

## 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/4986
Applicant:	Peter Inderbitzin, Franziska Inderbitzin & Sharprock Pty Ltd c/- RPS AAP Consulting Pty Ltd
Proposal:	Development Permit for Reconfiguring a Lot
Description of the Development:	Reconfiguration of a Lot (2 Lots into 7 Lots, 2 Balance Lots and New Road)
Street Address:	181 – 185 Honey Dam Road, and Honey Dam Road, Lakeland 4871
Real Property Description:	Part of Lot 101 on SP330210 and Part of Lot 102 on SP330210
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Rural Zone
Assessment Type:	Code Assessment

### DECISION DETAILS

---

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Reconfiguration of a Lot (2 lots into 7 lots, 2 balance lots and new road)
Date of Decision:	10 April 2026

## ASSESSMENT BENCHMARKS

---

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

Assessment Benchmarks	Comment
<i>Planning Regulation 2017</i> (Schedule 9)	Schedule 9 is not applicable as the application is not for building work under the Building Act.
<i>Planning Regulation 2017</i> (Schedule 10)	The application triggered a referral to the State Assessment Referral Agency (SARA) under <i>Schedule 10, Part 9, Division 2, Table 1, Item 1</i> – Reconfiguring a lot subject to an easement for the benefit of a distribution entity under the Electricity Act for a supply networks; or part of the lot is within 100m of a substation site.
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the <i>State Planning Policy</i> is integrated in the Planning Scheme.  A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that the state interests are 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.
Temporary State Planning Policy	There are no Temporary State Planning Policies.

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

- Rural Zone Code;
- Bushfire Hazard Overlay Code;
- Reconfiguring a Lot Code; and
- Works, Services and Infrastructure Code.

### Local Categorising Instrument (Variation Approval)

Not Applicable

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

Not Applicable

**PUBLIC NOTIFICATION**

Not Applicable

**REASONS FOR THE DECISION**

The application is **approved** on the following grounds:

- a. The application is code assessable and has been assessed against the applicable assessment benchmarks of the Cook Shire Council Planning Scheme 2017 v2.0 and the matters prescribed by the *Planning Regulation 2017*.
- b. While the proposal does not strictly comply with the Scheme's intent for rural lifestyle lots, Officers consider the relevant performance outcomes are met in the specific circumstances of the site.
- c. The development area is considered to have low agricultural value due to topographical constraint, drainage features, vegetation setbacks and separation from the productive rural land retained on the balance lots.
- d. The proposal has been conditioned to ensure appropriate access, servicing and protection of rural and environmental values.

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

Not Applicable

**ADDITIONAL RELEVANT MATTERS FOR IMPACT ASSESSMENT**

Not Applicable

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

Not Applicable

**OTHER DETAILS**

If you wish to obtain more information about Council's decision, including a copy of Council's Decision Notice and any conditions or plans relating to the development, please refer to Council's webpage.