

Our Ref: LM: lmc:DA/4995 AD2026/0000626  
Your Ref: 2229

27 February 2026

AW Koebrugge and KE Paton  
C/- MD Land Surveys  
228 Draper Street  
PARRAMATTA PARK QLD 4870  
E-mail: [erin@mdlandsurveys.com.au](mailto:erin@mdlandsurveys.com.au)

Attention: Erin Berthelson

Dear Ms Berthelson

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

With reference to Development Application (DA/4995) 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 **27 February 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/4995

Approval Sought: Development Permit for Reconfiguring a Lot

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

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**Premises Details**

Location - Street Address: 325 Endeavour Valley Road COOKTOWN 4895

Location - Real Property Description: Lot 81 on BS193

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 ( <i>Planning Regulation 2017</i> ) - Reconfiguring a lot near a state transport corridor
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 3, Division 4, Table 2, item 1 ( <i>Planning Regulation 2017</i> ) - Reconfiguring a lot that involves clearing native vegetation

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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*.

### **Lapsing of approval if development started but not completed**

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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**

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You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 5 of this Decision Notice.

### **Other Details**

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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 Referrals Agency [CairnsSARA@dsdmip.qld.gov.au](mailto:CairnsSARA@dsdmip.qld.gov.au)

enc: **Attachment 1 (A)** Conditions Imposed by the Assessment Manager  
**Attachment 1 (B)** Conditions Imposed by a Concurrence Agency (D26/1800)  
**Attachment 2** Approved Plans (D25/47343)  
**Attachment 3** Infrastructure Charges Notice (D26/6046)  
**Attachment 4** Notice of Decision – Statement of Reasons (AD2026/0000625)  
**Attachment 5** 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>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"> <thead> <tr> <th>Title</th> <th>Ref.</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M)</td> <td>Plan No: Rev A</td> <td>20 October 2025</td> <td>MD Land Survey</td> </tr> </tbody> </table>	Title	Ref.	Date	Prepared By	Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M)	Plan No: Rev A	20 October 2025	MD Land Survey
Title	Ref.	Date	Prepared By						
Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M)	Plan No: Rev A	20 October 2025	MD Land Survey						
8.	<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>								

WATER SUPPLY	
9.	<p>Extend water infrastructure to connect Lot 1 and Lot 2 to Council's existing water infrastructure, at a point that has sufficient capacity to service the development (inclusive of firefighting demand).</p>

ON-SITE WASTEWATER	
10.	<p>An on-site effluent disposal system must be provided on Lot 2, wholly contained within the allotment at the time of construction of a Dwelling House.</p> <p>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'.</p>

ELECTRICITY AND TELECOMMUNICATION SUPPLY	
11.	<p>Each lot must be provided with a reliable electricity and telecommunications supply and wholly contained within each respective allotment at the time of construction of a Dwelling House in accordance with the standards and requirements of the relevant service provider.</p>

<b>BUSHFIRE MANAGEMENT</b>		
12.	The development must be maintained at all times to a standard so as not to create a fire hazard.	At all times.

<b>ACCESS</b>		
13.	<b>EXTERNAL WORKS</b> External works and access to Lot 1 and Lot 2 must be taken in accordance with the approved plan of development and from a vehicular crossover along Endeavour Valley Road and in accordance with the State Assessment Referral Agency (SARA) Response dated 14 January 2026, reference 2512-49736 SRA.	Prior to Council approval of the Plan of Survey.
14.	Direct access is prohibited between Endeavour Valley Road and the Lot 1 and Lot 2 at any location other than the Permitted Road Access Location described in Transport and Main Roads (TMR) Decision Notice, dated 18 December 2025, reference number TMR25-048554	At all times.
15.	<b>ACCESS EASEMENT</b> Prepare for lodgement for registration at the Department of Resources (Titles Registry) the following Access and Services Easements, as identified on the Approved Plan(s), at no cost to Council:  (i) A reciprocal Access (type) easement over the driveway in favour of Lot 2, over Lot 1 as shown as on the approval plan(s) of development. A copy of the easement documents must be submitted to Council and at no cost to Council, at the time of endorsement of the Plan of Survey.	Prior to Council approval of the Plan of Survey.

<b>STORMWATER</b>		
16.	Any site works must not adversely affect flooding, or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.	At all times.
17.	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.
18.	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>		
19.	<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>		
20.	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>		
21.	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 approval 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.
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 (D26/1800)**

SARA reference: 2512- 49736 SRA  
 Council reference: LM:DA/4995:D25/44625  
 Applicant reference: 2229

14 January 2026

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

Dear Sir/Madam

## SARA referral agency response—325 Endeavour Valley Rd, Cooktown

(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 8 December 2025.

### Response

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Outcome:	Referral agency response – with conditions
Date of response:	14 January 2026
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

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Description:	Development permit	Reconfiguring a Lot (1 lot into 2 lots and Access Easement)
SARA role:	Referral agency	
SARA trigger:	Schedule 10, Part 3, Division 4, Table 2, item 1 – Reconfiguring a lot that involves clearing native vegetation	
	Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 –	

	Reconfiguring a lot near a state transport corridor
SARA reference:	2512-49736 SRA
Assessment manager:	Cook Shire Council
Street address:	325 Endeavour Valley Rd, Cooktown
Real property description:	Lot 81 on BS193
Applicant name:	AW Koebrugge and KE Paton 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 <i>Transport Infrastructure Act 1994</i> . Below are the details of the decision: <ul style="list-style-type: none"> <li>• Approved</li> <li>• Reference: TMR25-048554</li> <li>• Date: 18 December 2025</li> </ul> <p>If you are seeking further information on the road access permit, please contact 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>.</p>
<i>Human Rights Act 2019</i> considerations:	The decision has been assessed for compatibility with human rights under the <i>Human Rights Act 2019</i> . The decision was found not to limit human rights under the <i>Human Rights Act 2019</i> therefore it is reasonable to conclude the decision is compatible with human rights.

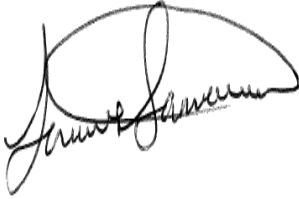
## Representations

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

A handwritten signature in black ink, appearing to read 'Javier Samanes', written over a faint circular stamp or watermark.

Javier Samanes  
Manager

cc MD Land Surveys, 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
<p>10.9.4.2.1 – 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 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):</p>		
1.	<p>(a) Road access is located generally in accordance with Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M) prepared by MD Land Surveys, dated 20th October 2025, Plan no: Reconfiguration of a Lot 01_Rev A, revision A (as amended in red by SARA).</p> <p>(b) Provide road access works comprising of a sealed ‘Type A’ 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 TMR Standard Rural Property Access Drawing, Sheets 1 &amp; 2, drawing No. 1807, Type A – Rural Property Access, 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.</p>
2.	<p>(a) Provide an access easement on the title of proposed Lot 1 for shared access to proposed Lot 2 generally in accordance with Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M) prepared by MD Land Surveys, dated 20 October 2025, reference Reconfiguration of a Lot 01, revision A (as amended in red).</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>
<p>10.3.4.2.1 – Reconfiguring a lot that involves clearing native vegetation—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development 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):</p>		
3.	<p>The development must be undertaken generally in accordance with the Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M) prepared by MD Land Surveys, dated 20th October 2025, Plan no: Reconfiguration of a Lot 01_Rev A, revision A (as amended in red by SARA).</p>	<p>Prior to submitting the Plan of Survey to the local government for approval.</p>

## Attachment 2—Advice to the applicant

<b>General advice</b>	
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.
<b>Further development permits required</b>	
3.	<p><b>Road works approval</b></p> <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, including works for the removal of overhanging vegetation that is obstructing sight lines distances 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 <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> 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 (DTMR) as soon as possible to ensure that gaining approval does not delay construction.</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(s) of the State Development Assessment Provisions (SDAP), version 3.3:
  - State code 1: Development in a state-controlled road environment
  - State code 16: Native vegetation clearing
- The development complies with the assessment benchmarks of State code 1 and State code 16 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 state-controlled roads, road transport infrastructure, public passenger transport infrastructure or active transport infrastructure
  - does not adversely impact the function and efficiency of state-controlled roads or future state-controlled roads
  - avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible.

### 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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## **Attachment 5—Documents referenced in conditions**

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Our ref TMR25-048554  
Your ref 2229  
Enquiries Ronald Kaden



18 December 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 road<sup>1</sup>**

Development application reference number DA/4995, lodged with Cook Shire Council involves constructing or changing a vehicular access between Lot 81BS193, the land the subject of the application, and Endeavour Valley 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 AW Koebrugge and KE Paton  
C/- MD Land Surveys  
228 Draper Street  
Parramatta Park QLD 4870

### Application Details

Address of Property 325 Endeavour Valley Road, Cooktown QLD 4895  
Real Property Description 81BS193  
Aspect/s of Development Development Permit for a 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.	<b>Proposed Lot 1</b> The permitted road access location is approximately 120 metres from the common boundary with Lot 98SP105917, in accordance with: (i) TMR Layout Plan (6601 - 3.25km) Issue A 17/12/2025 <b>TMR25-048554 Attachment D</b>	At all times.
2.	Direct access is prohibited between Endeavour Valley Road and the subject land (Lot 81 on BS193) at any location other than the Permitted Road Access Location described in <b>Condition 1</b> .	At all times.

<sup>1</sup> Please refer to the further approvals required under the heading 'Further approvals'

No.	Conditions of Approval	Condition Timing
3.	<p><b>Proposed Lot 2</b></p> <p>Direct access is prohibited between Endeavour Valley Road and proposed Lot 2.</p> <p>All access to proposed Lot 2 is to be via the easement over proposed Lot 1 and at the location described in <b>Condition 1</b>.</p>	At all times.
4.	<p>(a) The applicant must register an access easement on the title of proposed Lot 1 for shared access to proposed Lot 2.</p> <p>(b) The applicant must provide to Cairns Corridor Management Unit <a href="mailto:Far.North.Queensland.IDAS@tmr.qld.gov.au">Far.North.Queensland.IDAS@tmr.qld.gov.au</a> 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.</p>	<p>(a) At the time of survey plan registration.</p> <p>(b) Within 20 business days of registration of the easements.</p>
5.	<p>The use of the permitted road access location described in <b>Condition 1</b> is to be restricted to:</p> <p>(a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle**</p> <p>Note: ** as described in Austroads Vehicle Classification System</p>	At all times.
6.	<p>Road Access Works comprising of a sealed 'Type A' rural property access must be provided at the permitted access location, generally in accordance with:</p> <p>(a) Rural Property Access drawing prepared by Queensland Government dated 3/2024 reference 1807.</p>	Prior to the commencement of the use of the Road Access Works and to be maintained at all times.

### Reasons for the decision

The reasons for this decision are as follows:

- a) The proposed development is for Reconfiguring a Lot (1 Lot into 2 Lots) and an Access Easement.
- b) The subject site is identified as Lot 81 on BS193 and is improved by existing residential dwellings and shed.
- c) Lot 81 on BS193 has vehicular access via Endeavour Valley Road via an unsealed vehicular access.
- d) The proposed development for reconfiguring a lot (1 lot into 2 lots) and an access easement will require a changed access via a shared vehicular access location.
- e) The current unsealed access is required to be sealed and upgraded to comply with a 'Type A' rural property access.
- f) A s62 approval and access location layout plan is required to formalize the shared vehicular access via an access easement via Endeavour Valley Road.

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.

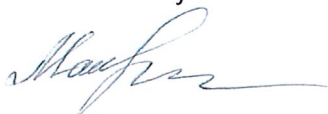
#### **Further approvals**

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 further information about this approval or any other related query is required, Ronald Kaden, Technical Officer (Development Control) should be contacted by email at [cairns.office@tmr.qld.gov.au](mailto:cairns.office@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:

<b>Title of Evidence / Material</b>	<b>Prepared by</b>	<b>Date</b>	<b>Reference no.</b>	<b>Version/Issue</b>
TMR Layout Plan (6601 – 3.25km)	Queensland Government Transport and Main Roads	17/12/2025	TMR25-048554	A
Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M)	MD Land Surveys	20 October 2025	Reconfiguration of a Lot 01	A
Rural Property Access	Queensland Government	3/2024	Type A – Rural Property Access 1807 Sheets 1 & 2	C
Vehicular access to state- controlled roads policy	Queensland Government Transport and Main Roads	2023	-	-

**Attachment B**  
**Section 70 of TIA**

*Transport Infrastructure Act 1994*  
Chapter 6 Road transport infrastructure  
Part 5 Management of State-controlled roads

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**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.

# TMR25-048554 Attachment D

**Permitted Road Access Location (Proposed Lot 1)**  
 Approx 120m from the common boundary with Lot 98SP105917 and approx 50m south west of Jason Close

GPS location x 1145.211189, y -15.475578

**Access Restrictions**

- (a) Design vehicles up to a maximum size Four Axle Truck - Class 5 Medium Length Heavy Vehicle\*\*

Note: \*\* as described in Austroads Vehicle Classification System



Plan:	1 / 1
Issue:	A
Drawn by:	RPK
Date:	17/11/2025

## TMR Layout Plan (6601 - 3.25km)

	Land parcel		New boundary
	Subject land		New easement
	State-controlled road corridor		

Branch/Unit:	Corridor Management / Far North District
Projection/Datum:	Geocentric Datum of Australia (GDA) 2020
File ref:	TMR25-048554

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 Queensland Government Transport and Main Roads  
 Based on [Dataset - State Digital Road Network (SDRN)] provided with the permission of Pinny Bowes Software Pty Ltd (Current as at 04/10). [Dataset - Full\_Come\_Line, May 2010] provided with the permission of GGL Limited and other state government datasets.  
 Disclaimer: While every care is taken to ensure the accuracy of this data, Pinny Bowes Software Pty Ltd and/or the State of Queensland and/or GGL Limited makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose, and disclaims all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

Proposed Reconfiguration  
of a Lot (1 Lot into 2 Lots  
and Easement M)

325 Endeavour Valley Road,  
Cooktown  
Cancelling Lot 81 on BS193



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

Date: 20th October 2025  
Scale: 1:1500 @ A3  
Drawn: M Dunn  
Job No: 2229  
Plan No: Reconfiguration of a Lot 01\_Rev A



Amended in red by SARA on  
14 January 2026

PLANS AND DOCUMENTS  
referred to in the REFERRAL  
AGENCY RESPONSE

SARA ref: 2512-49736 SRA  
Date: 14 January 2026

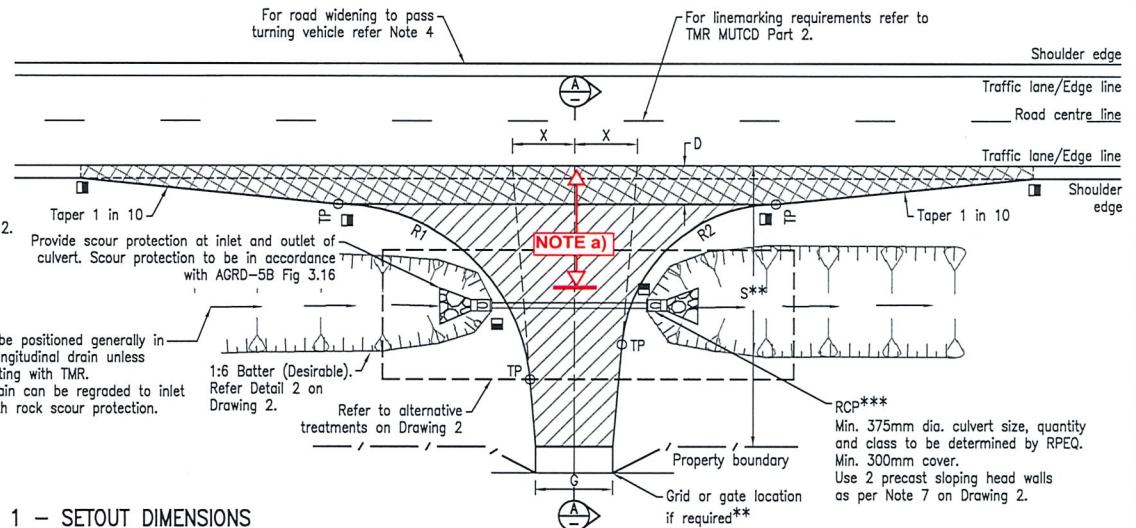
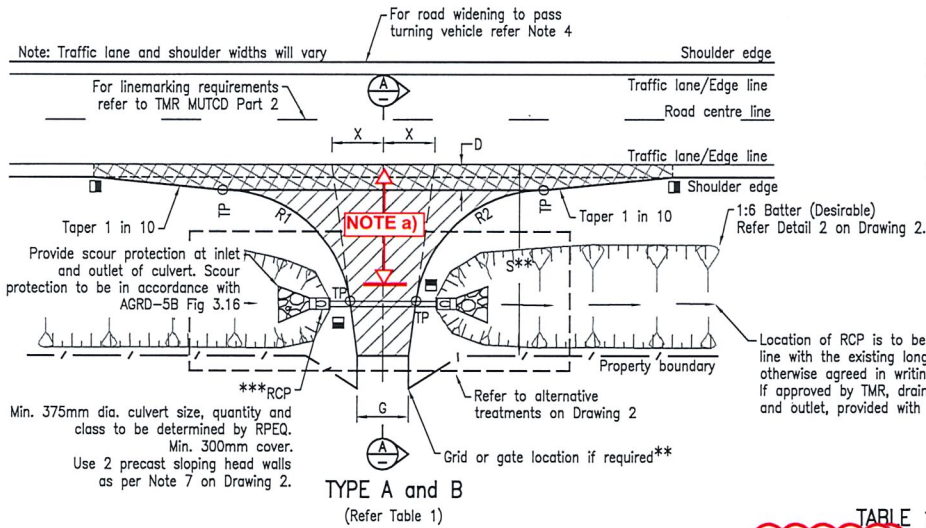


TABLE 1 - SETOUT DIMENSIONS

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C Special (Articulated Vehicles)	TYPE D Special (Road Train Type 1)
R1	10m	10m	15m	20m
R2	10m	10m	12m	12m
D	2m	2m	3m	3m
X	3m	5m	4m	5m
S	12m	15m	22m	30m**
G	4-6m $\phi$	4-6m $\phi$	6m	6m
$\phi$	6m Minimum width for two-way two-lane access.			

LEGEND

- Pavement Type 1 - Bitumen surfacing, 2 coat bitumen seal. Pavement depth and type to match existing or proposed through road pavement. Refer to Table 2 for minimum depths.
- Pavement Type 2 - Gravel, unbound pavement. Refer to Table 2 for depths. Access may be required to be sealed for up to 10m width from edge line (to minimise gravel on through road) to be determined by the RPEQ.
- \* Maintain existing shoulder crossfall and superelevation.
- \*\* Length 'S' to property boundary by TMR. Where length 'S' is greater than the road reserve boundary, then fencing and grid/gate shall be recessed at the cost of owner from property boundary to ensure vehicle does not impede through lane.
- \*\*\* RCBC (min. size 600x300) can be used instead of RCP, or invert option where table drain is of insufficient depth for a culvert.
- Denotes Road Edge Guide Post  
The Filled in portion denotes a red reflector and the open portion a white reflector.

TABLE 2 - MINIMUM PAVEMENT DETAILS AND DEPTH

	TYPE A Residential (Car/Service Vehicle)	TYPE B Commercial (Single Unit Truck/Bus)	TYPE C & D Special (Articulated Vehicles)
Sealed Pavement Base Course	150mm (Min.) Type 2.2 or match existing	200mm (Min.) Type 2.2 or match existing	280mm (Min.) Type 2.2 or match existing
Unsealed Pavement Base Course	150mm (Min.) Type 2.4 or match existing	200mm (Min.) Type 2.4 or match existing	#

NOTE:  
1. Refer to additional notes on drawing 2 of 2  
2. Where access is located on curves, intersections or is Type C, or excessive screwing motion will occur, pavement seal to extend to property boundary at the owner's cost to the engineer's/designer's discretion.  
# Bitumen sealed pavement only.  
Type 3.1 or 4.3 or match existing is permissible if Type 2.2/2.4 is unable to be used.

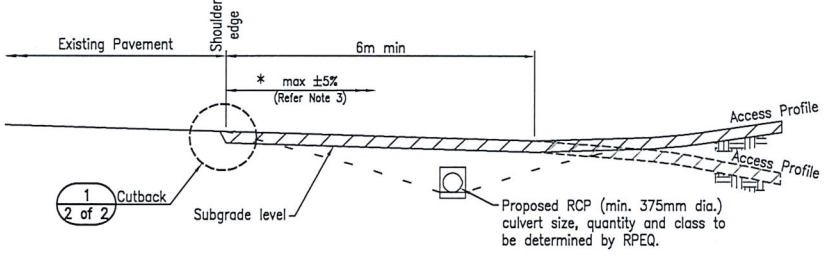
TYPE C and D  
(Refer Table 1)

NOTES:

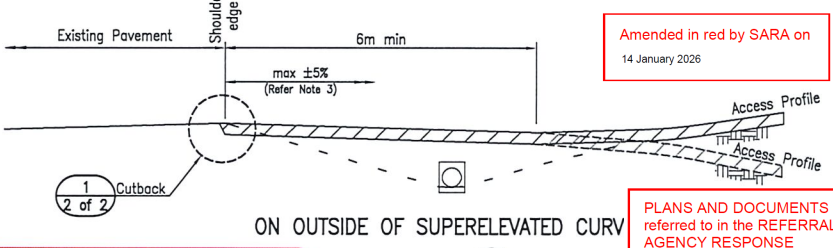
1. Details shown on this drawing are the minimum layout requirements for a private rural property access. For additional requirements and other design considerations refer to the RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 4 Sections 7.2.1 and 7.2.3.
2. For sight distance requirements refer to Section 3.4 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD.
3. Vertical clearance checks to be carried out for proposed vehicle in accordance with AS 2890.2 - Parking Facilities Off-Street Commercial Vehicle Facilities.
4. RPEQ or designer to conduct Traffic Impact Assessment to determine if turning treatments are required. For rural right-turn treatments, refer to Section 7 of the RPDM (2nd Edition) Volume 3 Part 4A in conjunction with AGRD. Note that Auxiliary Right Turns shall not be used. Pavement type to match existing or minimums specified in Table 2 of this drawing.
5. This drawing is to be read in conjunction with Drawing 2 of 2.
6. All dimensions in metres and are minimum unless specified.

REFERENCED DOCUMENTS:

- Departmental Standard Drawings:  
1243 Precast Culvert Headwalls - Headwall Connections for Culverts  
1305 Pipe Culverts - Headwall and Apron for Pipe Diameter 375 to 675  
1359 Culverts - Installation, Bedding and Filling/Backfilling Against/Over Culverts
- Departmental Documents:  
RPDM Road Planning and Design Manual (2nd Edition) Volume 3.  
MRTS03 Drainage Structures, Retaining Structures and Embankment Slope Protections
- Austrroads Guide to Road Design:  
AGRD-4 (2023) Part 4: Intersections and Crossings - General  
AGRD-4A (2023) Part 4A: Unsignalised and Signalised Intersections  
AGRD-5B (2023) Part 5B: Drainage - Open Channels, Culverts and Floodway Crossings  
AGRD-6 (2022) Part 6: Roadside Design, Safety and Barriers



ON STRAIGHTS AND INSIDE OF CURVES



ON OUTSIDE OF SUPERELEVATED CURV

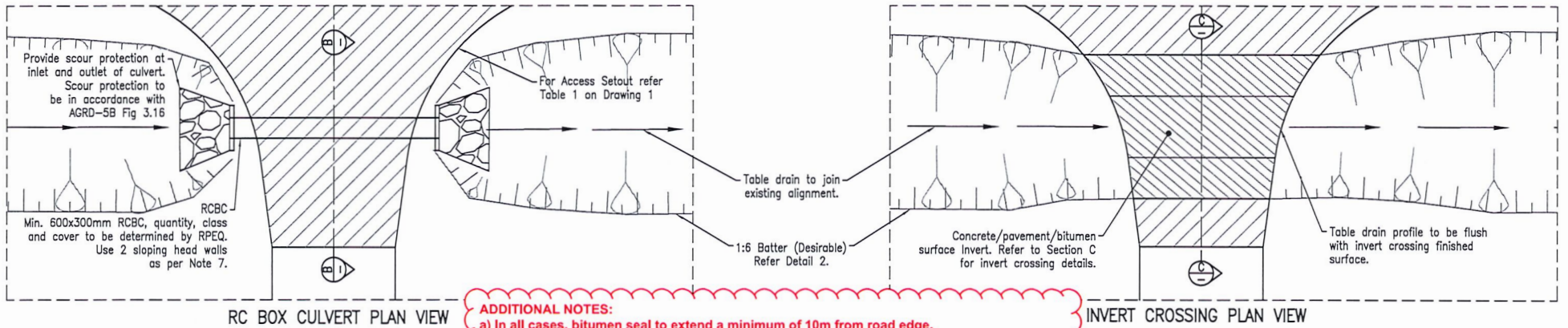
SECTION A

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.

Amended in red by SARA on  
14 January 2026

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE  
SARA ref: 2512-49736 SRA  
Date: 14 January 2026

Department of Transport and Main Roads		
PROPERTY ACCESS	© The State of Queensland (Department of Transport and Main Roads) 2024 <a href="http://roads.tmr.qld.gov.au/forname/ty/">http://roads.tmr.qld.gov.au/forname/ty/</a>	
RURAL PROPERTY ACCESS DRAWING 1 OF 2	A3 Not to Scale	Standard Drawing No <b>1807</b> Date 3/2024



**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.

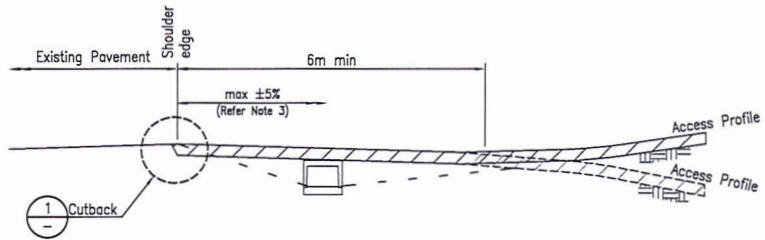
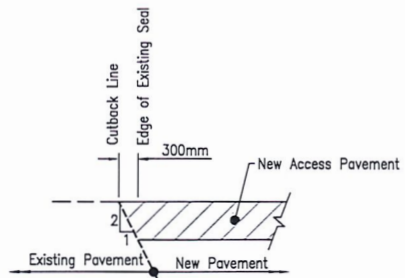
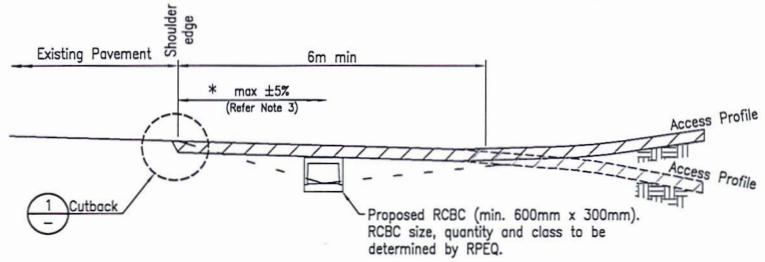
- NOTES:**
- This drawing is to be read in conjunction with Drawing 1 of 2.
  - Minimum longitudinal fall for concrete or bitumen invert is 0.3%.
  - 1 in 6 grade can be further levelled for larger design vehicles. Ensure sufficient area for drainage remains. Dimensions to be based on stormwater flow 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.
  - Vertical clearance checks to be carried out for small rigid vehicle to ensure adequate transition between change in grade. Refer to AS 2890.2.
  - For pavement or bitumen surfacing inverts, refer Table 2 on Drawing 1 for minimum depths.
  - 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.
  - Refer to RPDM (2nd Edition) Volume 3 in conjunction with AGRD Part 5B and Part 6 for application of sloping headwalls.

**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

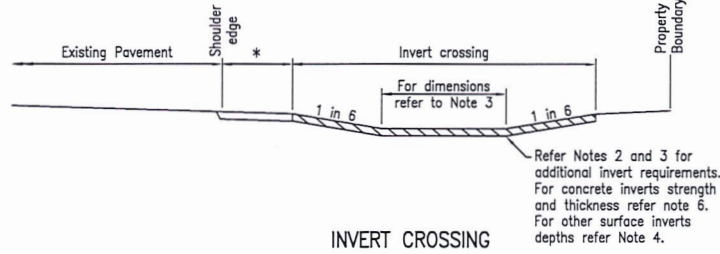
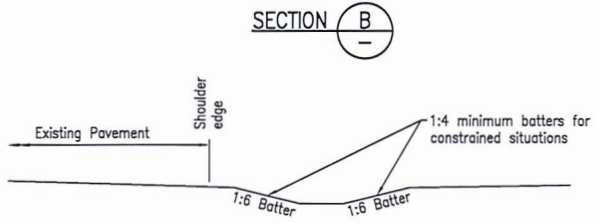
Department of Transport and Main Roads		
PROPERTY ACCESS		© The State of Queensland (Department of Transport and Main Roads) 2024 <a href="http://roads.tmr.qld.gov.au/roadway/ny/">http://roads.tmr.qld.gov.au/roadway/ny/</a>
RURAL PROPERTY ACCESS DRAWING 2 OF 2		AS Standard Drawing No <b>1807</b> Not to Scale Date 3/2024



Amended in red by SARA on  
14 January 2026

**PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE**

SARA ref: 2512-49736 SRA .....  
 Date: 14 January 2026 .....



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.

# 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

---

### 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.

---

<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>

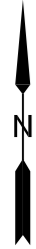
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<sup>3</sup> An applicant may elect, under section 32, to stop the assessment manager's decision period in which to take this action. If a concurrence agency wishes to amend their response in relation to representations made under this section, they must do so in accordance with section 28.

**Attachment 2**      **Approved Plans (D25/47343)**

# Proposed Reconfiguration of a Lot (1 Lot into 2 Lots and Easement M)

325 Endeavour Valley Road,  
Cooktown  
Cancelling Lot 81 on BS193



**COOK SHIRE COUNCIL**  
DIGITALLY STAMPED  
APPROVED PLAN

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

Lot: 81 on BS193

Referred to in Cook Shire Council's Decision Notice (AD2026/0000626)

**Approval Date:** 27 February 2026

**Application Number:** DA/4995

### NOTES:

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

Date: 20th October 2025

Scale: 1:1500 @ A3

Drawn: M Dunn

Job No: 2229

Plan No: Reconfiguration of a Lot 01\_Rev A

**MD** LAND SURVEYS



98  
SP105917

Lot 1  
1.39 ha

Existing Dwelling

Existing Shed

Lot 2  
4.46 ha

1  
SP188502

25  
SP263743

4  
SP188502

6  
SP188501

6  
SP188501

Endeavour Valley Road

123.53m

33.2m

201.17m

178.3m

35.0m

167.7m

65.0m

236.7m

201.17m

**Attachment 3**      **Infrastructure Charges Notice (D26/6046)**

Our Ref: LM:tt:DA/4995:D26/6046

Your Ref:2229

27 February 2026

AW Koebrugge and KE Paton  
C/- MD Land Surveys  
228 Draper Street  
PARRAMATTA PARK QLD 4870  
Email: [erin@mdlandsurveys.com.au](mailto:erin@mdlandsurveys.com.au)

Attention: Erin Berthelson

Dear Ms Berthelson

### ADOPTED INFRASTRUCTURE CHARGES NOTICE

Development Application - DA/4995 - 325 Endeavour Valley Road, Cooktown QLD 4895

---

**Proposal:** Reconfiguring a Lot (1 into 2 lots) and Access Easement

**Applicant:** AW Koebrugge and KE Paton c/- MD Land Surveys

**Location of Site:** 325 Endeavour Valley Road, Cooktown 4895

**Real Property Description:** Lot 81 on BS193

**Level of Assessment:** Code Assessment

### CHARGES CALCULATION

---

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL	\$2,100.00 (Water Supply)	Per allotment	2	\$4,200.00
Residential RAL	\$2,100.00 (Sewerage)	Per allotment	n/a	n/a
Residential RAL	\$2,520.00 (Transport)	Per allotment	2	\$5,040.00
Residential RAL	\$840.00 (Public Parks & Community Land)	Per allotment	2	\$1,680.00
Residential RAL	\$840.00 (Stormwater)	Per allotment	2	\$1,680.00
<b>Total Charge</b>				<b>\$12,600.00</b>

**CREDIT CALCULATION**


---

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Residential RAL	\$2,100 (Water Supply)	Per allotment	1	\$2,100.00
Residential RAL	\$2,100 (Sewerage)	Per allotment	n/a	n/a
Residential RAL	\$2,520.00 (Transport)	Per allotment	1	\$2,520.00
Residential RAL	\$840 (Public Parks & Community Land)	Per allotment	1	\$840.00
Residential RAL	\$840 (Stormwater)	Per allotment	1	\$840.00
<b>Total Credit</b>				<b>\$6,300.00</b>

**Net Adopted Infrastructure Charges Summary**

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$12,600.00	\$6,300.00	<b>\$6,300.00</b>

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

**Due Date for Payment:**

Payment of the total infrastructure charge must be made at the time of endorsement of the survey plan.

**Payment Details:**

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

**Goods and Services Tax**

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

**Adopted Infrastructure Charge is Subject to Price Variation**

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

**RIGHTS OF APPEAL:**

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council.

Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning Environment Lisa Miller on (07) 4082 0500.

Yours faithfully



Brian Joiner  
Chief Executive Officer  
Cook Shire Council

**Attachment 4**      **Notice of Decision – Statement of Reasons (AD2026/0000625)**

## 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/4995
Applicant:	AW Koebrugge and KE Paton c/- MD Land Surveys
Proposal:	Development Permit for a Reconfiguration of a Lot
Description of the Development:	Reconfiguring a Lot (1 into 2 lots and Access Easement)
Street Address:	325 Endeavour Valley Road, Cooktown 4895
Real Property Description:	Lot 81 on BS193
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Residential
Assessment Type:	Code Assessment

### DECISION DETAILS

---

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguring a Lot (1 into 2 lots and Access Easement)
Date of Decision:	27 February 2026

## **ASSESSMENT BENCHMARKS**

---

The following Assessment Benchmarks applied to the development from the following Categorising Instruments:

<b>Assessment Benchmarks</b>	<b>Comment</b>
<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 SARA under Schedule 10, Part 3, Division 4, Table 2 , Item 1 for Reconfiguring a Lot that involves clearing native vegetation and Schedule 10, Part 9, Division 4, Subdivision 2, Table 1, Item 1 - Reconfiguring a Lot 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	<p>Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and mapping has determined that the state interests are adequately reflected in the Planning Scheme and no additional assessment provisions in the current SPP (Part E) or updated mapping are applicable requiring further assessment against the SPP.</p> <p>However, amendments to any part of the SPP or supporting mapping may result in a local planning instrument no longer appropriately integrating a particular State interest. In these instances the SPP and/or the supporting mapping apply to the extent of any inconsistency.</p>
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

- Biodiversity Overlay;
- Bushfire Hazard Overlay;
- Infrastructure Overlay;
- Rural Land Use Overlay;
- Future Urban Expansion Overlay;

- Water Resource Overlay; and
- Landslide Hazard Overlay.

**Local Categorising Instrument (Variation Approval)**

Not Applicable

**Local Categorising Instrument (Temporary Local Planning Instrument)**

Not Applicable

**PUBLIC NOTIFICATION**

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Not Applicable

**REASONS FOR THE DECISION**

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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 development has demonstrated that the proposed lots will not have an adverse impact on the subject site or adjacent properties.

**REASONS FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS**

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Not Applicable

**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

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Not Applicable

**OTHER MATTERS PRESCRIBED BY THE *PLANNING REGULATION 2017***

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Not Applicable

**OTHER DETAILS**

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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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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

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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.