Our Ref: LM:tt:DA/4510 D24/36532

16 September 2024

The Corporation of the Synod of The Diocese of NQ c/- Gordon Grimwade
5 Poinsettia Close
Yungaburra QLD 4884
E-mail: ggrimwade@bigpond.com
Attention: Gordon Grimwade

Dear Mr Grimwade

Decision Notice (Minor Change) – Approval
Given under section 83 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 Minor Change Application by Delegation on **12 September 2024**.
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

Application Number:	DA/4510
Approval Sought:	Development Permit for a Material Change of Use
Description of the Development:	Place of Worship

Cook Shire Council
10 Furneaux Street, Cooktown QLD 4895 | PO Box 3 Cooktown QLD 4895
P 07 4082 0500 E mail@cook.qld.gov.au www.cook.qld.gov.au ABN 45 425 085 688

Cook Shire COUNCIL

Category of Development:	Assessable Development
Category of Assessment:	Code Assessment
Planning Scheme:	Cook Shire Council Planning Scheme 2017

Location Details

Street Address:	7 Furneaux Street, COOKTOWN 4895
Real Property Description:	Lot 3 on Plan RP731858
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
3. Development Permit for Operational Works

Properly Made Submissions

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

Referral Agencies

Not applicable - no part of the application required referral.

Variation approval details

Not Applicable

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

Not Applicable.

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Cook Shire COUNCIL

Approved Plans and Specifications

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

Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016.*

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

Lisa Miller
Manager Planning and Environment

Enc:

Attachment 1	Conditions Imposed by the Assessment Manager
Attachment 2	Approved Plans (D24/36021)
Attachment 3	Notice about a Decision Notice (AD2024/0005350)
Attachment 4	Extract of Appeal Provisions (Chapter 6 part 1 of the *Planning Act 2016*).

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Attachment 1 Conditions Imposed by the Assessment Manager (Cook Shire Council)

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A. Assessment Manager (Council) Conditions

~~**Approved Plan**~~

~~1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:~~

- ~~Site Plan, Sheet 1, drawn by A. Davies, lodged 17 June 2021~~
- ~~West Elevation, Sheet 2, drawn by A. Davies, lodged 17 June 2021~~
- ~~East Elevation, Sheet 3, drawn by A. Davies, lodged 17 June 2021~~
- ~~Floor Plan, Sheet 4, drawn by A. Davies, lodged 17 June 2021~~

1. The development must be carried out generally in accordance with the following plans submitted with the application, except for any variations required to comply with the conditions of this approval:

- Schematic Plan, prepared by Graham Grimwade, lodged 12 January 2024
- West Elevation, Sheet 2, drawn by A. Davies, lodged 17 June 2021
- East Elevation, Sheet 3, drawn by A. Davies, lodged 17 June 2021
- Floor Plan, Sheet 4, drawn by A. Davies, lodged 17 June 2021

~~**Access**~~

~~2. Vehicle access to the proposed development must be achieved from Furneaux Street and the existing access from the corner of Helen Street and Furneaux Street must be closed once the new cross-over from Furneaux Street is completed and approved by the Director Infrastructure.~~

~~3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. Engineering plans must be submitted for approval by Director Infrastructure as part of an Operational Works application prior to works commencing.~~

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~~4. The crossover must be designed and constructed to the requirements of Australian Standard AS 2890.1:2004, in particular section 3; Access Facilities to Off-Street Parking Areas and Queuing Areas.~~

Access

2. Vehicle access to the proposed development must be achieved from Furneaux Street and the existing access from the corner of Helen Street and Furneaux Street must be closed once the new cross-over from Furneaux Street is completed and approved by the Director Infrastructure.

3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Manual Drawing S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. Engineering plans must be submitted for approval by Director Infrastructure as part of an Operational Works application prior to works commencing.

4. The crossover must be designed and constructed to the requirements of Australian Standard AS 2890.1:2004, in particular section 3; Access Facilities to Off-Street Parking Areas and Queuing Areas.

Internal Car Parking

5. A minimum of five (5) car parking spaces must be provided on site.

6. Within 24 months of the issue of the Certificate of Classification for the Church building, car parking spaces and internal driveways must be sealed with concrete or bitumen and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Manual.

~~**Operational Works**~~

~~7. Prior to construction commencing, Council will require approval of an Operational Works Application for the following:~~

- ~~Access construction;~~
- ~~Car parking and internal access driveway; and~~
- ~~Excavation and Fill.~~

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~~The application will need to include plans prepared by a Registered Professional Engineer Queensland (RPEQ) in accordance with the FNQROC Manual that are to the satisfaction of Council's Director Infrastructure.~~

~~On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.~~

Operational Works

7. Prior to construction commencing, Council will require approval of an Operational Works Application for the following:

    - Car parking and internal access driveway; and
    - Excavation and Fill.

The application will need to include plans prepared by a Registered Professional Engineer Queensland (RPEQ) in accordance with the FNQROC Manual that are to the satisfaction of Council's Director Infrastructure.

On completion of the works, Council shall require a Certificate of Completion from a Registered Professional Engineer Queensland (RPEQ) and a set of as constructed plans must be submitted to Council.

Water Supply

8. The development must be connected to the reticulated water supply prior to the commencement of use, at full cost to the applicant.

Sewerage Supply

9. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

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Services

10. Electricity and telecommunication services (if required) must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

Waste Disposal

11. Waste storage areas must be appropriately sited and screened from view from the street.

Stormwater Drainage

12. All stormwater drainage must be to a legal point of discharge.

Public Utilities

13. The developer is responsible for the cost of any alteration to public utilities as a result of complying with the conditions of this approval.

Environment

14. The applicant must ensure that no sand, soil, or silt runoff occurs from the site. Erosion and sediment controls must be in place.

Amenity

15. The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.

Compliance

16. All conditions of this Development Permit are to be complied with prior to the use commencing and, where relevant, maintained during operation.

B. 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.

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3. 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.

4. 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.

5. Removal of Protected Vegetation
   This development approval does not approve of authorize the removal of vegetation that is otherwise protected under separate State or Federal legislation, including under the following:
   A. Environment Protection and Biodiversity Conservation Act 1999 (Cth);
   B. Nature Conservation Act 1999 (Qld);
   C. Vegetation Management Act 1999 (Qld).

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Attachment 2 Approved Plans (D24/36021)

Cook Shire Council
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Christ Church, Furneaux St, Cooktown, Qld
Anglican Diocese of North Queensland

Fig 2

Proposed access across heritage listed kerbing and channelling in Furneaux St, Cooktown
QHR 601731

COOK SHIRE COUNCIL

DIGITALLY STAMPED
APPROVED PLAN

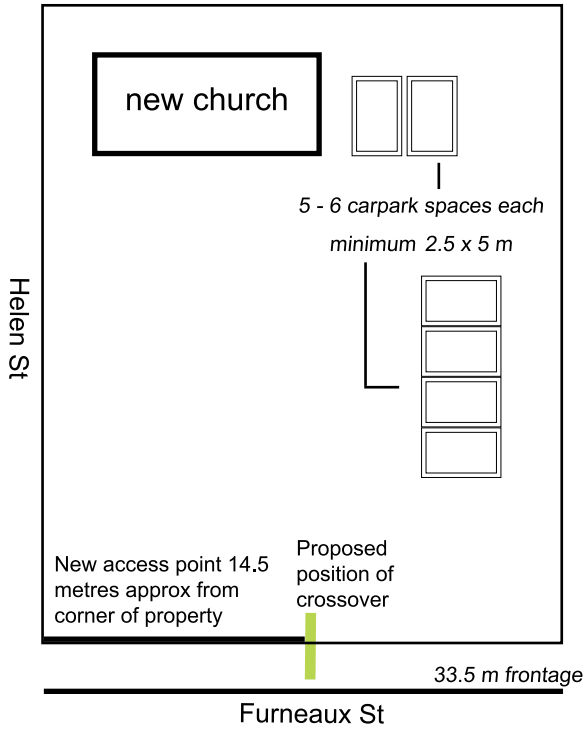
Development Application: Development Permit for Material Change of Use – Place of Worship

Lot: 3 on RP731858

Referred to in Cook Shire Council's Decision Notice (Minor Change)

Approval Date: 12 September 2024
Application Number: DA/4510

Access/ crossover point shown approximately on Lot 3 RP 31858



Schematic plan of cross over location showing approximate position. Precise location will depend on sub-surface and K&C features encountered.

Attachment 3 Notice about a Decision (AD2024/0005350)

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AD2024/0005350

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/4510
Applicant:	The Corporation of the Synod of The Diocese of NQ c/- Gordon Grimwade
Proposal:	Development Permit for a Material Change of Use
Description of the Development:	Place of Worship
Street Address:	7 Furneaux Street, COOKTOWN 4895
Real Property Description:	Lot 3 on Plan RP731858
Planning Scheme:	Cook Shire Council Planning Scheme 2017 v2.0
Land Zoning:	Community Facilities
Assessment Type:	Code Assessment

DECISION DETAILS

Type of Decision:	Approval with conditions
Type of Approval:	Change Application (Minor) – Development Permit for a Material Change of Use – Place of Worship
Date of Decision:	12 September 2024

ASSESSMENT BENCHMARKS

Planning Scheme: Cook Shire Council Planning Scheme 2017

- Community Facilities Zone Code;
- Landslide Hazard Overlay Code;
- Parking and Access Code; and
- Works, Services and Infrastructure Code.

State Planning Policy (SPP): State Planning Policy (July 2017)

Planning Regulation 2017: This application did not trigger any matter prescribed by the regulation

PUBLIC NOTIFICATION

The Minor Change Application was not subject to Public Notification

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.

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

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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

Authorised by the Parliamentary Counsel

(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 *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

(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.

Authorised by the Parliamentary Counsel

(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

Authorised by the Parliamentary Counsel

(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.

Authorised by the Parliamentary Counsel

(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.

Authorised by the Parliamentary Counsel