

Our Ref: LM:DA/4970 AD2025/0007456

Your Ref: PR21001.39

08 December 2025

MacFarms Pty Ltd
c/-Mallee Group
PO Box 27
Buddina Qld 4575
E-mail: ben@malleegroup.com.au

Attention: Ben Walsh

Dear Mr Walsh

Decision Notice - Approval

Given under section 63 of the *Planning Act 2016*

With reference to Development Application (DA/4970) please find attached the relevant Decision Notice, which was approved by Cook Shire Council in full, subject to conditions.

Details of the decision are as follows:

Decision Details

Date of Decision: Council approved the Development Application by delegation to the Chief Executive Officer on **04 December 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/4970

Approval Sought: Development Permit for Reconfiguration of a Lot

Description of the Development: Reconfiguration of a Lot – Boundary Realignment

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: 330 Dawson Road and 75-333 Dawson Road, Lakeland 4871

Location - Real Property Description: Lot 215 on Plan RP747485

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 (<i>Planning Regulation 2017</i>) - State Transport Corridor

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 (SARA)
E-mail: CairnsSARA@dsdilgp.qld.gov.au

enc:	Attachment 1 (A)	Conditions Imposed by the Assessment Manager
	Attachment 1 (B)	Conditions Imposed by a Concurrence Agency (D25/38246)
	Attachment 2	Approved Plans (D25/42796)
	Attachment 3	Notice of Decision – Statement of Reasons (AD2025/0007455)
	Attachment 4	Extract of Appeal Provisions (Chapter 6 part 1 of the <i>Planning Act 2016</i>)

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
	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	
	Proposed Boundary Realignment of Lot 3 RP741357 & Lot 215 RP747485	21001.01	25/09/2025	
	Proposed Boundary Realignment of Lot 3 RP741357 & Lot 215 RP747485 – Sheet 2	21001.01 – Sheet 2	25/09/2025	
	SARA Referral agency response	2510-48751SRA	21/10/2025	
	Plans & documents referred to in the Referral Agency Response	2510-48751SRA	21/10/2025	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

ON-SITE WATER SUPPLY		
9.	A reliable and independent potable water supply must be provided to both Proposed Lot 3 and Proposed Lot 215. All existing water supply infrastructure must be wholly contained within the boundaries of the respective allotment prior to Council's endorsement of the Plan of Survey. Where an alternative potable water source exists within an allotment, the applicant may submit certified evidence demonstrating adequate flow rate and water quality to reduce or remove the requirement for on-site water storage.	Prior to Council endorsement of the Plan of Survey
ON-SITE SEWERAGE SUPPLY		
10.	An on-site wastewater system must be provided for proposed Lot 3 and Lot 215. Any existing on-site wastewater infrastructure must be entirely contained within each respective allotment prior to Council's endorsement of the Plan of Survey. Where an alternative location for an on-site wastewater system is proposed within the allotment, a Plumbing Application for wastewater treatment and disposal must be submitted to Council and include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000.	As stated
ELECTRICITY SUPPLY		
11.	A separate and reliable electricity supply must be provided to Proposed Lot 3 and proposed Lot 215 prior to Council's endorsement of the Plan of Survey. All existing and proposed electrical infrastructure must be wholly contained within the boundaries of the respective allotments. Where an alternative form of electricity supply is proposed, full details of the system must be submitted to Council for approval prior to endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey
TELECOMMUNICATIONS		
12.	A separate and reliable telecommunication supply must be provided to proposed Lot 3 and Lot 215 prior to Council's endorsement of the Plan of Survey. All existing and proposed electrical infrastructure must be wholly contained within the boundaries of the respective allotments. Where an alternative telecommunications service is proposed, full details of the system must be submitted to Council for approval prior to endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey

BUSHFIRE MANAGEMENT		
13.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times
14.	<p>Any new building (other than a Class 10a) erected on proposed Lot 3 and Lot 215 must:</p> <p>(i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater;</p> <p>(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.</p>	At the time of construction of a dwelling house

VEGETATION CLEARING		
15.	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 ACCESS		
16.	Access to Lot 3 must be from the existing access via Dawson Road and maintained to Rural crossover standard in accordance with the FNQROC Design Manual.	At all times.
17.	Access to Lot 215 must be from the existing access via State-controlled Mulligan Highway and maintained to Rural crossover standard in accordance with TMR Layout Plan & Access Layout Plan (34C – 1.88km), prepared by Queensland Government Department of Transport and Main Roads, dated 04/02/2022, File ref: TMR22-035099, Issue A.	At all times.

STORMWATER		
18.	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

19.	Existing watercourse systems and drainage areas within the subject site must be left in their current state, including no channel alterations and no removal of vegetation, unless otherwise approved.	At all times
20.	All stormwater from the subject site must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, in accordance with the Queensland Urban Drainage Manual.	At all times

ENVIRONMENTAL		
21.	PEST MANAGEMENT No State declared or environmental pest, plants, and animals are to be introduced onto the property.	At all times

AMENITY		
22.	EXTERNAL IMPACTS The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times
COMPLIANCE		
23.	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

- The Reconfiguring a Lot (boundary realignment) approval DA/4970 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*.
- 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.
- 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.
- Property Notation to be placed on Council's Register for Lot 3 and Lot 215:
 - All buildings, structures, water infrastructure and onsite effluent disposal areas must be located entirely within each allotment (Council Reference: DA/4970).

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 (D25/38246)

SARA reference: 2510-48751 SRA
Council reference: LMIL:DA/4970:AD2025/0005900
Applicant reference: PR21001.39

21 October 2025

Chief Executive Officer
Cook Shire Council
PO Box 3
Cooktown QLD 4895
mail@cook.qld.gov.au

Dear Sir/Madam

SARA referral agency response—75-333 Dawson Road, Lakeland

(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 21 October 2025.

Response

Outcome:	Referral agency response – with conditions
Date of response:	21 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	Reconfiguring a Lot (Boundary Realignment)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot near a state transport corridor	
SARA reference:	2510-48751 SRA	

Assessment manager: Cook Shire Council
 Street address: 75-333 Dawson Road, Lakeland; 330 Dawson Road, Lakeland
 Real property description: Lot 215 on RP747485 and Lot 3 on RP741357
 Applicant name: MacFarms Pty Ltd C/- Mallee Group
 Applicant contact details: PO Box 27
 Buddina QLD 4575
 ben@malleegroup.com.au

Human Rights Act 2019
 considerations:

A consideration of the 23 fundamental human rights protected under the Human Right Act 2019 has been undertaken as part of this decision. SARA considers that this decision will not limit (or interfere with) the identified human rights, or where a limitation is necessary it is considered reasonable and justifiable on balance and in context of the development.

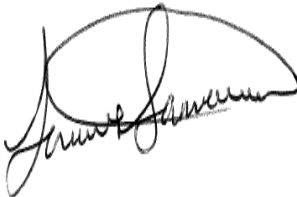
Representations

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 Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dasilgq.qlg.gov.au who will be pleased to assist.

Yours sincerely



Javier Samanes
 A/ Manager (Planning)

cc MacFarms Pty Ltd, ben@malleegroup.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 the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:	
1.	The development must be carried out generally in accordance with the Proposed Boundary Re-alignment of Lots 3 RP741357 and 215 on RP747485, prepared by Mallee Group, dated 25.09.2025, plan ref: 21001.01-08, Sheet Sh 1 of 2.	At all times.
2.	Any works on the land must not: <ul style="list-style-type: none"> a) create any new discharge points for stormwater runoff onto the state-controlled road; b) interfere with and/or cause damage to the existing stormwater drainage on the state-controlled road; c) cause surcharge of any existing culvert or drain on a state-controlled road; d) reduce the quality of stormwater discharge onto the state-controlled road. 	At all times.
3.	The permitted road access to the state-controlled road is located in accordance with the TMR Layout Plan & Access Layout Plan (34C – 1.88km), prepared by Queensland Government Department of Transport and Main Roads, dated 04/02/2022, File ref: TMR22-035099, Issue A.	At all times.

Attachment 2—Advice to the applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> , its regulation or the State Development Assessment Provisions (SDAP) (version 3.3). If a word remains undefined it has its ordinary meaning.

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 proposed development complies with State code 1: Development in a state-controlled road environment of the SDAP. Namely, the development does not cause an adverse impact to the safety or operational efficiency of the state-controlled road.

Material used in the assessment of the application:

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

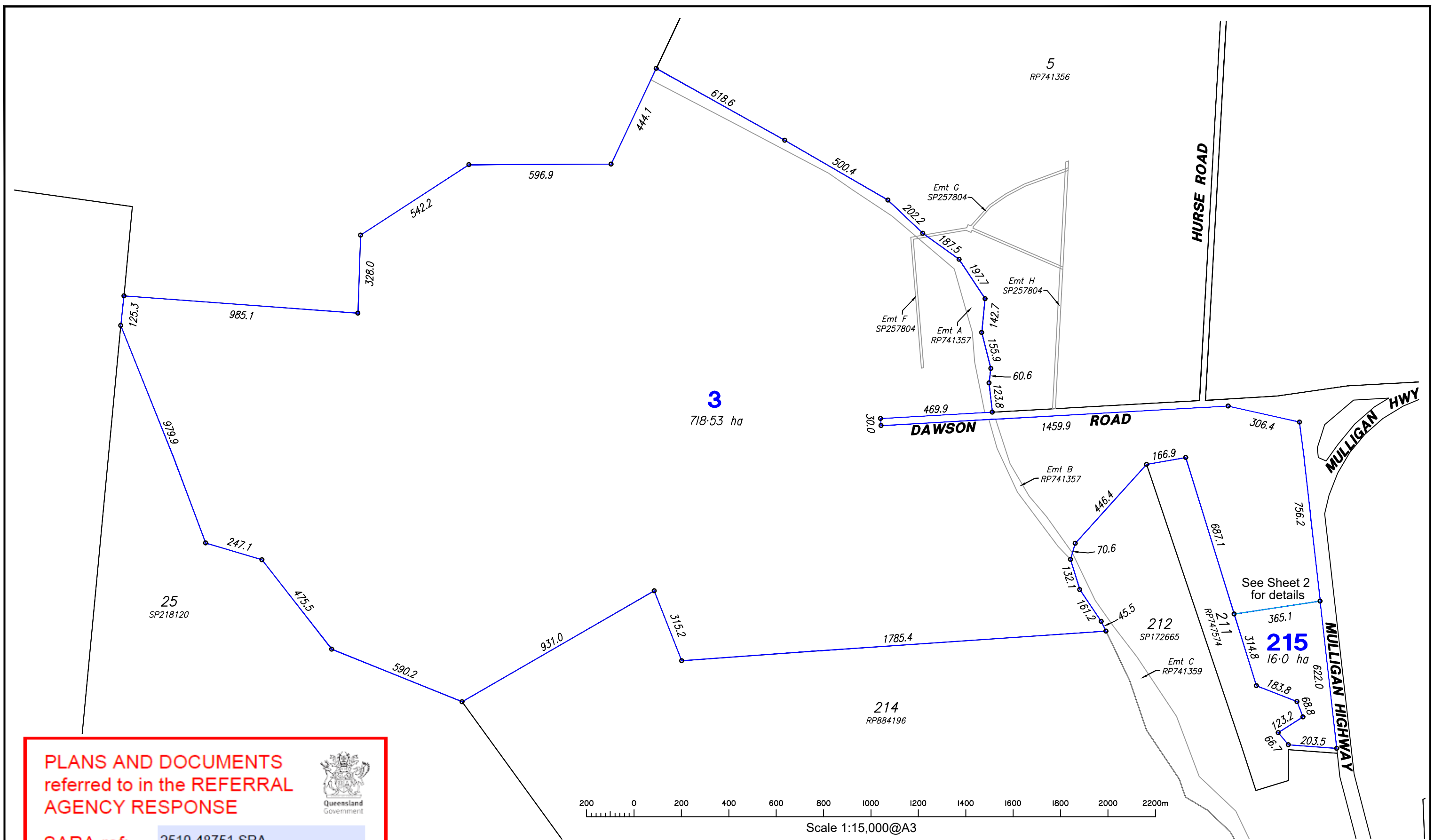
² In the instance an applicant has made representations to the concurrence agency under section 30, and the concurrence agency agrees to make the change included in the representations, section 28.2(c) is taken to have been satisfied.

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.





PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE




SARA ref: 2510-48751 SRA
Date: 21 October 2025

- IMPORTANT NOTE
- Dimensions and areas are approximate only and are subject to Council Approval, Final Survey and Plan Registration.
 - Dimensions shown have been rounded to the nearest 0.1 metres.
 - The boundaries shown on this plan have been plotted from DCDB and should not be used for final detailed engineers design.
 - Aerial Imagery is supplied by Qld Globe Imagery GDA94.

PROJECT		CLIENT							
Gold Tyne		Mackays							
Job Ref.	21001.01	Date	25.09.2025	Proposed Boundary Re-alignment of Lots 3 RP741357 and 215 on RP747485					
Comp By.		DWG Name. 21001.01-08							
Checked By.		Locality	Lakeland						
Local Authority		Cook Regional Council							
				Scale	1:15,000	Sheet	Sh 1 of 2	Plan Ref	21001.01-08

ATTACHMENT D



Branch/Unit : Corridor Management / Far North District		<div></div> <div>Queensland Government Transport and Main Roads</div>		
Projection/Datum : Geocentric Datum of Australia (GDA) 2020				
<div><div></div> Land Parcels</div> <div><div></div> Subject Land</div>		<div><div>TMR Layout Plan (34C - 1.88km)</div></div>		
		Plan: 1 / 2	Issue: A	Date: 04/02/2022
		Drawn by: RPK	File ref: TMR22-35099 (500-465)	

COOK SHIRE COUNCIL

DIGITALLY STAMPED

APPROVED PLAN

Development Application:

Development Permit for Reconfiguring a Lot (Boundary Realignment)

Lot:

215 RP747485

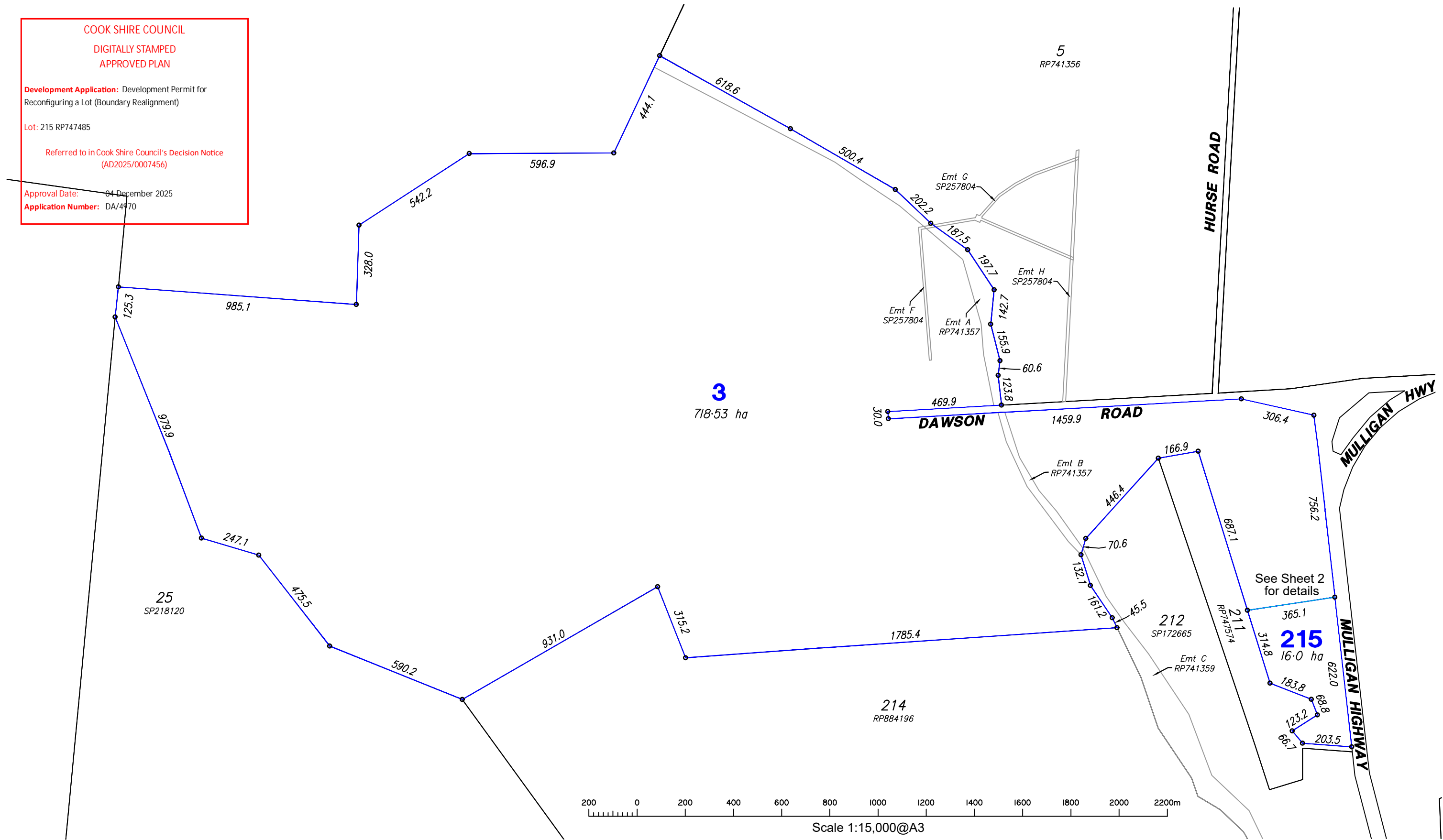
Referred to in Cook Shire Council's Decision Notice (AD2025/0007456)


Approval Date:

04 December 2025

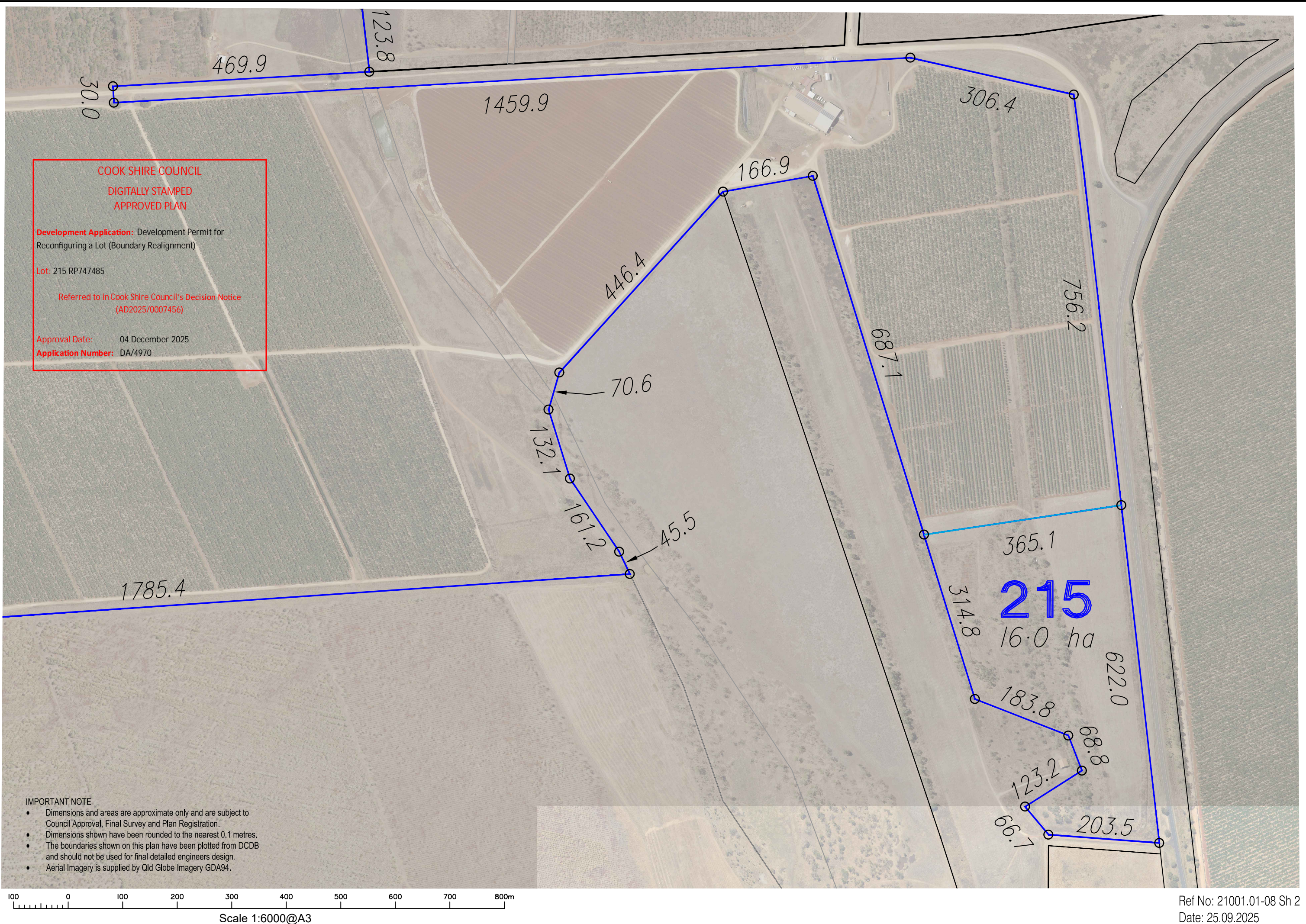
Application Number:

DA/4970



PROJECT		CLIENT		<div><div></div><div><div>Mallee</div><div>GROUP</div><div>Town Planning Development</div></div></div>			
Gold Tyne		Mackays					
Job Ref.	21001.01	Date	25.09.2025	Proposed Boundary Re-alignment of Lots 3 RP741357 and 215 on RP747485			
Comp By.		DWG Name.	21001.01-08				
Checked By.		Locality	Lakeland				
Local Authority	Cook Regional Council						
		Scale	1:15,000	Sheet	Sh 1 of 2	Plan Ref	21001.01-08

- IMPORTANT NOTE
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 - The boundaries shown on this plan have been plotted from DCDB and should not be used for final detailed engineers design.
 - Aerial Imagery is supplied by Qld Globe Imagery GDA94.



COOK SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for
Reconfiguring a Lot (Boundary Realignment)

Lot: 215 RP747485

Referred to in Cook Shire Council's Decision Notice
(AD2025/0007456)

Approval Date: 04 December 2025

Application Number: DA/4970

IMPORTANT NOTE

- Dimensions and areas are approximate only and are subject to Council Approval, Final Survey and Plan Registration.
- Dimensions shown have been rounded to the nearest 0.1 metres.
- The boundaries shown on this plan have been plotted from DCDB and should not be used for final detailed engineers design.
- Aerial Imagery is supplied by Qld Globe Imagery GDA94.

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Scale 1:6000@A3

215
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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/4970
Applicant:	MacFarms Pty Ltd c/- Mallee Group
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	Reconfiguring a Lot – (Boundary Realignment)
Street Address:	330 Dawson Road Lakeland QLD 4871 and 75-333 Dawson Road Lakeland QLD 4871
Real Property Description:	Lot 3 RP741357 and Lot 215 RP747485
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 – (Boundary Realignment)
Date of Decision:	4 December 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; <ul style="list-style-type: none"> Schedule 10, Part 9, Division 4, Table 1, Item 1 – Reconfiguring a lot near a state-controlled road.
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

Page 274

Current as at 18 July 2025

Authorised by the Parliamentary Counsel

Planning Act 2016
Chapter 6 Dispute resolution
[s 229]

- (iii) who is a co-respondent in an appeal of the matter;
and
- (iv) who may elect to be a co-respondent in an appeal
of the matter.

Note—

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

(2) An appellant may start an appeal within the appeal period.

(3) The *appeal period* is—

- (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
- (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
- (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
- (d) for an appeal against a decision of the Minister, under chapter 7, part 4, to amend the registration of premises to include additional land in the affected area for the premises—20 business days after the day a notice is published under section 269A(2)(a); or
- (e) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (f) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
- (g) for an appeal relating to the *Plumbing and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Plumbing and*

Current as at 18 July 2025

Page 275

Authorised by the Parliamentary Counsel

Drainage Act 2018, section 143(2)(a)(i), (b) or (c)—5 business days after the day the notice is given; or

- (ii) for an appeal against a decision of a local government or an inspector to give an action notice under the *Plumbing and Drainage Act 2018*—5 business days after the notice is given; or
- (iii) for an appeal against a failure to make a decision about an application or other matter under the *Plumbing and Drainage Act 2018*—at anytime after the period within which the application or matter was required to be decided ends; or
- (iv) otherwise—20 business days after the day the notice is given; or
- (h) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—

- (i) the establishment cost of trunk infrastructure identified in a LGIP; or
- (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
 - (a) the respondent for the appeal; and
 - (b) each co-respondent for the appeal; and
 - (c) for an appeal about a development application under schedule 1, section 1, table 1, item 1—each principal submitter for the application whose submission has not been withdrawn; and

- (d) for an appeal about a change application under schedule 1, section 1, table 1, item 2—each principal submitter for the application whose submission has not been withdrawn; and
 - (e) each person who may elect to be a co-respondent for the appeal other than an eligible submitter for a development application or change application the subject of the appeal; and
 - (f) for an appeal to the P&E Court—the chief executive; and
 - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.
- (4) The *service period* is—
- (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
 - (b) otherwise—10 business days after the appeal is started.

Current as at 18 July 2025

Page 277

Authorised by the Parliamentary Counsel

Planning Act 2016
Chapter 6 Dispute resolution

[s 231]

- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent to an appeal by filing a notice of election in the approved form—
 - (a) if a copy of the notice of appeal is given to the person—within 10 business days after the copy is given to the person; or

- (b) otherwise—within 15 business days after the notice of appeal is lodged with the registrar of the tribunal or the P&E Court.

- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

231 Non-appealable decisions and matters

- (1) Subject to this chapter, section 316(2), schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

decision includes—

 - (a) conduct engaged in for the purpose of making a decision; and
 - (b) other conduct that relates to the making of a decision; and

Page 278

Current as at 18 July 2025

Authorised by the Parliamentary Counsel

- (c) the making of a decision or the failure to make a decision; and
- (d) a purported decision; and
- (e) a deemed refusal.

non-appealable, for a decision or matter, means the decision or matter—

- (a) is final and conclusive; and
- (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
- (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.