

Our Ref: LM:DA/4569 AD2022/0011039

Your Ref: PR152779

15 December 2022

Hongyu Feng
c/-RPS Group AAP Consulting Pty Ltd
PO Box 1948
CAIRNS QLD 4870
E-mail: owen.caddick-king@rpsgroup.com.au

Attention: Owen Caddick

Dear Mr Caddick

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

With reference to the abovementioned Development Application, 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

Date of Decision: Council approved the Development Application at a Council meeting on 13 December 2022.

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.

Variation approval details

Not Applicable

Application Details

Application Number: DA/4569

Approval Sought: Development Permit for Material Change of Use

Description of the Development: Multiple Dwelling (12 units)

Category of Development: Assessable Development

Category of Assessment: Code Assessment

Planning Scheme: Cook Shire Council Planning Scheme 2017 (v2)

Location Details

Street Address: 19, 21 and 23 John Street Cooktown

Real Property Description: Lot 46 on C17922, Lot 47 on C17922 and Lot 48 on C17922

Local Government Area: Cook Shire

Assessment Manager Conditions

This approval is subject to the conditions in Attachment 1.

Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

1. Development Permit for Plumbing and Drainage Work
2. Development Permit for Building Work

Properly Made Submissions

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

Referral Agencies

Not applicable - no part of the application required referral.

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

Not Applicable.

Approved Plans and Specifications

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

Currency Period for the Approval

This approval lapses if the first change of use does not happen within *six (6) years*.

Lapsing of approval if development started but not completed

In accordance with section 88(1) of the *Planning Act 2016*, a development approval, other than a variation approval, for development lapses to the extent the development is not completed within any period or periods required under a development condition.

Rights of Appeal

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* are provided in Attachment 4 of this Decision Notice.

Other Details

Council relies on the accuracy of information included in the application documentation when assessing and deciding applications.

If you find an inaccuracy in any of the information provided above, have a query, or need to seek clarification about any of these details, please contact Cook Shire Council's Planning and Environment Department on 07 4082 0500 or E-mail: mail@cook.qld.gov.au.

Yours sincerely



Heather Kelly
Director
Organisational Business Services
Cook Shire Council

enc: **Attachment 1 (A)** – Conditions imposed by the assessment manager
Attachment 2 – Approved Plans
Attachment 3 – Notice of Decision – Statement of Reasons
Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)



Attachment 1 (A) - Conditions imposed by the assessment manager (Cook Shire Council)

No.	Condition	Timing
GENERAL		
1.	COMPLIANCE WITH CONDITIONS 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.	WORKS – DEVELOPER’S EXPENSE 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
3.	WORKS - DAMAGE TO INFRASTRUCTURE The Developer must repair any damage to existing infrastructure (e.g. kerb and channel, footpath, or roadway) 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
4.	WORKS – DESIGN & STANDARD Unless otherwise stated, all works must be designed, constructed, and maintained in accordance with the relevant Council policies, guidelines, and standards.	At all times
5.	WORKS – SPECIFICATION & CONSTRUCTION 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
6.	COMMENCEMENT OF USE The use must not commence until the conditions of the approval relevant to each stage have been complied with.	At all times
7.	INFRASTRUCTURE CONDITIONS All development conditions contained in this development approval about infrastructure under Chapter 4 of the Planning Act 2016 (the Act), should be read as being non-trunk infrastructure conditioned under section 145 of the Act, unless otherwise stated.	At all times



APPROVED PLANS & DOCUMENTS																															
8.	<p>APPROVED PLANS & DOCUMENTS 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>Sheet No.</th> <th>Date</th> <th>Prepared By</th> </tr> </thead> <tbody> <tr> <td>Perspective 1 and Perspective 2</td> <td>A-01</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> <tr> <td>Site Plan – Amendments made by S Leggerini for RPS</td> <td>A-04</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> <tr> <td>Floor Plan – Amendments made by S Leggerini for RPS</td> <td>A-05</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> <tr> <td>Dimensions Plan</td> <td>A-06</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> <tr> <td>Elevations 1, 2, 3 & 4</td> <td>A-07</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> <tr> <td>Architectural Sections</td> <td>A-08</td> <td>10/12/2021</td> <td>EDR Building Designs</td> </tr> </tbody> </table>	Title	Sheet No.	Date	Prepared By	Perspective 1 and Perspective 2	A-01	10/12/2021	EDR Building Designs	Site Plan – Amendments made by S Leggerini for RPS	A-04	10/12/2021	EDR Building Designs	Floor Plan – Amendments made by S Leggerini for RPS	A-05	10/12/2021	EDR Building Designs	Dimensions Plan	A-06	10/12/2021	EDR Building Designs	Elevations 1, 2, 3 & 4	A-07	10/12/2021	EDR Building Designs	Architectural Sections	A-08	10/12/2021	EDR Building Designs	At all times	
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9.	<p>CONDITIONS OF APPROVAL & APPROVED PLANS Where there is a conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval take precedence.</p>	At all times																													

DEVELOPMENT IN STAGES		
10.	The development may be undertaken in stages. Each stage comprising of four (4) units wholly contained within the boundary of the subject lot. Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.	At all times

DEMOLITION /REMOVAL OF EXISTING DWELLING		
11.	<p>Stage – development on Lot 47 C17922 The existing dwelling must be demolished or removed from site.</p>	Prior to the commencement of use

VEHICULAR ACCESS		
12.	Access to the proposed development must be provided in accordance with the approved plans of development.	At all times



13.	Access from the property boundary to the road pavement must be 3.5 metres wide, sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Development Manual Drawing S1015E (commercial/industrial standard), and Design Manual D1, Road Geometry, section D1.17 and subject to a Local Laws Permit 'Make Alterations or Improvements to a Road'.	At all times
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CAR PARKING		
14.	NUMBER OF PARKING SPACES A minimum of five (5) car parking spaces must be provided on each lot (4 resident spaces and 1 visitor space) in accordance with the approved plan of development.	At all times
15.	SEALING Car parking spaces and internal driveways must be located as per the approved plan of development and be concrete or bitumen sealed and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Development Manual.	Prior to commencement of use

SERVICES		
16.	RETICULATED ELECTRICITY SUPPLY The development must be connected to the reticulated electricity supply network in accordance with the standards and requirements of the relevant service provider. Internal reticulation between the dwelling units must be via underground distribution.	Prior to commencement of use
17.	TELECOMMUNICATIONS Telecommunications must be provided to the premises to the standards and requirements of the relevant service provider.	Prior to commencement of use
18.	RETICULATED WATER SUPPLY The development must be connected to the reticulated water supply with a 32mm water service connection on each lot. The developer will be responsible for sub metering.	Prior to commencement of use
19.	RETICULATED SEWERAGE SUPPLY The development must be connected to the reticulated sewerage network. A separate connection per lot. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.	Prior to commencement of use

FENCING & LANDSCAPING		
20.	Fencing must be provided in accordance with approved plan of development and: (a) the provision of a solid screen fence of a minimum 1.8 metres high along the northern side boundary of each lot; and (b) fencing a minimum of 1.8 metres high along the side and rear boundaries.	At all times
21.	Landscaping must be provided and maintained in the landscaped gardens identified on the approved plan of development. The landscaping must include a selection of species that enhance the visual amenity of the site.	At all times

WASTE DISPOSAL		
22.	WASTE STORAGE All bins and waste storage areas must be located on site, and not visible from the street or neighbouring properties as per the approved plan of development.	At all times

STORMWATER		
23.	LAWFUL POINT OF DISCHARGE Stormwater drainage must be directed to a lawful point of discharge being John Street.	At all times
24.	DRAINAGE 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

EROSION & SEDIMENT CONTROL		
25.	The applicant must ensure that no sand, soil or silt runoff occurs from the site during the construction and operational phase of the development and erosion and sediment controls are in place.	At all times

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

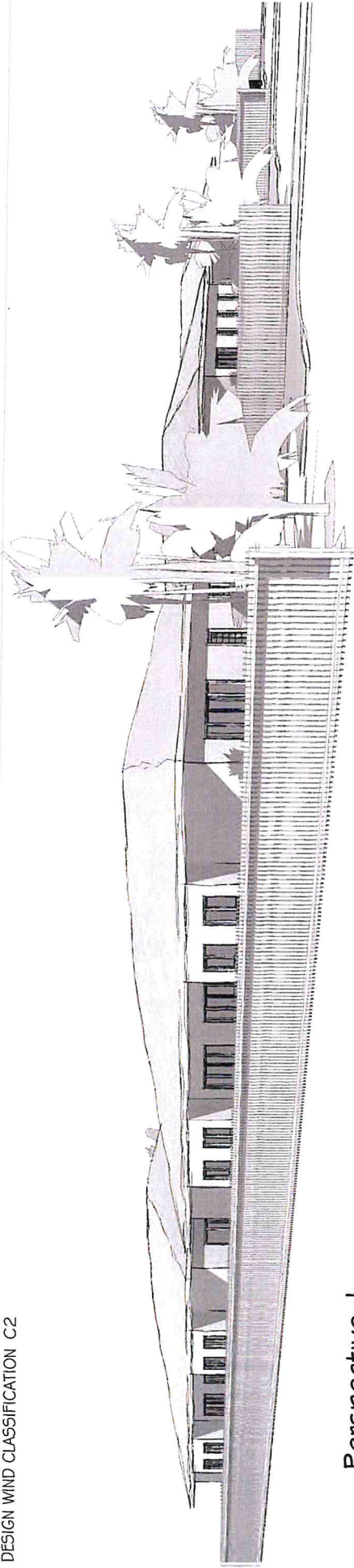
AMENITY		
27.	EXTERNAL IMPACTS The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.	At all times

A. Assessment Manager (Council) Advice

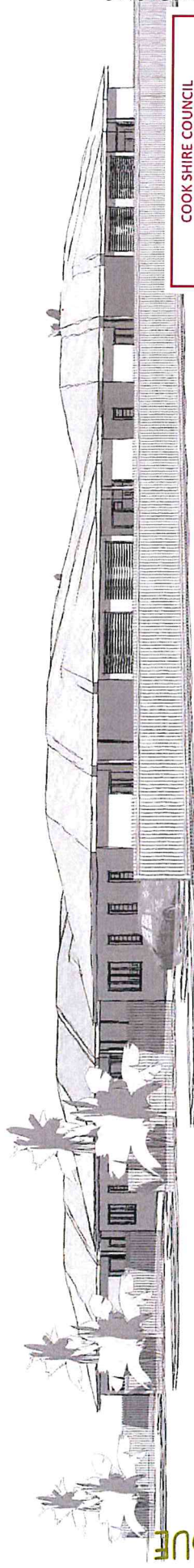
1. A development permit is required for carrying out Building Works, and a Plumbing and Drainage Approval/compliance permit is required for Plumbing and Drainage Works prior to construction of any buildings associated with this development.
2. The currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. Infrastructure charges must be paid to Council prior to the commencement of use of the new dwelling house as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
4. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (or court determined conditions) and prior to the commencement of the use. This will allow a check for compliance with conditions to be carried out by Council officers.
5. 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.



Attachment 2 – Approved Plans (D22/30815)



Perspective 1



Perspective 2

CONSTRUCTION ISSUE

ISSUES/REVISIONS



-Drawn By:
-Project Type:
-Client Name
-Project Address:

THIS DRAWING IS CONSIDERED A MUST NOT BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE CONTRACTOR IS HEREBY ADVISED THAT THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING DIMENSIONS ON SITE PRIOR TO ANY CONSTRUCTION OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ADVISE ANY DISCREPANCIES TO THE DESIGNER, WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENSAL CONSTRUCTION.



CHARTERED MEMBER



COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Developer Permit for Material Change of Use - Multiple Dwelling (12 units)
Lot: 46 on CL17922, Lot 47 on CL17922 and Lot 48 on CL17922
Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 December 2022
Application Number: DA/4569

Proposed Duplexes
Dean, Scriver
Building
Lots 46, 47, 48
John St
Cooktown

-Project Number: 22016
-Drawing Title: PERSPECTIVE VIEWS
-Scale: AT A3
-Sheet Number: A-01 | A

DESIGN WIND CLASSIFICATION C2

NOTE
 HD SEWER PLAN AVAILABLE AT TIME OF DRAWING.
 VERIFY ON SITE PRIOR TO CONSTRUCTION.
 MAX 500kPa WATER PRESSURE OR INSTALL
 PRESSURE LIMITING DEVICE.

SITE NOTES

LICENCED PLUMBER TO CONFIRM FINAL
 ALIGNMENT OF HOUSE SEWER & STORMWATER.
 CONFIRM ALL FALLS PRIOR TO CONSTRUCTION.
 CLIENT TO PROVIDE SKETCH PLAN SHOWING ANY
 FUTURE ALTERATIONS, EXTENSIONS, SWIMMING
 POOLS ETC. SO HOUSE SEWER & STORMWATER
 CAN BE ALIGNED TO ACCOMMODATE
 REQUIREMENTS.
 ALL PLUMBING & DRAINAGE WORK SHALL BE IN
 ACCORDANCE WITH SEWERAGE AND WATER
 SUPPLY ACT 1949-1952, ASSOCIATED
 AMENDMENTS & RELEVANT AUSTRALIAN
 STANDARDS.
 ALL WATER TO BE DRAINED AWAY FROM BUILDING
 DURING & AFTER CONSTRUCTION & TO COMPLY
 WITH AS 2870 'RESIDENTIAL SLABS &
 FOOTINGS'.
 FINISHED SLAB LEVEL TO BE MINIMUM 250mm
 ABOVE FINISHED GROUND LEVEL.
 ALL EARTHWORKS TO COMPLY WITH AS
 3798-1996 'GUIDELINES ON EARTHWORKS FOR
 COMMERCIAL & RESIDENTIAL DEVELOPMENTS'.

ALL EXISTING VEGETATION ON THE PROPERTY
 WITHIN THE FOOTPRINT OF THE PROPOSED
 RESIDENCE AND/OR WITHIN A RECOMMENDED
 SAFE DISTANCE FROM THE PROPOSED
 RESIDENCES FOOTINGS ARE TO BE REMOVED
 WELL PRIOR TO CONSTRUCTION TO ALLOW THE
 SOILS MOISTURE CONDITIONS TO RETURN TO A
 STATE OF EQUILIBRIUM.

DEPRESSIONS FORMED BY THE REMOVAL OF
 VEGETATION & ALL DISTURBED WEAKER SOIL
 SHOULD BE CLEANED OUT & BACKFILLED WITH
 COMPACTED SELECT FILL.

COOK SHIRE COUNCIL
 DIGITALLY STAMPED
 APPROVED PLAN

Development Application: Development Permit for Material
 Change of Use—Multiple Dwelling (12 units)
 Lot: 46 on C17922, lot 47 on C17922 and lot 48 on C17922

Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 December 2022
 Application Number: DA/2565

CONSTRUCTION IS

Site Plan
 SCALE 1 : 250

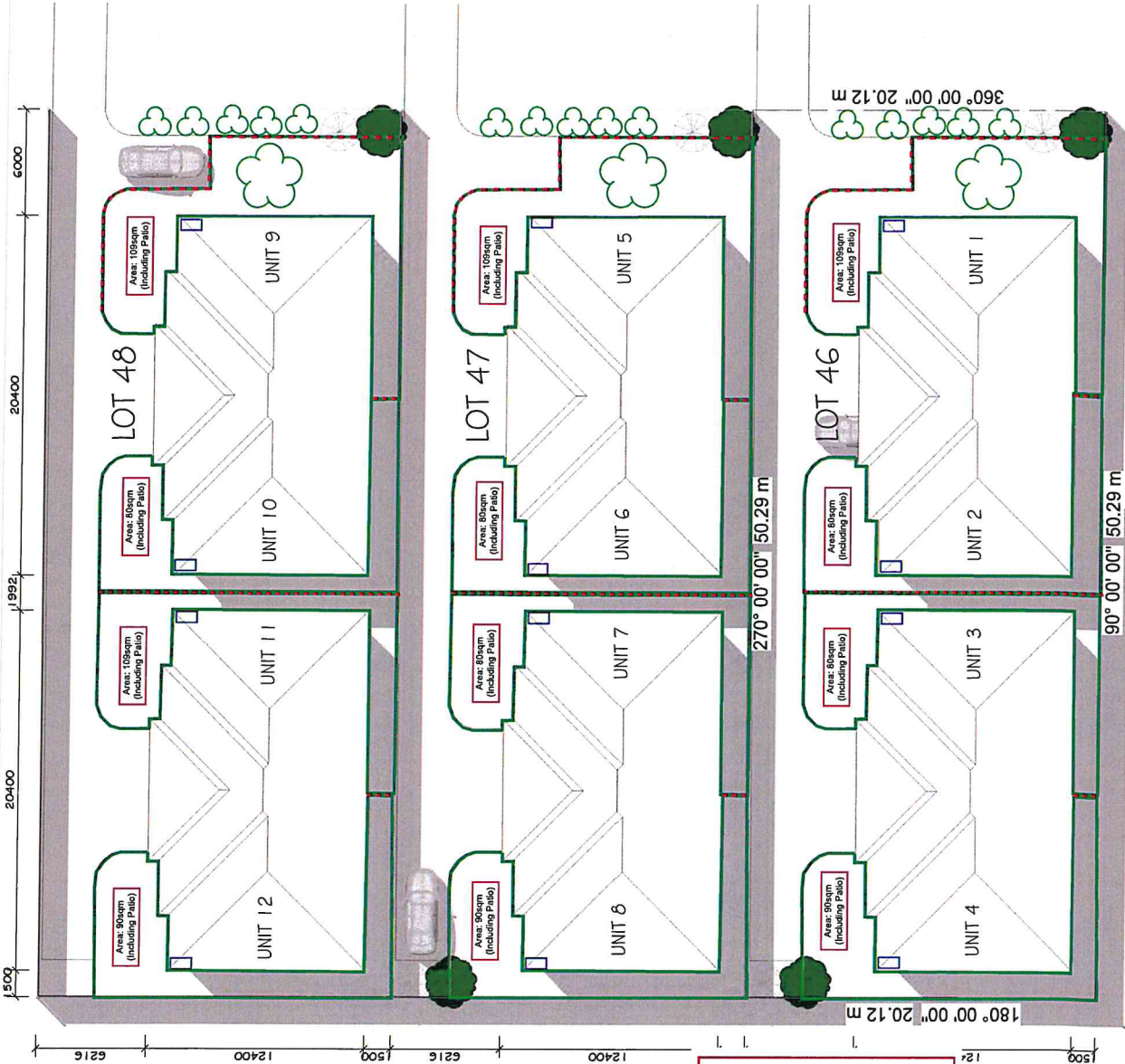
ISSUES/REVISIONS



CHARTED MEMBER



THIS DRAWING IS CORRECT & MUST NOT BE REPRODUCED
 OR COPIED WITHOUT THE AUTHORITY OF THE
 ARCHITECT. THE ARCHITECT ACCEPTS NO LIABILITY
 FOR THE CONTRACTOR'S FAILURE TO VERIFY THE
 CONTRACTOR'S STATEMENTS OR TO VERIFY THE
 DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS
 OR COMMENCEMENT OF WORK. THE CONTRACTOR IS
 TO MAINTAIN ANY DISCREPANCIES TO THE DESIGNER
 WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO
 COMMENCING CONSTRUCTION.



GENERAL NOTES

- REFER SITE PLANS FOR LOCATION, SETOUT AND ACTUAL LEVELS OF BUILDINGS.
- CONTRACTOR TO CHECK ON SITE ALL DIMENSIONS PRIOR TO SHOP DRAWINGS AND FABRICATION.
- ALL DIMENSIONS ARE TO GRID LINES. FACE OF BLOCKWORK/BRICKWORK - FACE OF STUD OR CENTRELINE OF COLUMNS, U.N.O.
- CONTRACTOR TO CO-ORDINATE ALL SERVICES, PENETRATIONS AND STRUCTURE PRIOR TO CONSTRUCTION AND INFORM THE CONTRACT ADMINISTRATOR PRIOR TO CONSTRUCTION/FABRICATION.
- RAMP, STAIRS, AND PATHWAYS/STAIRWAYS TO COMPLY WITH AS1428.1 (2009).
- WHERE A TRADE NAMED PRODUCT IS SPECIFIED IN THESE DOCUMENTS, IT IS TO BE CONSIDERED AS, OR EQUIVALENT TO APPROVAL OF CONTRACT ADMINISTRATOR.

CONCRETE DRIVEWAY & PATH TO BE CONFIRMED ON SITE.
 ALL LAYOUT TO BE IN ACCORDANCE WITH AS2890, PARKING FACILITIES, PART 1: OFF STREET CAR-PARKING

- Key:**
- Internal Fencing - 1.20 metres tall
 - Private Open Space Boundary
 - Bin Storage Area
 - Shrubs and Ground Cover
 - Trees

Note: All planting will be completed in accordance with SC6.3 Landscaping Planning Scheme Policy, Cook Shire Planning Scheme 2017 V2.0

LOT NUMBER: 46, 47, 48
 RP NUMBER: C17922
 PARISH: Cook
 COUNTY: Banks
 SITE AREA: 1,012 m²



Amendments made by S Leggieri for RPS

Edr	Proposed Duplexes	-Project Number:	22018	SITE PLAN
-Drawn By:	Dean Schwenker	-Drawing Title:	AT A3	
-Project Type:	Building	-Scale:	47, 48	
-Client Name:	Louis & Lisa	-Project Address:	John St	
			Cooktown	-Sheet Number: A-04

DESIGN WIND CLASSIFICATION C2

Floor Area

Living	72.3 m ²
Patio/Garage/Ldry	31.8 m ²
	104 m ²

Window Schedule

No.	Ht	Wd	Description
1	1200	2000	OXO SLIDING GLASS WINDOW
2	800	1000	XO SLIDING GLASS WINDOW LAM OBS
3	800	1000	XO SLIDING GLASS WINDOW LAM OBS
4	1200	2000	OXO SLIDING GLASS WINDOW
5	1200	600	1 PANEL GLASS LOUVRES
6	1200	600	1 PANEL GLASS LOUVRES
7	1200	600	1 PANEL GLASS LOUVRES
8	1200	1000	10.18 FIXED CORNER

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application/Development Permit for Material Change of Use—Multiple Dwelling (12 units)
Lot: 46 on C17922, Lot 47 on C17922 and Lot 48 on C17922

Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 December 2022
Application Number: DA/4569

Ground Floor
SCALE 1 : 100

ISSUE/REVISIONS

CONSTRUCTION ISSUE

PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OR ANY RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING. EDR BUILDING DESIGNS PROJECTS 2200 Jobs 2201 & Working Drawings 2201 & Wds.rvt AM

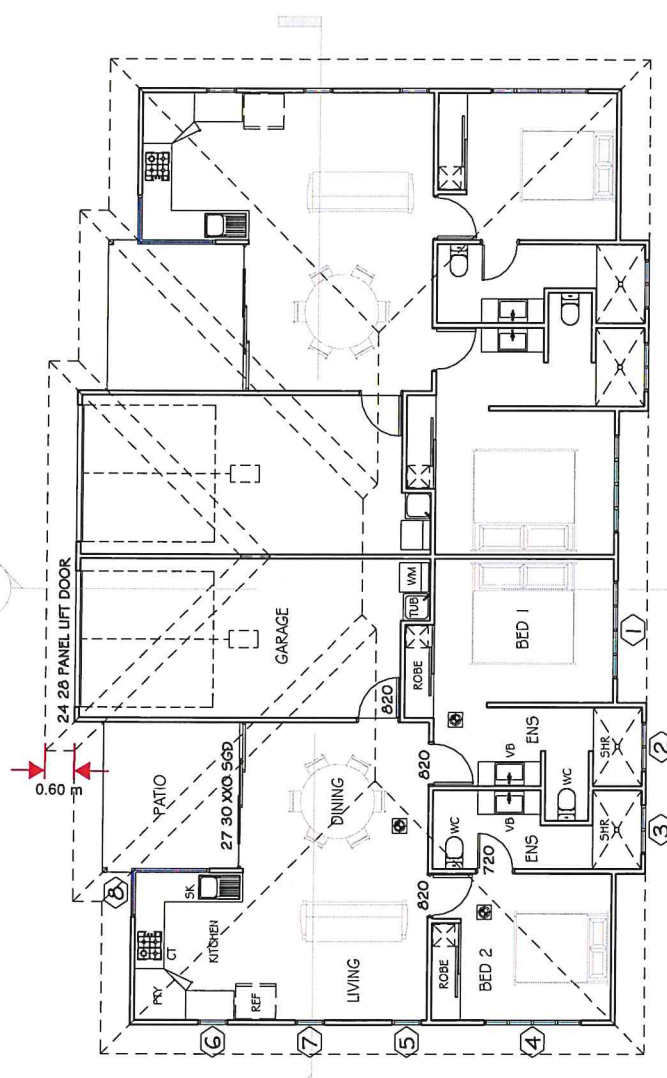
Keynote Legend

Key Value	Keynote Text
CT	COOKTOP
KITCHEN	KITCHEN LAYOUT INDICATIVE ONLY. REFER SPECS FOR DETAILS
PTY	PANTRY
REF	REFRIGERATER PROVISIONS ONLY
ROBE	ROBE
SHR	SHOWER
SK	SINK
TUB	LAUNDRY TUB
VB	VANITY BASIN
WC	WATER CLOSET
WM	WASHING MACHINE SPACE

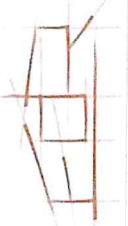
GENERAL JOINERY NOTES
STANDARDS
 CHECK ALL DIMENSIONS AND CONDITIONS ON SITE BEFORE COMMENCEMENT OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS
 CONTRACTOR TO REPORT ANY DISCREPANCIES (ON DRAWING OR ON SITE) BEFORE COMMENCING OF ANY BUILDING WORKS AND/OR COMMENCEMENT OF JOINERY SHOP DRAWINGS
 SPECIFIED PROPRIETARY ITEMS DOES NOT IMPLY PREFERENCE FOR THE ITEM INDICATED, BUT IDENTIFIES THE MINIMUM PROPERTIES REQUIRED FOR SUCH ITEMS. ANY SUBSTITUTIONS ARE BY APPROVAL ONLY
 CONFIRM NOMINATED APPLIANCES' MANUFACTURERS RECOMMENDATIONS, SPECIFICATION, REQUIRED SPATIAL REQUIREMENTS AND INSTALLATION REQUIREMENTS WHERE SPECIFIED AS PART OF JOINERY UNIT AND / OR LOCATED ADJACENT TO REFER JOINERY DRAWINGS AND FLOOR PLAN

JOINER TO ENSURE ALL APPLIANCES AND EQUIPMENT FITS IN ALLOCATED SPACINGS, AND TO ADVISE AND ACCOUNT FOR ADJUSTMENTS FOR APPROVED SUBSTITUTIONS
 JOINER TO ENSURE ALL APPLIANCES AND EQUIPMENT THAT REQUIRE POWER, WATER AND/OR WASTE ARE CORRECTLY PROVIDED

Amendments made by S Leggatt for RPS
 -Drawn By: Edr
 -Project Type: Proposed Duplexes
 -Client Name: Dean Seneweler
 -Project Address: Building Lots 46, 47, 48, John St, Cooktown
 -Project Number: 22018
 -Drawing Title: FLOOR PLAN
 -Scale: AT A3
 -Sheet Number: A-05 |



ELEVATION KEY
 THE DRAWING IS CORRECT & MUST NOT BE CHANGED, COPIED, REPRODUCED, OR OTHERWISE USED WITHOUT THE APPROVAL OF EDR. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON SITE PRIOR TO SHOP DRAWINGS OR COMMENCING MANUFACTURE. THE CONTRACTOR IS TO ADVISE ANY DISCREPANCIES TO THE DESIGNER WHICH MAY BE FOUND IN THIS DRAWING PRIOR TO COMMENCING CONSTRUCTION.

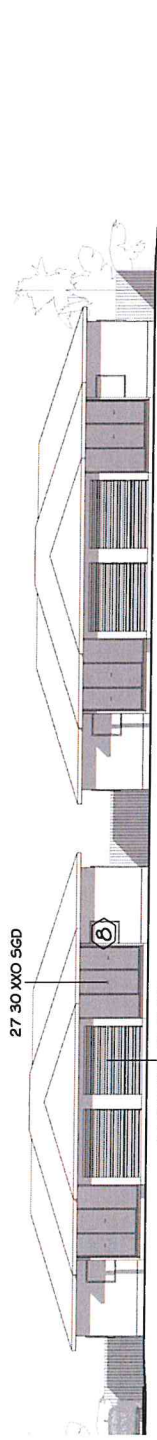


h1aGreenSmart®
 building design
 a division of greenprint inc.

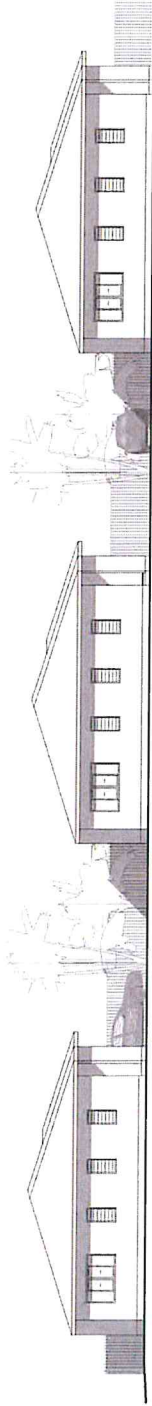
CHARTERED MEMBER

DESIGN WIND CLASSIFICATION C2

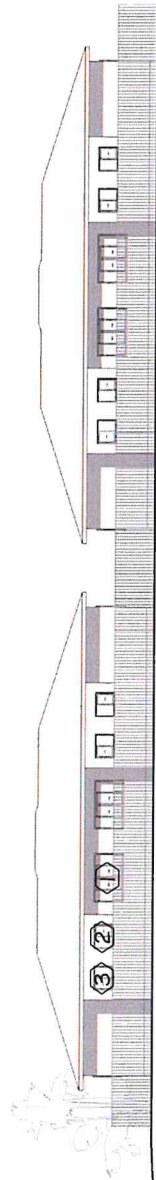
TYP O/H = 600mm ROOF PITCH 17.5°



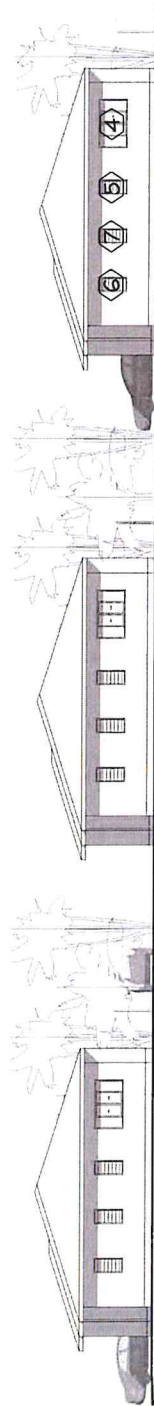
Elevation 1



Elevation 2



Elevation 3



Elevation 4

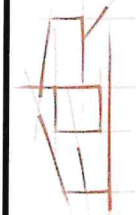
COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use - Multiple Dwelling (12 units)
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 Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 December 2022
 Application Number: DA/4369

ISSUES/REVISIONS

THIS DRAWING IS COPYRIGHT MATERIAL AND SHOULD BE KEPT SECURE. BUILDING CONTRACTORS AND OTHERS SHOULD NOT SCALE FROM THIS DRAWING. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS ON SITE PRIOR TO START OF WORK. THE CONTRACTOR IS TO ADVISE ANY DISCREPANCIES TO THE DESIGNER WITHIN 14 DAYS OF THE START OF WORK. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.



HIA GreenSmart
 building designers
 architects
 quantity surveyors
 project managers

CHARTERED MEMBER

HIA GreenSmart
 building designers
 architects
 quantity surveyors
 project managers

ISSUES/REVISIONS

CONSTRUCTION ISSUE

PLEASE NOTE - SUBSTITUTION, VARIATION OR MODIFICATION TO THE ORIGINAL DESIGN OR STRUCTURAL MEMBERS WILL VOID EDR BUILDING DESIGNS OF ALL RESPONSIBILITIES TO THE STRUCTURAL INTEGRITY & PERFORMANCE OF THE BUILDING.
 AM

EDR BUILDING DESIGNS
 PO BOX 1330 AITHERTON QLD 4663 40953375 ABN: 75 121 588 052 QBSA: 104 2586 www.edrconcepts.com.au

Edr
 Proposed Duplexes
 Dean Scriver
 Building
 Lots 46, 47, 48
 John St
 Cooktown

-Drawn By:
 -Project Type:
 -Client Name
 -Project Address:

-Project Number: 22010
 -Drawing Title: ELEVATIONS
 -Scale: AT A3
 -Sheet Number: A-07

D:\Dropbox\Projects\22000 Jobs\22010\WorkingDrawings\22010\Bwds.rvt

DESIGN WIND CLASSIFICATION C2

10TK PLASTERBOARD LINING TO PATIOS & PORCH FIX TO METAL CEILING BATTENS @ 450mm OSB MAX. FIX TO MANUF SPEC. SELECTED CORNICE TO ALL PATIOS & PORCH

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COLORBOND CUSTOM ORB GUTTER CLIP FIX TO COLORBOND CUSTOM ORB METAL FACIA BRACKET. FIX TO TAIL OF TRUSSES. GUTTER TYPE AS PER BUILDING SPECIFICATION.

COLORBOND CUSTOM ORB RIDGE CAPPING. PROVIDE MITICOI 55 INSULATION TO US SHEET METAL ROOF INSTALLED TO MANUF SPECS.

10TK PLASTERBOARD LINING TO METAL CEILING BATTENS @ 450mm OSB MAX. FIX TO MANUF SPEC. SELECTED CORNICE.

10TK PLASTERBOARD LINING GENERALLY. GTK VILLABOARD LINING TO WET AREAS.

CONCRETE SLAB TO ENGINEERS REQUIREMENTS.

4.5TK HARDIFLEX LINING TO SOFFITS FIX TO H2 TREATED 35x70 PINE BATTENS @ 600 OSB. SELECTED H3 TREATED CORNER MOULDING

SELECTED CLADDING FINISH TO EXTERNAL WALL SURFACES.

FOOTINGS TO ENGINEERS REQUIREMENTS.

SELECTED H3 TREATED SKIRTING BOARDS.

SELECTED H3 TREATED CORNICE TO ALL PATIOS & PORCH

SELECTED H3 TREATED CORNICE TO ALL PATIOS & PORCH

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SELECTED H3 TREATED CORNICE TO ALL PATIOS & PORCH

COLORBOND CUSTOM ORB ROOF SHEETING INSTALLED IN ACCORDANCE WITH MANUF SPECS TO WIND CLASSIFICATION C2 REQUIREMENTS. SCREW FIX TO METAL ROOF BATTENS SPACED AS PER MANUF SPECS WITH 2 No. 14x40mm TYPE 17 LONG HEX HEAD SCREWS @ EACH CONNECTION TO TRUSSES. METAL STRAP BRACING TO TRUSSES MANUF DETAILS.

GABLE STIFFENING TIE GABLES TO WALLS @ 3000mm OSB MAX WITH TIMBER BLOCKING BOOTED TO MITO THREADED ROD CAST INTO BOLID-BEAM.

4.5TK HARDIFLEX LINING TO SOFFITS FIX TO H2 TREATED 35x70 PINE BATTENS @ 600 OSB. SELECTED H3 TREATED CORNER MOULDING

SELECTED CLADDING FINISH TO EXTERNAL WALL SURFACES.

FOOTINGS TO ENGINEERS REQUIREMENTS.

SELECTED H3 TREATED SKIRTING BOARDS.

SELECTED H3 TREATED CORNICE TO ALL PATIOS & PORCH

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SELECTED H3 TREATED CORNICE TO ALL PATIOS & PORCH

Section 1
SCALE 1 : 50

COOK SHIRE COUNCIL
DIGITALLY STAMPED
APPROVED PLAN

Development Application: Development Permit for Material Change of Use—Multiple Dwelling (12 units)
Lot: 46 on C17922, Lot 47 on C17922 and Lot 48 on C17922

Referred to in Cook Shire Council's Decision Notice

Approval Date: 13 December 2022
Application Number: DA/4569

Section 2
SCALE 1 : 50

ISSUES/REVISIONS



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Edr: _____
Drawn By: _____
Project Type: _____
Proposed Duplexes: _____
Client Name: _____
Dean Schwenker
Project Address: _____
Lot 31st, 47, 48
John St
Cooktown

Project Number: 2201
Drawing Title: ARCHITECTURAL SECTIONS
Scale: AT A3
Sheet Number: A-08



Attachment 3 – Notice of Decision – Statement of Reasons (AD2022/0011040)

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/4569
Applicant:	Hongyu Feng c/ RPS Group AAP Consulting Pty Ltd
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Multiple Dwelling (12 units)
Street Address:	19, 21 and 23 John Street, Cooktown
Real Property Description:	Lot 46 on C17922, Lot 47 on C17922 and Lot 48 on C17922
Planning Scheme:	Cook Shire Council Planning Scheme 2017 (v2)
Land Zoning:	Medium Density Residential
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with Conditions
Type of Approval:	Development Permit for Material Change of Use – Multiple Dwelling (12 units)
Date of Decision:	13 December 2022

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 did not trigger a referral under Schedule 10
Regional Plan	Section 2.2 of the Planning Scheme identifies that the Cape York Regional Plan has been adequately reflected in the Planning Scheme. A separate assessment against the Regional Plan is not required.
State Planning Policy (SPP), Part E	Section 2.1 of the Planning Scheme identifies that the superseded version of the State Planning Policy is integrated in the Planning Scheme. A review of the current version of the SPP (July 2017) and assessment benchmark mapping applicable to Part E has determined that 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 v2.0):

- Medium Density Residential Zone code
- Residential Use code
- Parking and Access code
- Works, Services, and Infrastructure code

Local Categorising Instrument (Variation Approval)

Not Applicable

Local Categorising Instrument (Temporary Local Planning Instrument)

Not Applicable

PUBLIC NOTIFICATION

Not Applicable

REASONS FOR THE DECISION

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

- a. An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
- b. The proposed development for Material Change of Use for Multiple Dwelling (12 units) is an appropriate use to be located on the site and will have no adverse impact on the amenity of the locality or adjoining lots.
- c. That an Infrastructure Charges Notice be issued for the amount of \$46,800 in relation to the development approval for a Development Permit for Material Change of Use for Multiple Dwelling (12 units) at 19, 21 & 23 John Street, Cooktown, formally described as Lot 46, Lot 47 & Lot 48 C17922.
- d. That Cook Shire Council refuse the request to waive the Infrastructure Charges associated with the Development Approval for Material Change of Use for Multiple Dwelling (12 dwelling units) on land located at 19, 21 & 23 John Street, Cooktown, formally described as Lot 46, Lot 47 & Lot 48 C17922. That the applicant be advised that Council is currently considering the development of a policy to support and encourage development within the Shire and the waiver or reduction of Infrastructure Charges may be considered in the development of the policy. Should Council adopt a policy that provides for the opportunity to apply for a waiver or reduction of Infrastructure Charges it is recommended you apply in accordance with the policy prior to the payment of the applicable charges.

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.



Attachment 4 - Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*)

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.
- (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 an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
- (e) 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
- (f) for an appeal relating to the *Planning and Drainage Act 2018*—
 - (i) for an appeal against an enforcement notice given because of a belief mentioned in the *Planning 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 *Planning 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 *Planning 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
- (g) 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.
- (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
- (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.