

Our Ref: LM: Imc:DA/4982 AD2026/0000224  
Your Ref: 416361

22 January 2026

Peter and Franziska Inderbitzin and Sharprock Pty Ltd  
c/- RPS Group AAP Consulting Pty Ltd  
PO Box 1949  
CAIRNS QLD 4870  
E-mail: [patrick.clifton@rpsgroup.com.au](mailto:patrick.clifton@rpsgroup.com.au)

Attention: Patrick Clifton

Dear Mr Clifton

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

With reference to Development Application (DA/4982) 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**

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Date of Decision: Council approved the Development Application by delegation to the Chief Executive Officer on **16 January 2026**.

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**

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Application Number: DA/4982

Approval Sought: Development Permit for Reconfiguration of a Lot

Description of the Development: Reconfiguration of a Lot (1 into 2 lots)

Category of Development: Assessable Development

Category of Assessment: Code Assessment

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

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**Premises Details**

Location - Street Address: 7639-7641 Mulligan Highway, LAKELAND 4871

Location - Real Property Description: Lot 9 on SP147285

All or part of above land: All

Local Government Area: Cook Shire

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**Assessment Manager Conditions**

This approval is subject to the conditions in Attachment 1.

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**Further Development Permits**

Not Applicable.

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**Properly Made Submissions**

Not applicable - no part of the application required public notification.

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**Referral Agencies**

The referral agencies for the application are:

Referral Agency	Referral Matter
State Assessment and Referral Agency (SARA)	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> )
Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870 Ph: 07 4037 3214  E-mail: <a href="mailto:CairnsSARA@dsdilgp.qld.gov.au">CairnsSARA@dsdilgp.qld.gov.au</a> MyDAS2 online referrals: <a href="https://prod2.dev-assess.qld.gov.au/suite/">https://prod2.dev-assess.qld.gov.au/suite/</a>	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 – Reconfiguring a lot near a state-controlled road intersection ( <i>Planning Regulation 2017</i> )

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**Variation approval details**

Not Applicable

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**Other requirements under section 43 of the *Planning Regulation 2017***

Not Applicable.

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**Approved Plans and Specifications**

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 2**.

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### 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*.

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### 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.

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### 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.

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### 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](mailto:mail@cook.qld.gov.au).

Yours sincerely



Lisa Miller  
Manager Planning and Environment  
Cook Shire Council

cc: State Assessment and Referral Agency (SARA) [CairnsSARA@dsdilgp.qld.gov.au](mailto:CairnsSARA@dsdilgp.qld.gov.au)

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager  
**Attachment 1 (B)** Conditions Imposed by a Concurrence Agency (D25/45730)  
**Attachment 2** Approved Plans (D25/47008)  
**Attachment 3** Notice of Decision – Statement of Reasons (AD2026/0000223)  
**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
<b>GENERAL</b>		
1.	<b>COMPLIANCE WITH CONDITIONS</b> 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.	<b>OUTSTANDING CHARGES</b> 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.	<b>WORKS – APPLICANT’S EXPENSE</b> 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.	<b>WORKS - DAMAGE TO INFRASTRUCTURE</b> 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.	<b>WORKS – DESIGN &amp; STANDARD</b> 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.	<b>WORKS – SPECIFICATION &amp; CONSTRUCTION</b> 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.	<p><b>APPROVED PLANS &amp; DOCUMENTS</b></p> <p>Undertake the approved development generally in accordance with the approved plans and documents, including any amendments made in red on the approved plan(s) or document(s):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 35%;">Title</th> <th style="width: 15%;">Ref.</th> <th style="width: 15%;">Date</th> <th style="width: 35%;">Prepared By</th> </tr> </thead> <tbody> <tr> <td>Reconfiguration of a Lot - Cancelling Lot 9 ON sp147285 Dawson Road and Mulligan Highway, Lakeland</td> <td style="text-align: center;">416351 - 1</td> <td style="text-align: center;">23/09/2025</td> <td style="text-align: center;">RPS Group</td> </tr> <tr> <td>SARA referral agency response</td> <td style="text-align: center;">2511-49102 SRA</td> <td style="text-align: center;">09/12/2025</td> <td style="text-align: center;">Queensland Government</td> </tr> </tbody> </table>	Title	Ref.	Date	Prepared By	Reconfiguration of a Lot - Cancelling Lot 9 ON sp147285 Dawson Road and Mulligan Highway, Lakeland	416351 - 1	23/09/2025	RPS Group	SARA referral agency response	2511-49102 SRA	09/12/2025	Queensland Government	At all times.
Title	Ref.	Date	Prepared By											
Reconfiguration of a Lot - Cancelling Lot 9 ON sp147285 Dawson Road and Mulligan Highway, Lakeland	416351 - 1	23/09/2025	RPS Group											
SARA referral agency response	2511-49102 SRA	09/12/2025	Queensland Government											
8.	<p><b>CONDITIONS OF APPROVAL &amp; APPROVED PLANS</b></p> <p>Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.</p>	At all times.												

ON-SITE WATER SUPPLY		
9.	A reliable and independent potable water supply must be provided to Lot 1 and Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house.	At the time of construction of a dwelling house.
10.	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.	Prior to Council endorsement of the Plan of Survey.
ON-SITE SEWERAGE SUPPLY		
11.	An on-site wastewater system must be provided for proposed Lot 1 and Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house. 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.	At the time of construction of a dwelling house.
12.	Any existing on-site wastewater infrastructure must be entirely contained within each respective allotment prior to Council's endorsement of the Plan of Survey.	Prior to Council endorsement of the Plan of Survey.

<b>ELECTRICITY SUPPLY</b>		
13.	A reliable electricity supply must be provided to Lot 1 and Lot 2 and wholly contained within each respective allotment at the time of construction of a dwelling house.	At the time of construction of a dwelling house.
14.	All existing electrical infrastructure must be wholly contained within the boundaries of the respective allotments.	Prior to Council endorsement of the Plan of Survey.

<b>TELECOMMUNICATIONS</b>		
15.	A reliable telecommunication supply must be provided to Lot 1 and Lot 2, and wholly contained within each respective allotment at the time of construction of a dwelling house. 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.	At the time of construction of a dwelling house.

<b>BUSHFIRE MANAGEMENT</b>		
16.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times.
17.	Any new building (other than a Class 10a) erected on proposed Lot 1 and Lot 2 must: <ul style="list-style-type: none"> <li>(i) Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is greater;</li> <li>(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.</li> </ul>	At the time of construction of a dwelling house.

<b>VEGETATION CLEARING</b>		
18.	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.

<b>EXTERNAL ACCESS</b>		
19.	Direct access is not permitted between the Mulligan Highway and proposed Lot 1 in accordance with the State Assessment Referral Agency (SARA) Response dated 09 December 2025, reference 2510-49102 SRA.	At all times.
20.	Access to Lot 1 must be taken from a new access crossover from Dawson Road in accordance with the State Assessment Referral Agency (SARA) Response dated 09 December 2025, reference 2510-49102 SRA.	Prior to Council endorsement of the Plan of Survey.
21.	Access to Lot 2 must be taken in accordance with the approved plan of development and in accordance with the State Assessment Referral Agency (SARA) Response dated 09 December 2025, reference 2510-49102 SRA.	At all times.

<b>STORMWATER</b>		
22.	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.
23.	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.
24.	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.

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

<b>AMENITY</b>		
26.	<b>EXTERNAL IMPACTS</b> 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.
<b>COMPLIANCE</b>		
27.	All conditions of this Development Permit are to be complied with in accordance with the timing specified in Part A.	As stated.

**B. ASSESSMENT MANAGER (COUNCIL) ADVICE**

1. The Reconfiguring a Lot (1 into 2) approval DA/4982 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 is to ensure compliance with the requirements of the Aboriginal Cultural Heritage Act and in particular 'the duty of care' that it imposes on all landowners.
4. 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 (D25/45730)

SARA reference: 2511-49102 SRA  
Council reference: DA/4982  
Applicant reference: 416361

9 December 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—7639-7641 Mulligan Highway, 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 6 November 2025.

### Response

Outcome:	Referral agency response – with conditions
Date of response:	9 December 2025
Conditions:	The conditions in <b>Attachment 1</b> must be attached to any development approval
Advice:	Advice to the applicant is in <b>Attachment 2</b>
Reasons:	The reasons for the referral agency response are in <b>Attachment 3</b>

### Development details

Description:	Development permit	Reconfiguring a Lot (1 into 2 Lots)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (10.9.4.2.1.1) (Planning Regulation 2017)	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 3, Item 1 –	

Reconfiguring a lot near a state-controlled road intersection  
(10.9.4.2.3.1) (Planning Regulation 2017)

SARA reference: 2511-49102 SRA

Assessment manager: Cook Shire Council

Street address: 7639-7641 Mulligan Highway, Lakeland

Real property description: Lot 9 on SP147285

Applicant name: Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharrock Pty Ltd

Applicant contact details: C/- RPS AAP Consulting Pty Ltd  
PO Box 1949  
Cairns QLD 4870  
Patrick.clifton@rpsconsulting.com

*Human Rights Act 2019* considerations: The decision has been assessed for compatibility with human rights under the *Human Rights Act 2019*. The decision was found not to limit human rights under the *Human Rights Act 2019* therefore, it is reasonable to conclude the decision is compatible with 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 Helen Reilly, Planning Officer, on 4037 3239 or via email CairnsSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Poppy Ellis-Southwell  
A/Manager

cc Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin and Sharrock Pty Ltd,  
Patrick.Clifton@rpsconsulting.com

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 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).

No.	Conditions	Condition timing
10.9.4.2.1.1 – Reconfiguring a lot near a state transport corridor and (10.9.4.2.3.1) – Reconfiguring a lot near a state-controlled road intersection—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.	Direct access is not permitted between the Mulligan Highway and proposed Lot 1.	At all times.
2.	(a) Close and remove the unapproved access between Lot 9 on SP147285 and the Mulligan Highway located approximately 590m west of the Quarry access.  (b) The road works to close and remove access, referred to in part (a) of this condition, must be in accordance with Department of Transport and Main Roads' Road Planning and Design Manual, 2nd Edition.  (c) Provide evidence to the Department of Transport and Main Roads at <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> that the unapproved gravel access via the Mulligan Highway has been closed and permanently removed in accordance with parts (a) and (b) of this condition.	Prior to submitting the Plan of Survey to the local government for approval.

## Attachment 2—Advice to the applicant

General advice	
1.	<p>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.</p>
2.	<p>Vehicular access for proposed Lot 1 will be via Dawson Road, a local government road. The southern section of Dawson Road is located within the state-controlled road gazettal of the Mulligan Highway and is under the jurisdiction of the Department of Transport and Main Roads. Direct access between the section of Dawson Road situated within the Mulligan Highway gazettal and proposed Lot 1 is not permitted.</p> <p>The vehicular access location for proposed Lot 1 via Dawson Road is required to be located a minimum distance of 105m from the centreline of the Mulligan Highway to ensure compliance with condition 1 of the referral agency response.</p> <p>The state-controlled road gazettal can be viewed using the free online mapping tools available at <a href="https://www.planning.qld.gov.au/planning-framework/mapping">https://www.planning.qld.gov.au/planning-framework/mapping</a>. The state-controlled road gazettal is located under SARA DA Mapping within State Transport of the Development Assessment Mapping System (DAMS).</p>
3.	<p>Mandatory Part (MP) 4.4 of the Queensland Development Code (QDC) commenced on 1 September 2010 and applies to building work for the construction or renovation of a residential building in a designated transport noise corridor. MP4.4 seeks to ensure that the habitable rooms of Class 1, 2, 3 and 4 buildings located in a transport noise corridor are designed and constructed to reduce transport noise. Transport noise corridor means land designated under Chapter 8B of the <i>Building Act 1975</i> as a transport noise corridor. Information about transport noise corridors is available at state and local government offices.</p> <p>A free online search tool can be used to find out whether a property is located in a designated transport noise corridor. This tool is available at the State Planning Policy Interactive Mapping System website: <a href="https://www.planning.qld.gov.au/planning-framework/mapping">https://www.planning.qld.gov.au/planning-framework/mapping</a> and allows searches on a registered lot number and/or property address to determine whether and how the QDC applies to the land. Transport Noise Corridors are located under Information Purposes within Transport Infrastructure of the State Planning Policy (SPP) mapping system.</p>

## Attachment 3—Reasons for referral agency response

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(Given under section 56(7) of the *Planning Act 2016*)

### The reasons for the SARA's decision are:

- SARA assessed the development against the following code of the State Development Assessment Provisions (SDAP), version 3.3:
  - State code 1: Development in a state-controlled road environment (State code 1).
- The development can be conditioned to comply with the assessment benchmarks of State code 1 of SDAP in that the development:
  - does not increase the likelihood or frequency of accidents, fatalities or serious injury for users of a 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 or increase impacts to the road network.

### 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
- section 58 of the *Human Rights Act 2019*

## Attachment 4—Representations about a referral agency response provisions

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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 Rules<sup>1</sup> regarding **representations about a referral agency response**

## Part 6: Changes to the application and referral agency responses

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### 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.<sup>2</sup>
- 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.

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<sup>1</sup> Pursuant to Section 68 of the *Planning Act 2016*

<sup>2</sup> 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**

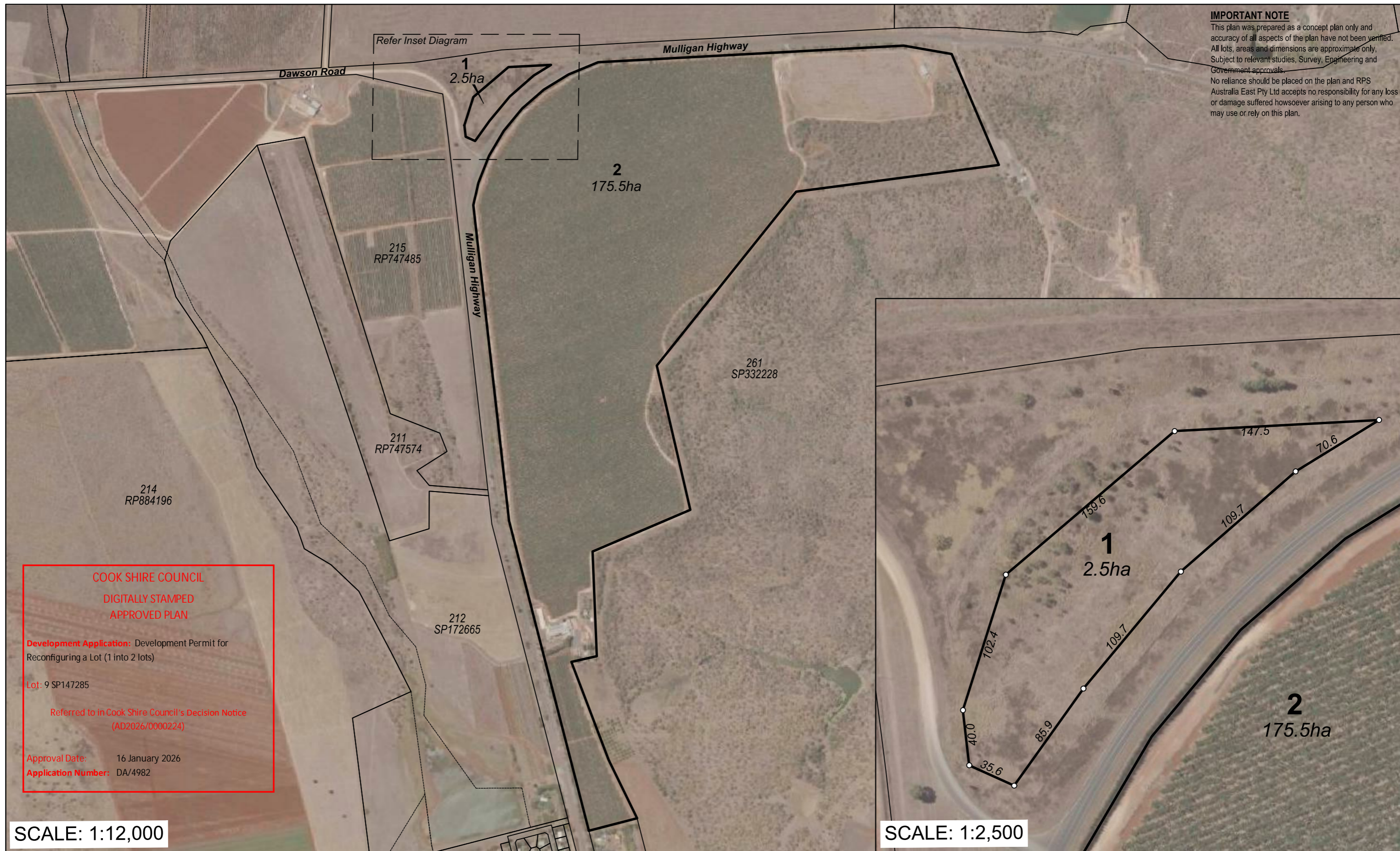
30.1. An applicant may make representations to a concurrence agency at any time before the application is decided, about changing a matter in the referral agency response.<sup>3</sup>

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<sup>3</sup> 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.



**IMPORTANT NOTE**  
 This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.  
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



**COOK SHIRE COUNCIL**  
 DIGITALLY STAMPED  
 APPROVED PLAN

**Development Application:** Development Permit for Reconfiguring a Lot (1 into 2 lots)

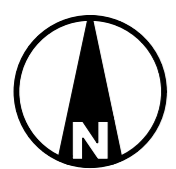
**Lot:** 9 SP147285

Referred to in Cook Shire Council's Decision Notice (AD2026/0000224)

**Approval Date:** 16 January 2026  
**Application Number:** DA/4982

SCALE: 1:12,000

SCALE: 1:2,500

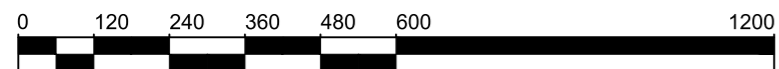


**Sharrock Partnership - Site 1**  
 Reconfiguration of a Lot - Cancelling Lot 9 on SP147285  
 Dawson Road and Mulligan Highway, Lakeland

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 PO Box 1949  
 CAIRNS QLD 4870  
 T +61 7 4031 1336  
 F +61 7 4031 2942  
 W rpsgroup.com



**PRELIMINARY - FOR DISCUSSION PURPOSES ONLY**



Datum: MGA2020 Z55 | Scale: 1:12,000 @ A3 | Date: 23-09-2025 | Drawing: 416351-1



## NOTICE ABOUT DECISION – STATEMENT OF REASONS

*This Notice is prepared in accordance with s63(5) and s83(9) of the Planning Act 2016 to provide information about a decision that has been made in relation to a development application. The purpose of the Notice is to enable a public understanding of the reasons for the planning decision, specifically having regard to:*

- the relevant parts of the Planning Scheme and Assessment Benchmarks against which the application was assessed; and*
- any other information, documents or other material Council was either required to, or able to, consider in its assessment.*

*All terms used in this Notice have the meanings given them in the Planning Act 2016 or otherwise their ordinary meaning.*

### APPLICATION DETAILS

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Application No:	DA/4982
Applicant:	Peter Joseph Inderbitzin, Franziska Maria Margarit Inderbitzin, Sharprock Pty Ltd -c/- RPS AAP Consulting Pty Ltd, Patrick Clifton
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguring a Lot – 1 Lot into 2 Lots
Street Address:	7639-7641 Mulligan Highway, Lakeland QLD 4871
Real Property Description:	Lot 9 on SP147285
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

### DECISION DETAILS

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Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot – 1 Lot into 2 Lots
Date of Decision:	16 January 2026

## 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 of the <i>Planning Regulation 2017</i> ;  - <i>Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 – Reconfiguring a lot near a state transport corridor (Planning Regulation 2017)</i>
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the 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
- Bushfire Hazard Overlay Code
- Extractive Resources 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.



## 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
    - (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*

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

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

*Note—*

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

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

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

## 230 Notice of appeal

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

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

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

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

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

### 231 Non-appealable decisions and matters

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

*decision* includes—

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

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

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

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

## **232 Rules of the P&E Court**

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