

Our Ref: 1207
Your Ref: DA/4609

30 January 2026

Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895

Attention: Planning & Environment Department

Dear Sir/Madam

**CHANGE APPLICATION FOR MINOR CHANGE
DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 13 LOTS & BALANCE LAND)
1843 MULLIGAN HIGHWAY, COOKTOWN – LOT 216 ON SP137304**

We refer the abovementioned and advise that on behalf of Brian Boserio (the Applicant) we hereby submit a Change Application to amend the existing approval.

On 1st November 2024 Cook Shire Council issued an approval for Reconfiguring a Lot (1 lot into 13 lots and balance land) (CSC Ref: DA/4609) on land located at 1843 Mulligan Highway, Cooktown, and properly described as Lot 216 on SP137304. Subsequent to this Cook Shire Council issued a Decision Notice (Minor Change) on 12th August 2025 amending a number of conditions of approval.

In accordance with section 78 of the *Planning Act 2016* we hereby submit a Change Application for a minor change to the abovementioned Development Permit for Reconfiguring a Lot (1 lot into 13 lots and balance land).

PROPOSED CHANGE

Condition 11 of the Decision Notice (Minor Change) states:

Water Supply

Design and construct a water reticulation system from a single two (2) connection points from the Annan Water Supply pipeline to provide a water connection point to each allotment.

The water main must be located within the Gampe Drive road reserve and constructed generally in accordance with the FNQROC Development Manual. The water main is to be aligned parallel to the existing trunk main in the Gampe Drive road reserve, separated by a distance of at least 1.5m.

This connection can be used to resupply the on-site storage tanks.

Advice Note - This connection is from the Cooktown water supply line and Council does not warrant the pressure, flow or water quality from this pipeline. The primary supply to each allotment must be from the on-site rainwater tanks

The Development Permit for Operational Works (Road, Drainage and Water Infrastructure) states that a reticulated water supply only needs to be provided to proposed Lots 1 to 3. Accordingly, to ensure consistency between the Development Permit for Operational Works (Road, Drainage and Water Infrastructure) and the Development Permit for Reconfiguring a Lot (1 lot into 13 lots and balance land), we are seeking an amendment to condition 11, as per the below:

Water Supply

*Design and construct a water reticulation system from a single two (2) connection points from the Annan Water Supply pipeline to provide a water connection point to each allotment **providing individual water service connections to proposed Lots 1 to 3.***

The water main must be located within the Gampe Drive road reserve and constructed generally in accordance with the FNQROC Development Manual. The water main is to be aligned parallel to the existing trunk main in the Gampe Drive road reserve, separated by a distance of at least 1.5m.

This connection can be used to resupply the on-site storage tanks.

Advice Note - This connection is from the Cooktown water supply line and Council does not warrant the pressure, flow or water quality from this pipeline. The primary supply to each allotment must be from the on-site rainwater tanks

In addition to the above amendment to Condition 11 – Water Supply, it is requested that the schedule of Approved Plans and Documents be amended to include the amended plan (Reconfiguration of a Lot – Lots 1 to 13 & 900 (Balance Land) and Easements A & B (Access and Services) and Easements C, D and F (Drainage) (Proposal Plan_01_Rev K dated 20th January 2026)) as the approved plan.

In undertaking further detail survey on site and the design for the Operational Works submission, it was identified that minor amendments to the allotment layout were required. Specifically, the amendments include adjusting the southern access handle to the balance land, to be between proposed Lots 8 and 9, rather adjacent the western boundary. In addition, it was identified that the corridor between Lots 3 and 4 and Lots 12 and 13 was not required, accordingly, this was removed and the land included in the adjoining lots.

CHANGE APPLICATION (MINOR CHANGE)

Section 78 of the *Planning Act 2016* states that a Change Application must be made to the responsible entity. Pursuant to section 78A, the responsible entity for this Change Application is Cook Shire Council.

A Change Application can only be assessed as a minor change if the change satisfies the definition of minor change provided in Schedule 2 of the *Planning Act 2016* as follows:

“minor change means a change that—

.....

(b) for a development approval—

- (i) would not result in substantially different development; and*
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) the inclusion of prohibited development in the application; or*
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) referral to extra referral agencies, other than to the chief executive; or*
 - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency*

must have assessed the application against, or have had regard to, when the application was made; or

- (E) public notification if public notification was not required for the development application.”*

The following provides confirmation that this Change Application satisfies the criteria of *minor change*, as defined within the *Planning Act 2016*.

- i) would not result in substantially different development;*

Response:

Schedule 1 of the Development Assessment Rules provides advice on determining what is considered substantially different development. On review, it is considered that the proposed changes do not result in a substantially different development as:

- The proposed change does not involve a new use.
 - The change does not result in the application applying to a new parcel of land.
 - The proposed change is to amend a condition of approval regarding the provision of reticulated water and for minor amendments to the allotment layout and does not involve any changes to built form.
 - The proposed change does not result in the proposed development to operate as originally intended.
 - The change does not result in removing any component of the development that is integral to the operation.
 - The proposed change will not result in significant impacts on traffic flow and the transport network.
 - The proposed changes do not introduce or increase the severity of any known impacts.
 - There is no incentive or offset component associated with the development approval.
 - The proposed change will not have any impacts on infrastructure.
- ii) *if a development application for the development, including the change, were made when the change application is made would not cause –*
- (A) the inclusion of prohibited development in the application; or*

Response:

The proposed changes do not result in the inclusion of prohibited development in the application.

- (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
- (C) referral to extra referral agencies, other than to the chief executive; or*
- (D) a referral agency to assess the application against, or have regard to, matters prescribed by*

Response:

The initial application triggered referral to SARA as a Concurrence Agency. A review of the referral triggers confirms that if the application were submitted today, referral to any additional referral agencies or for any other matters would not be triggered.

- (E) public notification if public notification was not required for the development application.*

Response:

The initial development application did not require public notification and the change does not cause a change to the level of assessment for the development.

Accordingly, based on the above, we advise that the proposed change is considered a minor change as it does not result in substantially different development, does not introduce development that would now be considered prohibited, has no effect on referral agency triggers should the application be remade now and would not require public notification should the application be remade now.

ASSESSING CHANGE APPLICATIONS FOR MINOR CHANGES

In assessing this change application, Section 81(2) of the *Planning Act 2016* requires Council to consider:

- a. the information that has been included with the application

- b. any properly made submissions about the development application for the approval;
- c. all matters Council would or may assess the Application against or have regard to, if the change application were a development application; and
- d. any other matter Council considers relevant.

Information Included with the Application

This correspondence, including the associated attachments provides all information regarding the proposed change.

Properly Made Submissions

There were no properly made submissions received about the development application.

Matters Council Would or May Assess Against if the Change Application was a Development Application

Pursuant to section 81(3) of the *Planning Act 2016*, Council:

- a. must assess against, or have regard to, the statutory instrument that applied when the development application was properly made; and
- b. may assess against, or have regard to, the statutory instrument that applies when this change application is made.

The original application was assessed against the provisions of the Cook Shire Council Planning Scheme 2017 v2.0 which is the current planning scheme. The proposed amendments to amend the condition of approval regarding the provision of reticulated water and the slight amendment to the allotment configuration does not change the overall compliance with the relevant provisions of the planning scheme.

SUPPORTING DOCUMENTS

In accordance with the *Planning Act 2016*, the following documentation is attached to allow consideration of the application:

- Attachment A: Planning Act Form 5 – Change Application Form; and
- Attachment B: Amended Plan of Proposed Reconfiguration (Proposal Plan_01_Rev K dated 20th January 2026).

CONCLUSION

As demonstrated above, the proposed change constitutes a minor change and the proposed change will not result in substantially different development, nor do they exacerbate or detrimentally impact issues considered in the original application assessment.

Accordingly, it is submitted that the proposed changes to the Development Permit for Reconfiguring a Lot (1 lot into 13 lots and balance land) are minor and may be decided by Council on this basis, in accordance with the *Planning Act 2016*.

We trust that the enclosed documentation is sufficient to allow Council's assessment of the proposed change, however, should you have any further queries or wish to discuss please do not hesitate to contact the undersigned on 0402 806 016 or erin@mdlandsurveys.com.au.

We look forward to receiving notification of Council's decision on this application as soon as possible.

Yours Sincerely



Erin Berthelsen
Senior Planner

ATTACHMENT A

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Brian Boserio
Contact name (only applicable for companies)	C/- MD Land Surveys (Erin Berthelsen)
Postal address (P.O. Box or street address)	228 Draper Street
Suburb	Parramatta Park
State	QLD
Postcode	4870
Country	Australia
Email address (non-mandatory)	erin@mdlandsurveys.com.au
Mobile number (non-mandatory)	0402 806 016
Applicant's reference number(s) (if applicable)	1207

2) Owner's consent - Is written consent of the owner required for this change application?

Note: Section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- Yes – the written consent of the owner(s) is attached to this change application
 No

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		1843	Mulligan Highway	Cooktown
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4895	216	SP137304	Cook
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)



**Queensland
Government**

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row.

<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum		Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application

Not required

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Cook Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	DA/4609	1 st November 2024 (Decision Notice) And 12 th August 2025 (Decision Notice (Minor Change))	Cook Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

The Development Permit for Operational Works (Road, Drainage and Water Infrastructure) states that a reticulated water supply only needs to be provided to proposed Lots 1 to 3. Accordingly, to ensure consistency between the Development Permit for Operational Works (Road, Drainage and Water Infrastructure) and the Development Permit for Reconfiguring a Lot (1 lot into 13 lots and balance land), we are seeking an amendment to condition 11.

6.2) What type of change does this application propose?

Minor change application – proceed to Part 5

Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work? <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change. <input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application Yes Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application Yes Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application Yes

Note: Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

14) Applicant declaration

- By making this change application, I declare that all information in this change application is true and correct.
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

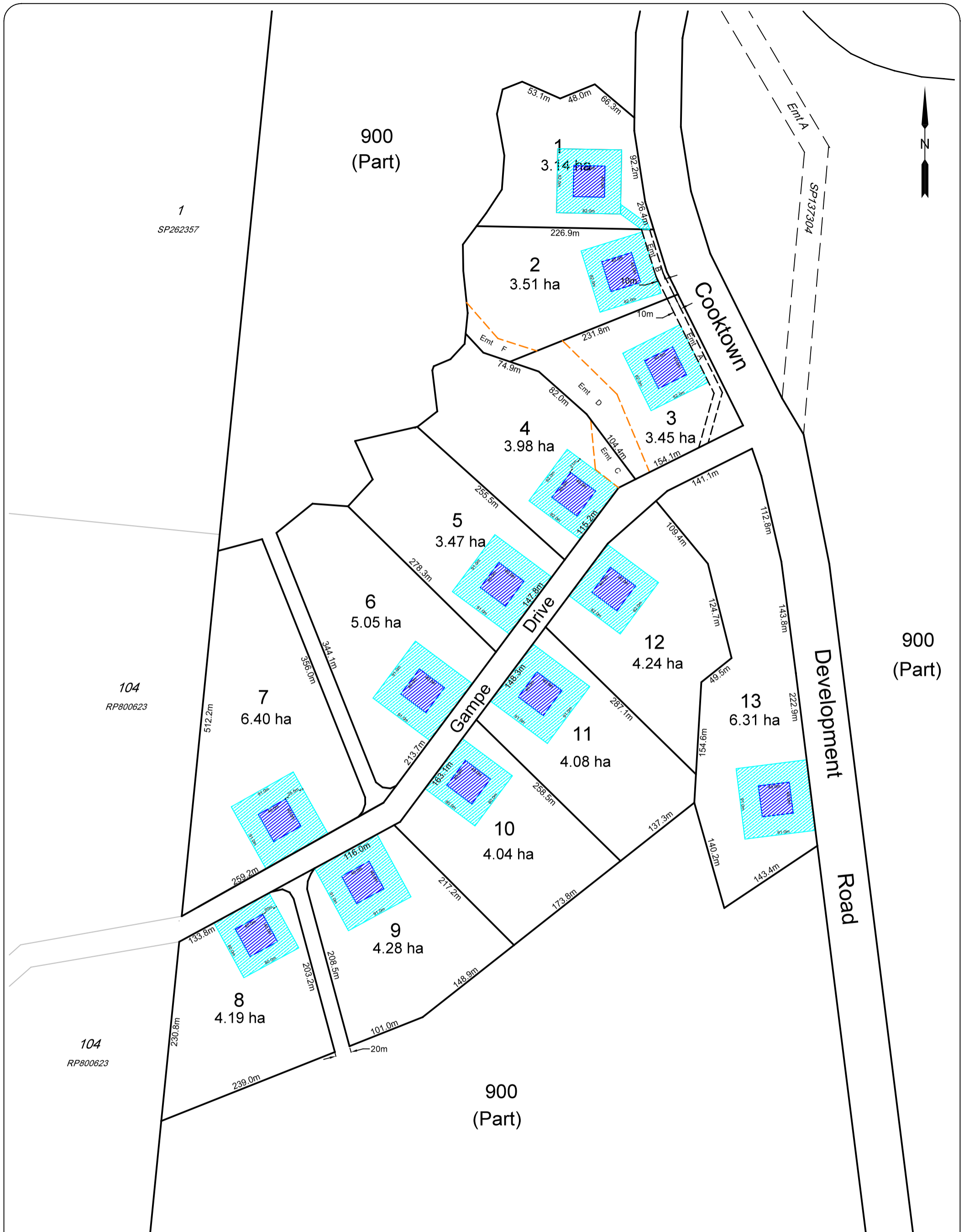
This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

ATTACHMENT B



RECONFIGURATION OF A LOT - LOTS 1 TO 13 & 900 (BALANCE LAND)
 & EASEMENTS A & B (ACCESS AND SERVICES)
 & EASEMENTS C, D & F (DRAINAGE)
 1843 Mulligan Highway, Cooktown
 Part of Lot 216 on SP137304



Date: 20th January 2026
 Scale: 1:4,000 at A3
 Drawn: E Berthelsen
 Job No: 1207
 Plan No: Proposal Plan_01_Rev K