Cook Shire COUNCIL

The heart of Cape York Peninsula

Our Ref: LM:wk:DA/4426 AD2021/00005600
Your Ref: 100550

25 February 2022

Endeavour Reach Pty Ltd
c/- Murray & Associates (Qld) Pty Ltd
PO Box 246
NAMBOUR QLD 4560
E-mail: bwbell@msurv.com and admin@mursurv.com
Attention: Blake Bell

Dear Mr Bell

Decision Notice - approval (with conditions)
Given under section 63 of the *Planning Act 2016*

The development application described below was properly made to Cook Shire Council on **13 October 2021**.

Applicant details

Applicant name:	Endeavour Reach Pty Ltd c/- Murray & Associates (Qld) Pty Ltd
Applicant contact details:	Murray & Associates (Qld) Pty Ltd PO Box 246 NAMBOUR QLD 4560 E-mail: bwbell@msurv.com and admin@mursurv.com Attention: Blake Bell

Application details

Application number:	DA/4426
Approval sought:	Development Permit for a Reconfiguration of a Lot

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

Description of the development proposed:	Reconfiguring a Lot - Four (4) Lots and Common Property into Four (4) Lots and Access and Services Easement

Location details

Street address:	23 - 26 Webber Esplanade COOKTOWN 4895
Real property description:	Lot 0 on SP188678 Lot 1 on SP188678 Lot 2 on SP188678 Lot 3 on SP188678 Lot 4 on SP188678

Decision

Date of Decision:	**22 February 2022**
Decision 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.

Details of the approval

Development Permit	Reconfiguring a Lot - Four (4) Lots and Common Property into Four (4) Lots and Access and Services Easement into Four (4) Lots

Conditions

This approval is subject to the conditions in Attachment 1.

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

Not applicable

Approved plans and specifications

Copies of the approved plans, specifications and/or drawings are enclosed in **Attachment 1.**

Currency period for the approval

This approval lapses if a plan for the reconfiguration that, under the *Land Title Act 1994,* is required to be given to a local government for approval is not given within *four (4) years* from the commencement of this approval.

Lapsing of approval if development started but not completed

Section 88(1) of the Planning Act.

Rights of appeal

The rights of applicants to appeal to a tribunal or the Planning and Environment court against decisions about a development application are set out in chapter 6, part 1 of the *Planning Act 2016.* For particular applications, there may be also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the *Planning Act 2016).*

An applicant and/or submitter may appeal to the Planning and Environment Court or the Development tribunal against a number of matters (see Schedule 1 of the *Planning Act 2016*).

A copy of the extracts of the above referenced sections of the *Planning Act 2016* are attached (Attachment 2).

For further information, please contact Council's Planning and Environment Department on 07 4082 0500 or email: mail@cook.qld.gov.au.

Yours sincerely

Lisa Miller
Manager
Planning and Environment

enc: **Attachment 1 (Part 1)** – Conditions imposed by the assessment manager
Appendix A (Plans referenced in conditions)

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 of the *Planning Act 2016*)

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

A. Assessment Manager (Council) Conditions

Approved Plans and Documents

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval – see Attachment 1.
    - Plan of Development - Murray & Associates, Drawing No. 7967-23343, dated 10/08/2021 (not including the Development Controls).

Amendment to approved plans

2. The proposed lot layout must be amended to ensure all services and retaining wall structures are wholly contained within the proposed lot boundaries as follows:

    (a) amendment to the boundary of proposed Lot 1 in the south-eastern corner to ensure the retaining wall is wholly contained within proposed Lot 2;

    (b) amendment to the boundary of proposed Lot 3 to ensure the retaining wall in the access handle of proposed Lot 4 is wholly contained within proposed Lot 3;

    (c) amendment to the boundary of proposed Lot 3 to ensure existing stormwater infrastructure is wholly contained within proposed Lot 3; and

    (d) amendment to the boundary of proposed Lot 4 to ensure the retaining wall is wholly contained within proposed Lot 3.

3. The Development Controls identified on the approved plan of development (Murray & Associates, Drawing No. 7967-23343, dated 10/08/2021) do not form part of this approval.

Works – Applicants Expense

4. 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.

Damage to Council Asset and Services

5. The Developer is required to have repaired any damage to existing infrastructure (e.g. kerb and channel, footpath or roadway) that may have occurred during any works carried out associated with the development. To the extent the damage is deemed to create a hazard to the community, it must be repaired immediately.

Works – Design, Construction and Maintenance

6. Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

Water Supply and Sewerage Infrastructure

7. Each lot must be connected to Council's reticulated sewerage and water network. Sufficient reticulated water capacity must be provided for domestic and firefighting purposes.

8. The developer must design and construct all sewerage and water works in accordance with the approved plans, FNQROC Development Manual, Water Supply (Safety and Reliability) Act and the Plumbing and Drainage Act, prior to endorsement of the Survey Plan.

9. Each of the approved lots must be provided with a separate water connection point and water meter, located along the Gore Street frontage. The water connection point and water meter must be installed prior to endorsement of the Survey Plan.

10. Installation of a sewer inspection opening and sewer connection point along the Gore Street frontage of each lot. The sewer inspection opening and sewer connection point must be provided prior to the endorsement of the Survey Plan.

11. Remove all water and sewerage infrastructure, including but not limited to pipes and connection point prior to the endorsement of the Survey Plan.

12. Existing private water and sewerage infrastructure proposed to be retained within the subject lots must be inspected, tested and remedial works undertaken. A report by the consulting Engineer must be submitted and approved by Council prior to the endorsement of the Survey Plan.

Services

13. Electricity and telecommunication services must be provided to each lot in accordance with the standards and requirements of the relevant service provider at the time of construction of dwelling houses on the lots.

Structural Certification of Retaining Walls

14. All existing retaining walls must be certified by a Structural Engineer (RPEQ) and documentation lodged with Council prior to the endorsement of the Survey Plan.

Refuse collection

15. Refuse collection is to be undertaken from the existing refuse collection area at the eastern extent of Webber Esplanade. Wheelie bins must be appropriately positioned to enable Council's refuse collection vehicle to manoeuvrer and collect the refuse. Following collection all wheelie bins must be returned and stored within the boundary of the subject lots.

Easements

16. An access easement must be provided burdening proposed Lot 4 to be benefit of proposed Lot 3.

17. Copies of the easement documentation must be provided to Council at the time of the request to endorse the Survey Plan.

Protection of vegetation / Slope protection

18. Existing vegetation identified on the approval plan of development must be retained were possible.

Sediment Control

19. The developer must ensure that effective measures are put in place to ensure construction activity does not cause erosion. A sediment control plan must be submitted to Council for approval prior to works commencing.

20. The developer must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

Fire Management

21. All lots and fire breaks must be maintained by the owner at all times so as not to create a fire hazard.

Access

22. Vehicle access to proposed Lot 3 must be achieved via the access easement burdening proposed Lot 4. Direct vehicular access to Lot 3 from the Gore Street frontage is not permitted.

23. Existing vehicle access to proposed Lots 1, 2 and 4 must be retained. No additional vehicle access driveways are permitted.

Stormwater

24. All stormwater drainage must be to a legal point of discharge and constructed in accordance with section D4 of the FNQROC Manual.

25. The stormwater management system or site works must not adversely affect flooding or drainage characterises of properties that are upstream, downstream, or adjacent to the development site.

Compliance

26. All relevant conditions of this development permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement.

Outstanding Charges

27. All rates, service charges, interest and other charges levied on the land are to be paid prior to Council endorsement of the Plan of Survey.

B. Assessment Manager (Council) Advice

1. 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.

2. The reconfiguring a lot approval authorised under this Development Permit must

be completed and the Plan of Survey submitted to Council for endorsement within four (4) years from the commencement of this approval or the approval will lapse.

3. Property notation for proposed Lots 3 and 4. Proposed Lots 3 and 4 are designated in the Scenic Amenity Overlay. Future development on these lots must be assessed against the provisions of the Scenic Amenity Overlay Code. If the acceptable outcomes of the Code cannot be achieved a Development Application for Material Change of Use will be required to be lodged with Council.

4. Property notation for each lot - The approved refuse collection point is located at the eastern extent of Webber Esplanade. Wheelie bins must be appropriately positioned to enable Council's refuse collection vehicle to manoeuvrer and collect the refuse. Following collection all wheelie bins must be returned and stored within the boundary of the lot.

5. An application for a water service connection/disconnection must be lodged with Council prior to undertaking the works. Contact Council's Manager Water and Wastewater to discuss the required works prior to the lodgment of the application.

6. Prior to the installation of the sewer inspection opening contact Council's Manager Water and Wastewater to discuss the required works.

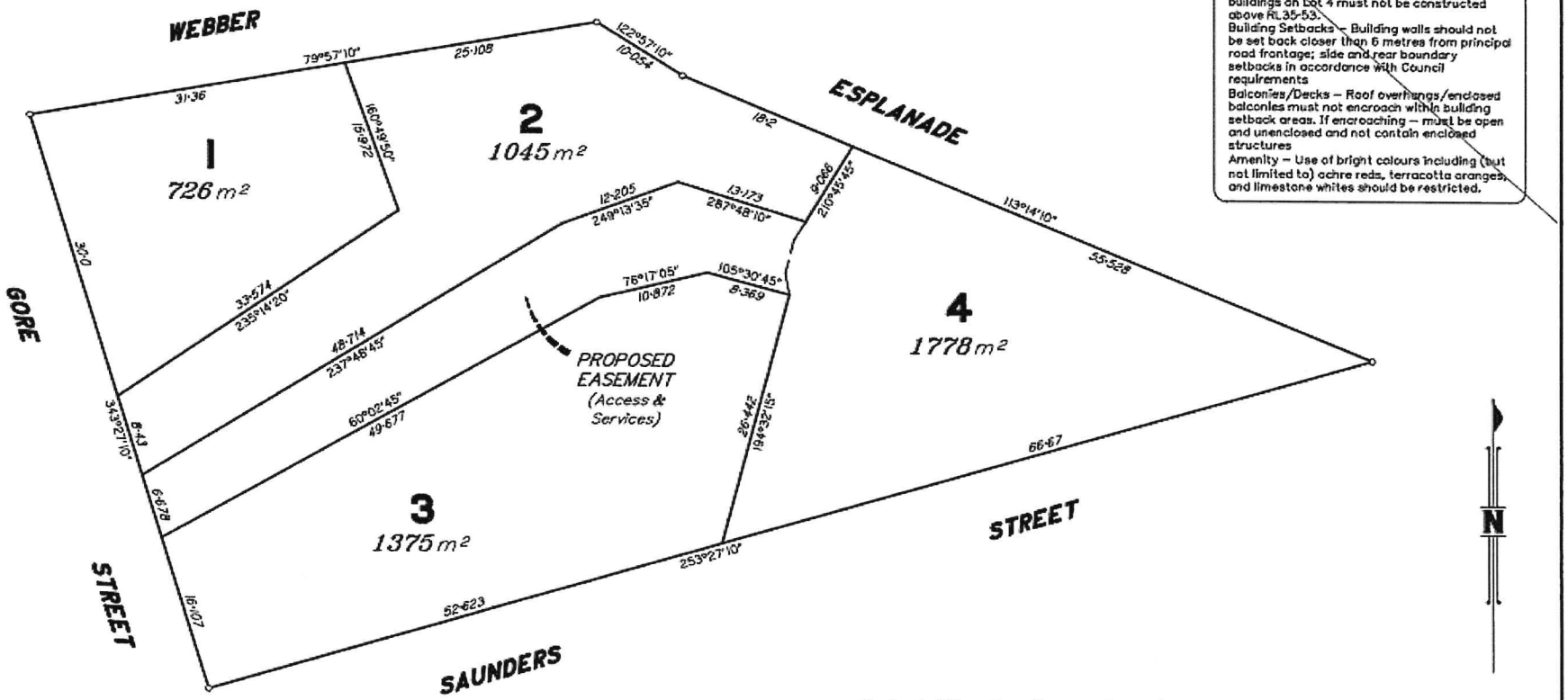
Appendix A (Plans referenced in conditions)

Areas and dimensions are approximate only and subject to final Survey and Council approval.

Development Controls do not form part of the development approval

Development Controls:

Building Height – No buildings to exceed 10 metres above the natural ground level, measured parallel to the slope of the land prior to any earthworks. Notwithstanding this, buildings on Lot 4 must not be constructed above RL 35-53.
Building Setbacks – Building walls should not be set back closer than 6 metres from principal road frontage; side and rear boundary setbacks in accordance with Council requirements
Balconies/Decks – Roof overhangs/enclosed balconies must not encroach within building setback areas. If encroaching – must be open and unenclosed and not contain enclosed structures
Amenity – Use of bright colours including (but not limited to) ochre reds, terracotta oranges, and limestone whites should be restricted.



Scale 1:400 – Lengths are in metres.

5 0 5 10 15 20 25 30 35 40 45 50 55

MURRAY & ASSOCIATES
SURVEYORS & TOWN PLANNERS
ACN 075 543 104
Murray Building 15-17 Currie St Nambour Ph (07)5441 2158 P.O. Box 248
Branch Offices at Caboolture Chermside Roma Gympie & Emerald
CADASTRAL SURVEYOR

PLAN OF DEVELOPMENT

Proposed Subdivision of Lots 1–4 & CP on SP188678

LOCAL AUTHORITY: COOK SHIRE COUNCIL

CLIENT	Endeavour Reach Pty Ltd
LOCALITY	Cooktown
MAP REF:	7967–23343
DATE	10/08/2021
LEVEL DATUM	AHD
FILE	100550_(Proposal)_Endeavour
DRAWN	CHECKED
ORIGINAL	ALLOTS 1 & 3
SCALE	1:400
JOB No	100550

Attachment 2 – Extract of Appeal Provisions (Chapter 6, Part 1 of the *Planning Act 2016*)