025	ROL_Layout 01	B
Google Road Imagery	-	September 2024	-	-
Digital Video Road (DVR)	TMR	11/09/2024	-	-

Attachment B

Section 70 of TIA

Transport Infrastructure Act 1994

Chapter 6 Road transport infrastructure

Part 5 Management of State-controlled roads

70 Offences about road access locations and road access works, relating to decisions under s 62(1)

- (1) This section applies to a person who has been given notice under section 67 or 68 of a decision under section 62(1) about access between a State-controlled road and adjacent land.
- (2) A person to whom this section applies must not—
 - (a) obtain access between the land and the State-controlled road other than at a location at which access is permitted under the decision; or
 - (b) obtain access using road access works to which the decision applies, if the works do not comply with the decision and the noncompliance was within the person's control; or
 - (c) obtain any other access between the land and the road contrary to the decision; or
 - (d) use a road access location or road access works contrary to the decision; or
 - (e) contravene a condition stated in the decision; or
 - (f) permit another person to do a thing mentioned in paragraphs (a) to (e); or
 - (g) fail to remove road access works in accordance with the decision.

Maximum penalty—200 penalty units.

- (3) However, subsection (2)(g) does not apply to a person who is bound by the decision because of section 68.

Attachment C
Appeal Provisions

Transport Infrastructure Act 1994
Chapter 16 General provisions

485 Internal review of decisions

- (1) A person whose interests are affected by a decision described in schedule 3 (the **original decision**) may ask the chief executive to review the decision.
- (2) The person is entitled to receive a statement of reasons for the original decision whether or not the provision under which the decision is made requires that the person be given a statement of reasons for the decision.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 2—
 - (a) applies to the review; and
 - (b) provides—
 - (i) for the procedure for applying for the review and the way it is to be carried out; and
 - (ii) that the person may apply to QCAT to have the original decision stayed.

485B Appeals against decisions

- (1) This section applies in relation to an original decision if a court (the appeal court) is stated in schedule 3 for the decision.
- (2) If the reviewed decision is not the decision sought by the applicant for the review, the applicant may appeal against the reviewed decision to the appeal court.
- (3) The *Transport Planning and Coordination Act 1994*, part 5, division 3—
 - (a) applies to the appeal; and
 - (b) provides—
 - (i) for the procedure for the appeal and the way it is to be disposed of; and
 - (ii) that the person may apply to the appeal court to have the original decision stayed.
- (4) Subsection (5) applies if—
 - (a) a person appeals to the Planning and Environment Court against a decision under section 62(1) on a planning application that is taken, under section 62A(2), to also be an application for a decision under section 62(1); and
 - (b) a person appeals to the Planning and Environment Court against a decision under the Planning Act on the planning application.
- (5) The court may order—
 - (a) the appeals to be heard together or 1 immediately after the other; or

(b) 1 appeal to be stayed until the other is decided.

(6) Subsection (5) applies even if all or any of the parties to the appeals are not the same.

(7) In this section—

original decision means a decision described in schedule 3.

reviewed decision means the chief executive's decision on a review under section 485.

31 Applying for review

- (1) A person may apply for a review of an original decision only within 28 days after notice of the original decision was given to the person under the transport Act.
- (2) However, if—
 - (a) the notice did not state the reasons for the original decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)the person may apply within 28 days after the person is given the statement of the reasons.
- (3) In addition, the chief executive may extend the period for applying.
- (4) An application must be written and state in detail the grounds on which the person wants the original decision to be reviewed.

32 Stay of operation of original decision

- (1) If a person applies for review of an original decision, the person may immediately apply for a stay of the decision to the relevant entity.
- (2) The relevant entity may stay the original decision to secure the effectiveness of the review and any later appeal to or review by the relevant entity.
- (3) In setting the time for hearing the application, the relevant entity must allow at least 3 business days between the day the application is filed with it and the hearing day.
- (4) The chief executive is a party to the application.
- (5) The person must serve a copy of the application showing the time and place of the hearing and any document filed in the relevant entity with it on the chief executive at least 2 business days before the hearing.
- (6) The stay—
 - (a) may be given on conditions the relevant entity considers appropriate; and
 - (b) operates for the period specified by the relevant entity; and
 - (c) may be revoked or amended by the relevant entity.
- (7) The period of a stay under this section must not extend past the time when the chief executive reviews the original decision and any later period the relevant entity allows the applicant to enable the applicant to appeal against the decision or apply for a review of the decision as provided under the QCAT Act.
- (8) The making of an application does not affect the original decision, or the carrying out of the original decision, unless it is stayed.
- (9) In this section—

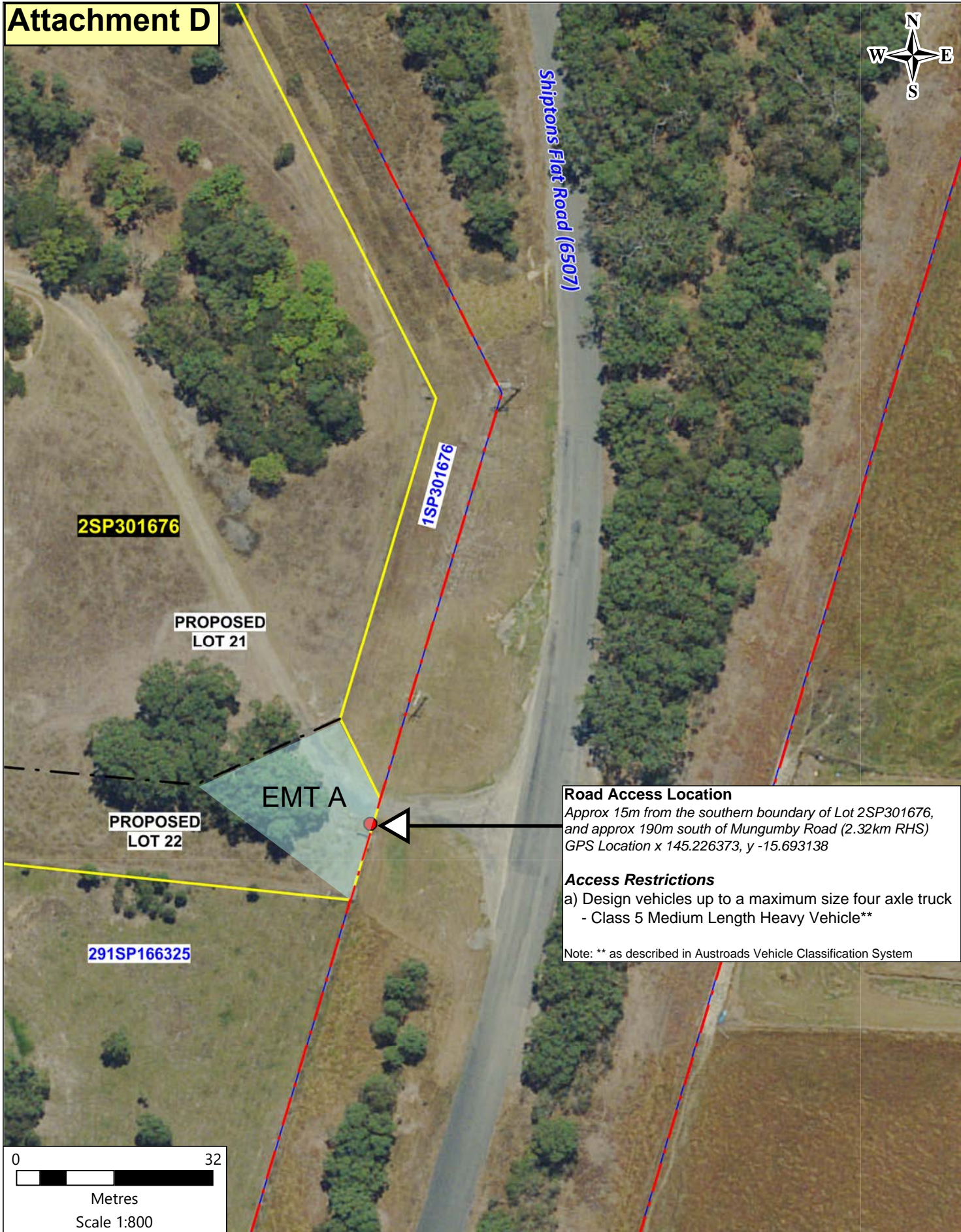
relevant entity means—

- (a) if the reviewed decision may be reviewed by QCAT—QCAT; or
- (b) if the reviewed decision may be appealed to the appeal court—the appeal court.

35 Time for making appeals

- (1) A person may appeal against a reviewed decision only within—
 - (a) if a decision notice is given to the person—28 days after the notice was given to the person; or
 - (b) if the chief executive is taken to have confirmed the decision under section 34(5)—56 days after the application was made.
- (2) However, if—
 - (a) the decision notice did not state the reasons for the decision; and
 - (b) the person asked for a statement of the reasons within the 28 days mentioned in subsection (1)(a);the person may apply within 28 days after the person is given a statement of the reasons.
- (3) Also, the appeal court may extend the period for appealing.

Attachment D



Branch/Unit : **Corridor Management / Far North District**

Projection/Datum : Geocentric Datum of Australia (GDA) 2020

- Land parcel
- Subject land
- Proposed boundary
- State-controlled road corridor

TMR Layout Plan (6507 - 2.32km)



Queensland Government
Transport and Main Roads

Plan:
1 / 1

Issue:
C

Date:
29/09/2025

Drawn by:
RPK

File ref:
TMR25-047592

Attachment 2 **Approved Plans (D25/40608)**



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



PROPOSED RECONFIGURATION OF A LOT
1 LOT INTO 2 LOTS, EASEMENT A (ACCESS) & EASEMENT B (ELECTRICITY)
Shiptons Flat Road, Rossville
Cancelling Lot 2 on SP301676

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN
Development Application: Development Permit for Reconfiguring
a Lot (1 into 2 lots and Access Easement)
Lot 2 SP301676
Referred to in Cook Shire Council's Decision Notice
(AD2025/0007142)
Approval Date: 28 November 2025
Application Number: DA/4957

Date: 11th August 2025
Scale: 1:5,000 at A3
Drawn: E Berthelsen
Job No: 2105
Plan No: ROL Layout 01_Rev B

Attachment 3 Notice of Decision – Statement of Reasons (AD2025/0007141)

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/4957
Applicant:	RJ Webber, BF Webber, DB Webber and RR Webber C/- MD Land Surveys
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguring a Lot (1 into 2 and Access Easement)
Street Address:	232 Shiptons Flat Road, Rossville QLD 4895
Real Property Description:	Lot 2 on SP301676
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot (1 into 2 and Access Easement)
Date of Decision:	28 November 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)	The application triggered a referral to the State Assessment Referral Agency (SARA) under; Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – near a State transport corridor.
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 Zone Code
- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code
- Reconfiguring a Lot Code
- 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 proposed development 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 4 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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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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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

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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.