

Our ref: 416351

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Date: 9 February 2025

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

Attn: Lisa Miller, Manager Planning and Environment

Dear Lisa,

**181-185 Honey Dam Road, Lakeland Reconfiguring a Lot (2 Lots into 8 and balance lot)
Information request response (pursuant to Section 13 of the Development Assessment Rules)
Your Ref: DA/4986**

We refer to Council's information request, dated 25 November 2025, for the development application over the above site.

Pursuant to sections 13.2 of the *Development Assessment Rules* we provide our response to this information request below.

In accordance with Section 13.3 of the *Development Assessment Rules*, we confirm that this letter and attachments constitute our response to Council's information request. Accordingly, we advise that you must proceed with assessment of this development application.

Information request response

1 Rural Lifestyle Allotments

1. Please provide an amended Proposal Plan demonstrating a revised lot layout that reflects the intended rural lifestyle lots as contemplated by the Cook Shire Planning Scheme 2017 (V2.0) which shows an increase in proposed lot sizes to better align with the Scheme's anticipated minimum lot size of approximately 4 hectares within the Rural Zone.

Response

It is noted that the Council are generally supportive of the proposed development; however, consider that the proposed lots are too small in the context of the Strategic Framework of the Planning Scheme, which anticipates such development down to 4ha where particular outcomes can be demonstrated, including, but not limited to, reasonable proximity to services and facilities, appropriate infrastructure provision and protection of rural operations.

Council Officers also note that the Strategic Framework is not an assessment benchmark for the purpose of Code Assessable applications.

The correct Assessment benchmark is PO12 of the Reconfiguring a Lot Code, which states:

PO12 *Reconfiguring a lot in the Rural Zone results in Rural Lifestyle Lots that:*

- (a) *Are in reasonable proximity to services and facilities such as health, education and retail opportunities;*

- (b) *Have frontage to a road and access to a road network that complies with the rural roads design criteria in the FNQROC Development Manual;*
- (c) *Protects rural activities and extractive industry from encroachment by sensitive land uses;*
- (d) *Will not impact transport/supply chains critical to rural production, rural industry and extractive industry;*
- (e) *Have a sustainable level of impact on the natural environment having regard to water supply and water quality effluent disposal, potential erosion and natural habitat.*
- (f) *Provide a high level of residential and scenic amenity and safety from risk of natural hazards such as bushfire;*
- (g) *Does not compromise the orderly development of land where such land is subject to the Future Urban Expansion Overlay.*

In terms of what is a Rural Lifestyle Lot, the planning scheme provides the following definition:

Rural lifestyle allotment - *An allotment less than 100ha in area the Rural Zone.*

The Assessment Benchmark itself does not establish a minimum lot size for a Rural Lifestyle Lot and neither does the planning scheme definition. The area of 4 hectares is referenced in the Strategic Framework in section 3.4..1.1 (5), which states:

(5) Opportunities exist to create rural lifestyle allotments down to 4ha in areas of the shire close to services and facilities and with appropriate access to such services and facilities. Such allotments provide for small-scale horticultural and tropical fruit enterprises as well as housing choice in a rural/natural setting.

The relevant section of the Strategic Framework does not prohibit the provision of rural lifestyle lots with an area of less than 4 hectares, rather it identifies that opportunities exist for rural lifestyle lots down to 4 hectares. On this basis, it is considered that where suitable justification can be provided it is open for Council to consider the provision of Rural Lifestyle Lots with an area of less than 4 hectares. Such lots, where suitably located, would continue to meet the intent of providing for rural lifestyle pursuits as well as housing choice in a rural/natural setting.

On the basis that the Information Request does not challenge the application satisfying the balance of the Assessment Benchmark it is understood that the principle of the development is accepted and it is only the lot size that is requiring further justification. In considering the proposed development, it is important to consider:

- The proposed development would provide for lots with areas ranging from 3.034 hectares to 2.248 hectares in size. These are considerably larger than rural residential lots at typically 4,000m²;
- The lots would be located on land that is generally identified as being unsuitable for cropping and suitable only for grazing of native or sown pastures where it is sensible to seek to achieve a higher density of non-rural land use.
- The lots would be located 6 kilometres by road from the town Centre of Lakeland and 3 kilometres as the crow flies;
- The recently adopted Lakeland Master Plan & Infrastructure Plan 2023 proposes the expansion of Lakeland to the west towards the subject site and includes urban activities on Honey Dam Road; and,
- It is accepted that there is a *significant shortage of land available for residential and rural residential purposes in Lakeland*. This would lend weight to the position that there is a community need for the provision of additional land for both residential and rural residential (Rural Lifestyle) purposes.

On the basis of the above, it is considered that there is substantive planning justification for the proposed development to provide for Rural Lifestyle lots at a density greater than that identified in the Planning Scheme. This consideration is supported by section 3.4..1.1 (9) of the Planning Scheme, which states:

(9) Development inconsistent with the planned location, intensity or type of land use must demonstrate there is a community need for such development, no adverse amenity or environmental impact and adequate access to infrastructure or orderly extension of that infrastructure, including community infrastructure.

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In this instance, even if it were considered that there is the potential for the development to be considered inconsistent with the planned location, intensity or type of land use, there is a community need for the development, it would have no adverse impacts on the amenity or the environment and it would be consistent with the recently planned orderly extension or expansion of the township of Lakeland.

On this basis, it is considered that the proposed plan of subdivision is a suitable development for the land and reflects sensible planning outcomes that are supported by the planning scheme, including the Strategic Framework.

We look forward to continuing working with you on this development. In the meantime, if you have any queries please contact the writer (contact details below).

Yours sincerely,
for RPS AAP Consulting Pty Ltd



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