

Our Ref: LM: DA/4207 AD2020/0004253
Your Ref: P72099

20 October 2020

Cook Shire Council
c/-Planz Town Planning Pty Ltd
PO Box 181
Edge Hill Qld 4870
E-mail: info@planztp.com

Dear Planz Town Planning Pty Ltd

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 30 July 2020.

Applicant details

Applicant name:	Cook Shire Council Planz Town Planning Pty Ltd
Applicant contact details:	PO Box 181 Edge Hill Qld 4870

Application details

Application number:	DA/4207
Approval sought:	Development Permit for a Material Change of Use
Description of the development proposed:	Community Use

Location details

Street address:	121 Charlotte Street COOKTOWN 4895
Real property description:	Lot: 5 C: 17973

Decision

Date of decision: 13 October 2020

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 Material Change of Use – for a Community Use

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 carrying out Demolition and Building Works;
2. Development Permit for carrying out Plumbing/Drainage Works;

Properly made submissions

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

Referral Agencies

Not applicable – Heritage Exemption Certificate given – see Attachment 1 part 2.

Approved plans and specifications

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

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

Any period required under a development condition.

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, Manager Planning and Environment on 07 4082 0500, or alternatively email: mail@cook.qld.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lisa Miller', written over a horizontal line.

Lisa Miller
Manager
Environment and Planning

enc: **Attachment 1 (Part 1)** – Conditions imposed by the Assessment Manager

Attachment 1 (Part 2) – Conditions imposed by a Concurrence Agency

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

Attachment 1 (Part 1) – Conditions imposed by the Assessment Manager (Council)

A. Assessment Manager (Council) Conditions

Approved Plan

1. The development must be carried out generally in accordance with the following Proposal Plan (Appendix A) submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Reconciliation Rocks and Boathouse Cooktown - Ground Floor Area Plan – CA Architects – Project 1829 Stage CD SD-104 – Dated: 10/09/2020 – Revision 2;
 - Reconciliation Rocks and Boathouse Cooktown – Site Plans Boathouse Existing & Demolition, Stage 1 & 2 – CA Architects – Project 1829 Stage CD Discipline A – Drawing No. A-001 Issue 7 – 20/09/20;
 - Cooktown Boathouse – Demolition Plan – July 2020 – CA Architects – Plan No. P5;
 - Cooktown Boathouse – Ground Floor Plan – July 2020 – CA Architects – Plan No. P6;
 - Cooktown Boathouse – Roof Plan – July 2020 – CA Architects – Plan No. P7;
 - Cooktown Boathouse – Staging & Construction Plan – July 2020 – CA Architects – Plan No. P8;
 - Cooktown Boathouse – Elevations Plan – July 2020 – CA Architects – Plan No. P9;
 - Cooktown Boathouse – Materials – July 2020 – CA Architects – Plan No. P10;
 - Cooktown Boathouse – 3D Visualisation – July 2020 – CA Architects – Plan No. P11, P12, P13.

Staged Development

2. This Material Change of Use approval is a staged development approval comprising of two (2) stages. Any aspect completed within the currency period is lawful and any stages not completed lapse. Staging of the Community Use facility must be in accordance with the approved plans.

Access

3. Access to the proposed facility must be gravel sealed and contain ancillary stormwater drainage from the property boundary to the road verge, and be constructed to the requirements of the FNQROC Manual.
4. Plans showing the location of access to the proposed facility must be submitted to Council's Manager Engineering for approval prior to construction of the Stage 2

building. This application must be supported by a Traffic Management Plan undertaken by a suitably qualified person for works within the road reserve.

5. Access must be constructed prior to the issue of a Certificate of Classification for the Stage 2 building.
6. The future driveway shall:
 - Avoid reversing movement into or out of the development;
 - Provide safety for pedestrians by ensuring adequate site distance; and
 - Provide adequate clearance between vehicles turning path and physical constraints within the property.

On Site Car Parking

7. The development must make provision for two (2) on-site car parking spaces. The car parking spaces must comply with the relevant Australian Standard and be constructed to the requirements of the FNQROC Manual.
8. Plans showing the location of the on-site car parking area must be submitted to Council's Manager Engineering for approval prior to the construction of the Stage 2 building, and must be constructed prior to the issue of a Certificate of Classification for the Stage 2 building.

Building/Demolition and Plumbing and Drainage Approvals

9. All new structures must obtain the necessary permits for building/demolition works and plumbing and drainage approvals prior to any construction commencing on the site.

Water Supply

10. The development must be connected to the reticulated water supply at the time of construction of Stage 1 at full cost to the applicant.
11. Water service connection must be a minimum 20mm service.

Sewerage

12. The development must be connected to the reticulated sewerage scheme at the time of construction of Stage 1, at full cost to the applicant. Plans must be submitted for approval by Council's Plumbing Inspector prior to works commencing.

Amenity

13. There shall be no adverse impact on the amenity of the surrounding area by reason of light, nuisance, dust or noise.

Stormwater

14. Stormwater drainage must be directed to a legal point of discharge.

Landscaping

15. Landscaping must be provided as follows:

- Plantings must be in accordance with Council's Landscaping Planning Scheme Policy;
- Landscaped areas must be subject to regular and on-going maintenance, including the timely replacement of damaged or dead plants; and
- Landscaping must enhance the amenity of the development.

Refuse Bins

16. Refuse bins must not be stored on the Charlotte Street frontage for any period greater than twenty-four (24) hours.

17. All bins and waste storage areas are to be located on site and screened so as to not be visible from the street and adjoining properties.

Outstanding Charges

18. All rates service charges, interest and other charges levied on the land are to be paid prior to the issue of any Certificate of Classification.

Infrastructure Charges

19. Infrastructure Charges must be paid to Council prior to the issue of any Certificate of Classification, as indicated on the Adopted Infrastructure Charges Notice (Appendix 'B') at the rate applicable at the time of payment.

Public Utilities

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

Currency Period

21. The currency period for this development approval is six (6) years. Should the use not be established within this time, the approval shall lapse.

Environmental Protection

22. The development is to comply with the provisions of the *Environmental Protection Act 1994* in relation to dust, noise, wastewater and any other contaminants that may cause environmental harm or nuisance, particularly during construction activities.

23. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
24. No State Declared or Environmental pest plants and pest animals are to be introduced onto the property.

Filling and Excavation

25. Filling and excavation works are to comply with the FNQROC Development Manual.

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 applicant/owner must notify Council of their intention to commence the use after acceptance of and compliance with these conditions, or negotiated decisions (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.
3. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act 2003*, and in particular - 'the duty of care' that it imposes on all landowners.
4. This development approval has been issued during the COVID-19 applicable event declared under 275F of the *Planning Act 2016*. The period for undertaking the approved development may be subject to a further extension of time under section 275R of the *Planning Act 2016*.

Appendix 'A'

Redevelopment of the

COOKTOWN Boathouse



Waimbuurr Cultural Centre

The development of the Cooktown Boathouse into the Waimbuurr Cultural Centre, will be a legacy project for the 2020 Commemoration. The new Cultural Centre will help with the on-going realisation of Cooktown and the advancement of the region's unique shared cultural heritage.

BACKGROUND

Based on the Captain Cook's seven week stay on the banks of the Endeavour River (Wakumballim), Cooktown can authentically lay claim to Australia's first recorded act of reconciliation and the first recorded wordlist of an Indigenous language, Gugu Yimidjir.

Gugu Yimidjir, meaning 'language/speak/s (gugu)' 'this way' (yimidjir), was the first Aboriginal language recorded by Sydney Parkinson who wrote down a list of 150 words during his stay in the area in 1770. G. H. Schwartz, arrived into the region in 1826 and worked closely with the Indigenous community at Hopevale. He mastered the language, which contributed greatly to the retention of traditional knowledge of the Gugu Yimidjir people.

The Boathouse facility is currently managed by members of the Cooktown Re-enactment Association, to acts Sullivan and Albert Hornsby, who have worked tirelessly to promote Cooktown's unique cultural history and its story of the first recorded act of reconciliation.

This first contact story is of central importance to the beginning of Australia's modern history and in the spirit of reconciliation, should be shared with Indigenous and Non-Indigenous people from Australia and the world.

THE NEW BOATHOUSE

A 2020 LEGACY PROJECT FOR THE WAIMBUURR WARRA PEOPLE

The Waimbuurr Cultural Centre will operate as an interactive meeting place, offering opportunities for storytelling, Indigenous cultural workshops and presentations, education and training. It will play a crucially important role in strengthening and sharing Cooktown and the Cape York Region's heritage and cultural values. Partnering with the Palm Jambay Centre, James Cook University, The National Library and The National Museum, we propose to develop the currently unutilised site and engage the facility to accommodate a range of flexible spaces.

The building will be redesigned to accommodate a media and exhibition space showing historical images, language, cultural films and recordings, a learning centre and library and a 'storytelling' area where the Traditional Owners and other regional clan groups can share their stories with visitors and the local school children.

FUNCTIONAL OVERVIEW OF THE CULTURAL CENTRE'S DESIGN ELEMENTS

Seating areas

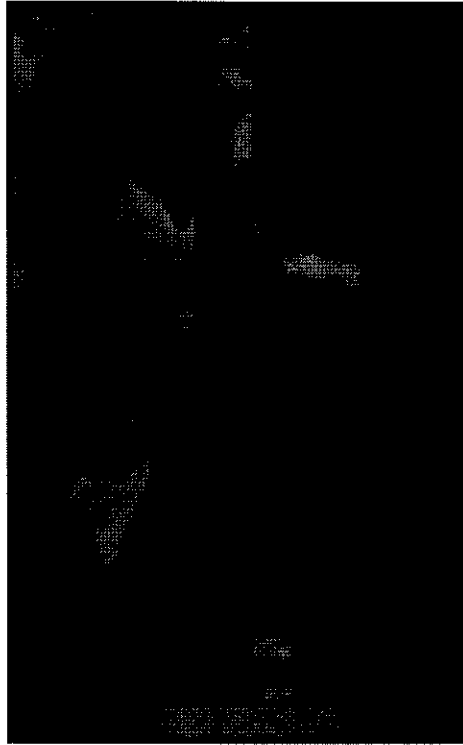
One of the core functions of the new Cultural Centre is to offer a 'safe haven' for cultural discussion, conversation and a general meeting place for the local community. This will assist in retaining and attracting young people to stay and work in Cooktown and the region.

Display Area

This will be a space for the costumes and story of the re-enactment to be displayed, together with original murals and artworks, artefacts, dioramas and multimedia and other displays, including the model Endeavour.

Workshop

The restaurant will be a space to sell cultural gifts, artworks and objects made by local artists, craftspeople and artisans from across the region. This will provide an income stream for local Indigenous and Non-Indigenous people.



Reading/Learning Hub

This will be a space for local students to collaborate in a technology-rich learning environment, with both physical and virtual components, that provides informal opportunities for learners to come together with their peers and local subject matter experts. The students will be able to access relevant knowledge and information to enhance the learning experience.

Multi-purpose/Media Room

This will be a multi-purpose space, including a variety of media to project historical language recordings, films and the historical re-enactment. The room can also be configured for conferences, seminars and lectures and will seat up to about 50.

Play Pit

This will be a central welcoming space, incorporating a fire pit, for Traditional Owners to enjoy and hold story telling for visitors and local school children. The local Waimbuurr Warra people who are descendants of the people who met with Cook and his men on the banks of the Endeavour River, support the ethos of 'two cultures, one people' and believe it is a vitally important part of their cultural heritage. To share the stories of their ancestors with broader Australia.

Veranda

The Cultural recognition of Aboriginal people's histories, values, languages and culture needs to be acknowledged and respected in order to bring value to the community and demonstrate trust and respect. The Waimbuurr Cultural Centre will enable the community to realise these aspirations.

Location Plan

DESIGN STATEMENT

The design proposes to provide a contemporary interpretation on the historic buildings and streetscape of Coakburn by incorporating classic heritage features in a modern context. Proposed is a square form building footprint with verticalised rooflines in a style reminiscent of the surrounding streetscape, with a prominent verticality and a central vertical axis. The design incorporates multiple verandahs and outdoor spaces, bounded with open side balconies and screening, which provide privacy, security and protection from the elements. The building palette proposes light neutral tones which are characteristic of Coakburn architecture, and particularly that of the neighbouring buildings along the western side of Charlotte St, and include extensive use of stone bands and wrought-iron for details, roofs, and feature elements and fittings.

The structure is proposed split-storey design, which follows the natural contours of the site to create an open and unobstructive building form. The site is located, combined with a generous setback from the street works to maintain a clear view of the street, which also includes significant landscaping to include trees and vegetation along Charlotte Street. Strong vertical and horizontal architectural elements are proposed through the use of materials such as timber screening and corrugated iron, as amongst prominent horizontal lines, soft lines, balconies and surfacing details. Two prominent glass corner display windows feature along the Charlotte St facade, and wrap the building corners to give visibility to the structure and create a view into the interior and display spaces.

The proposed building is oriented parallel to Charlotte St. Building street parking exists along Charlotte St, with additional parking proposed along the Adelaide St boundary to be completed as part of the Charlotte St upgrade project. Fencing is proposed along parts of the Adelaide St, and Sherwin E side boundary for security purposes. Single level parking is proposed for the performance space, combined with pergolas and shading plants belonging to the outdoor open area.

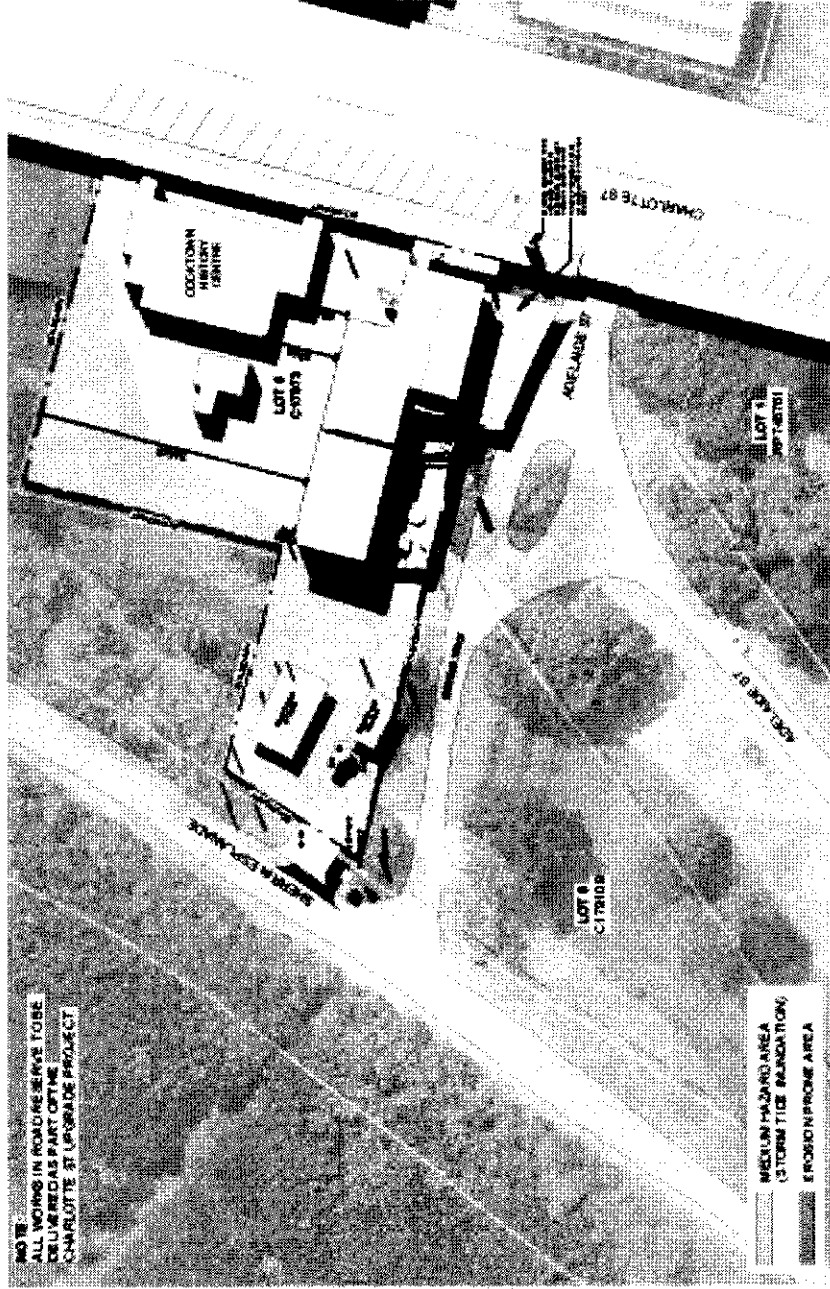
The proposed design provides a contemporary yet understated iteration to the Coakburn streetscape, and remains compatible with the surrounding streetscape, including setbacks, materials, and architectural features such as an attractive and functional design outcome which is both prominent and sympathetic to its surroundings.

DEVELOPMENT SUMMARY

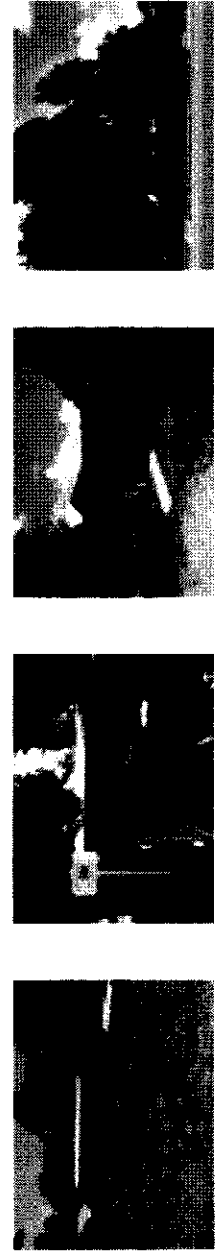
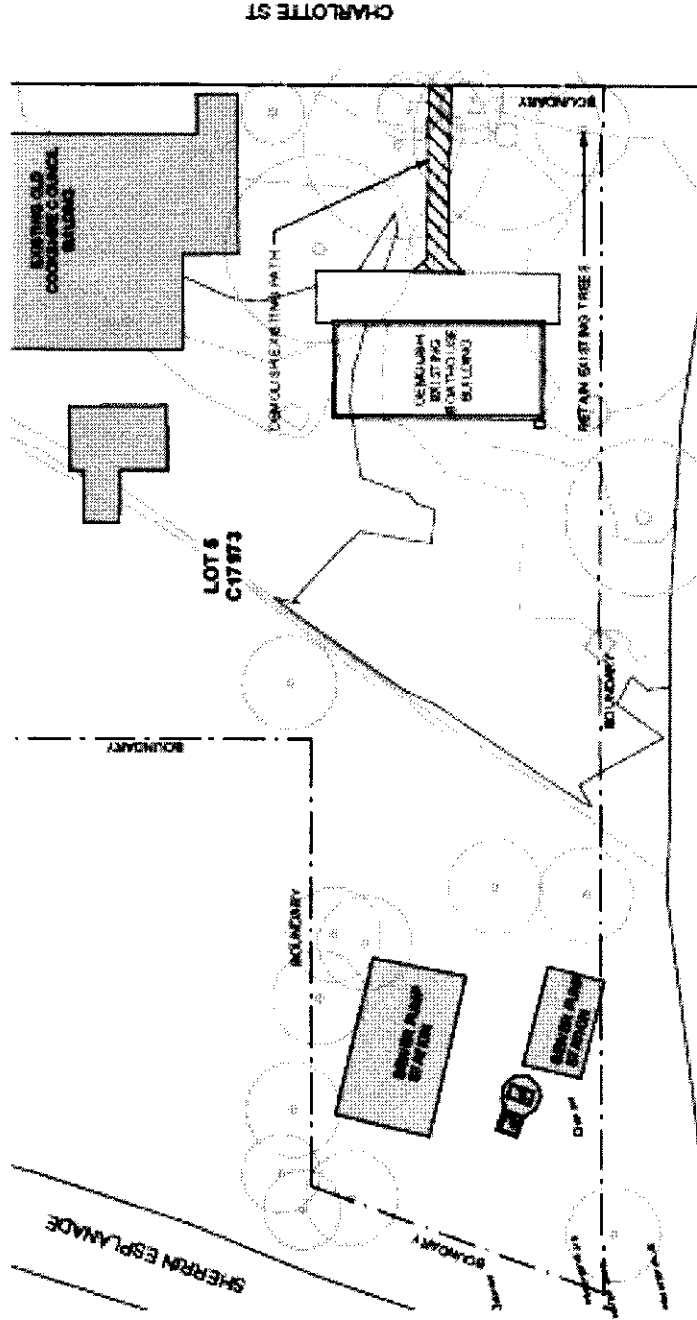
SITE 123 x Charlotte St, Coakburn QLD 4003
 LOT 5 on CP 2073
 SITE AREA = 2,748 m²
 GRA STAGE 1 = 208 m²
 GRA STAGE 2 = 55 m²
 GRA TOTAL = 263 m²



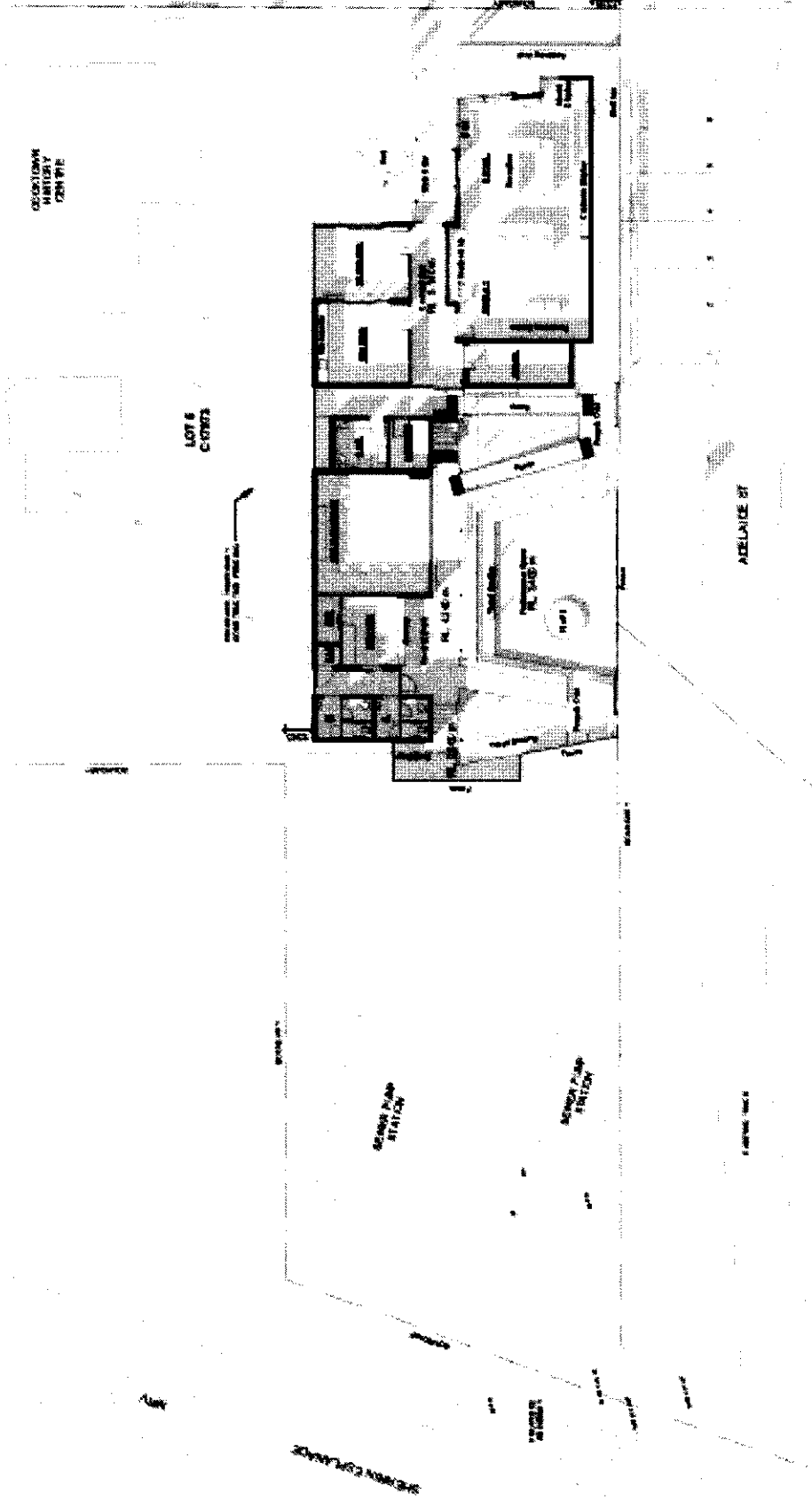
Site Plan



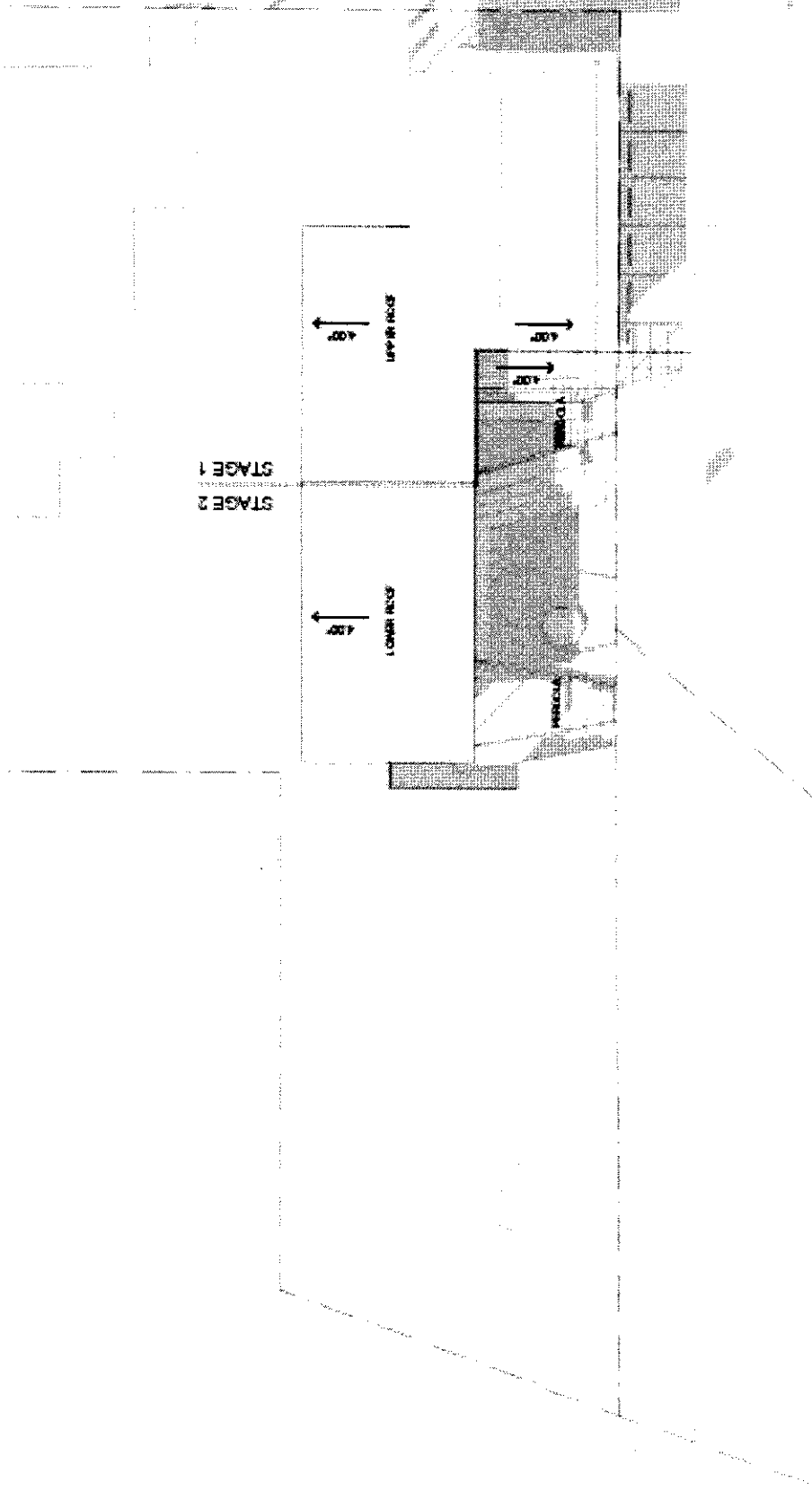
Demolition Plan



Ground Floor Plan

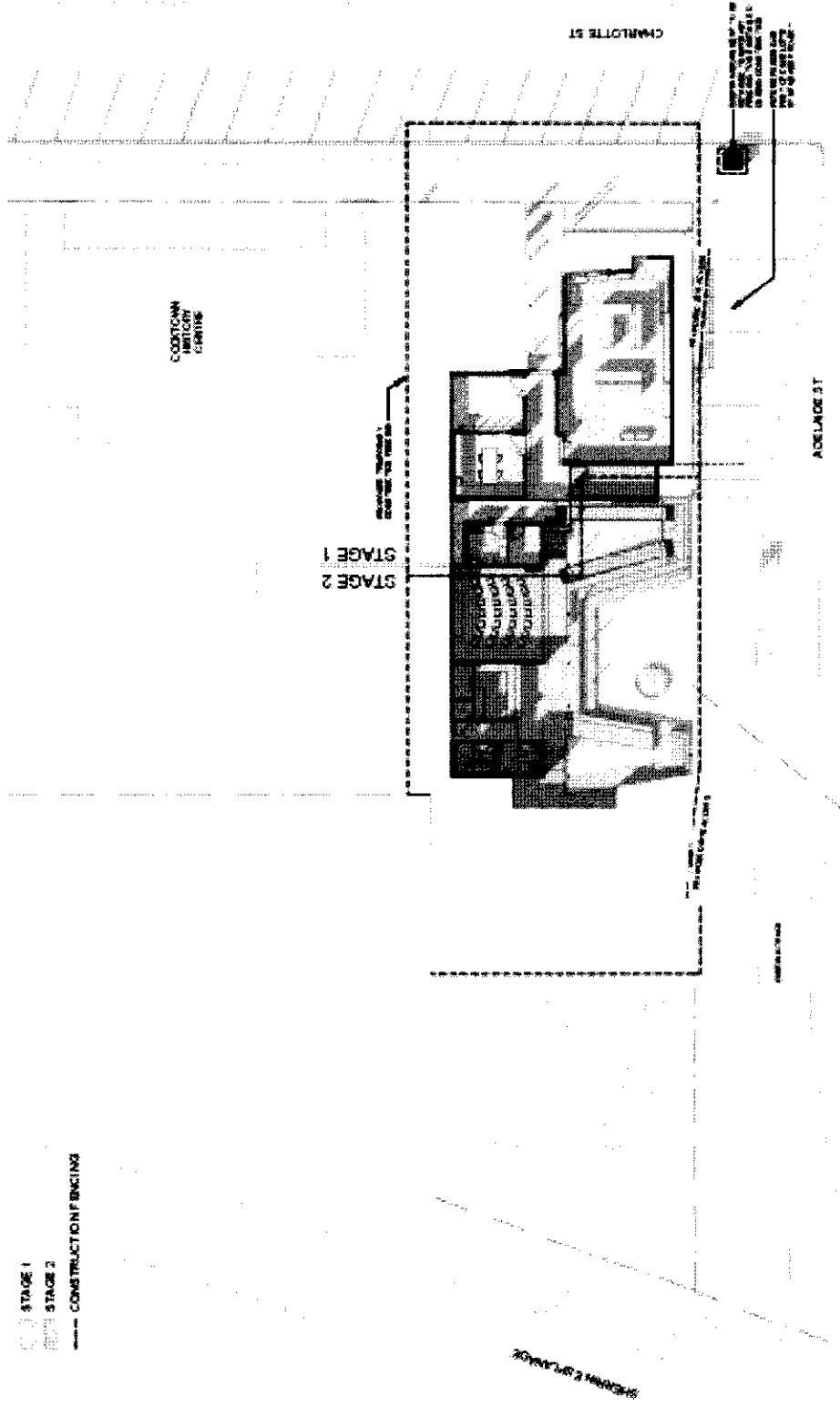


Roof Plan

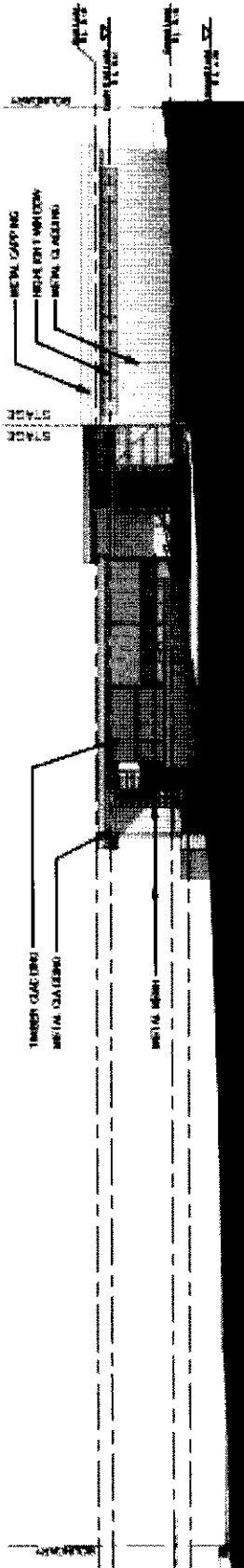


Staging & Construction Plan

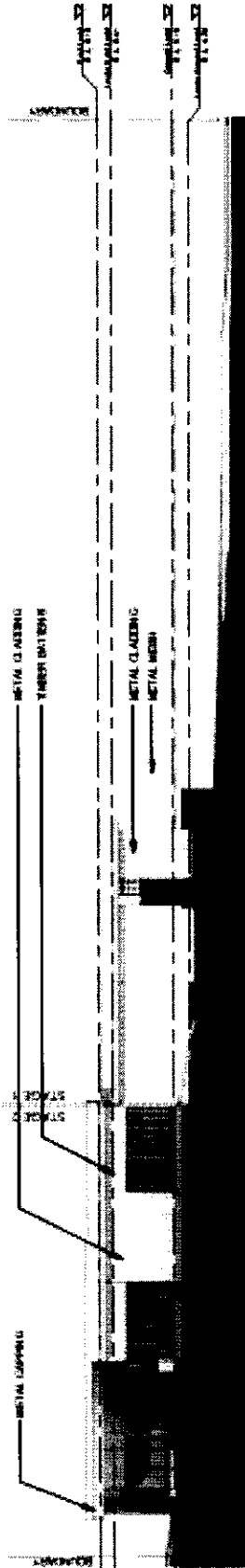
- STAGE 1
- ▨ STAGE 2
- CONSTRUCTION FENCING



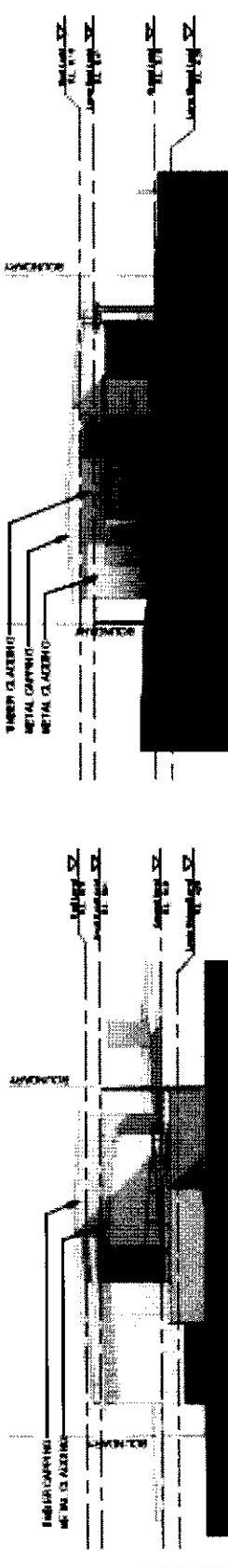
Elevations



Elevation - Adelaide St



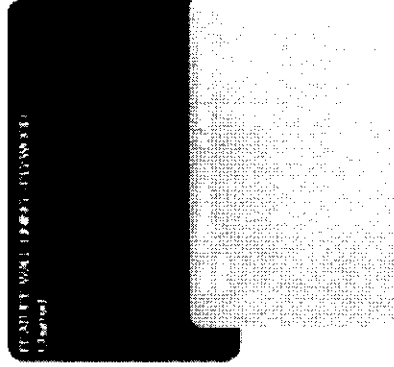
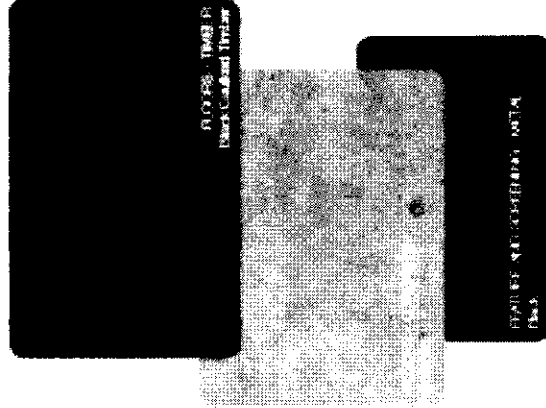
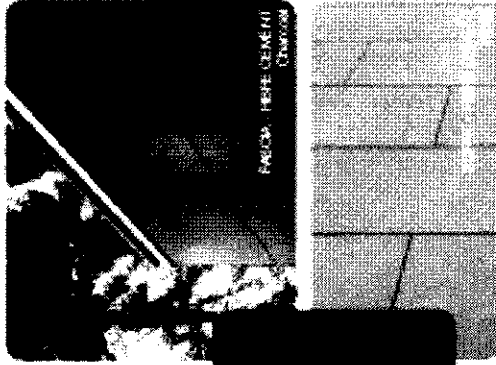
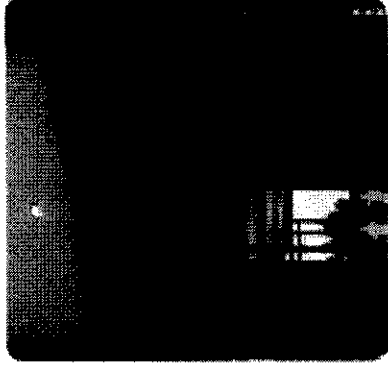
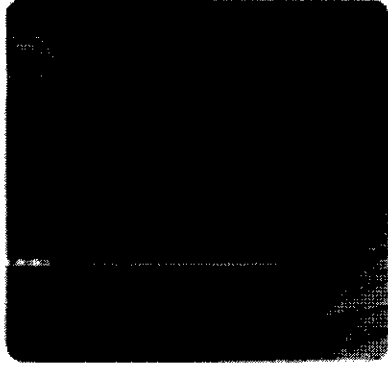
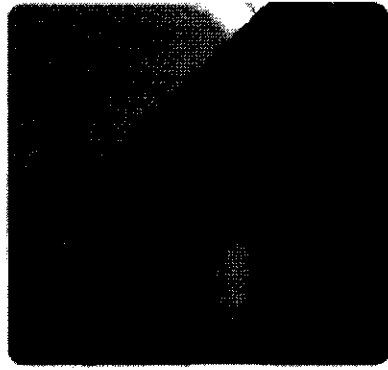
Elevation - Cooktown History Centre



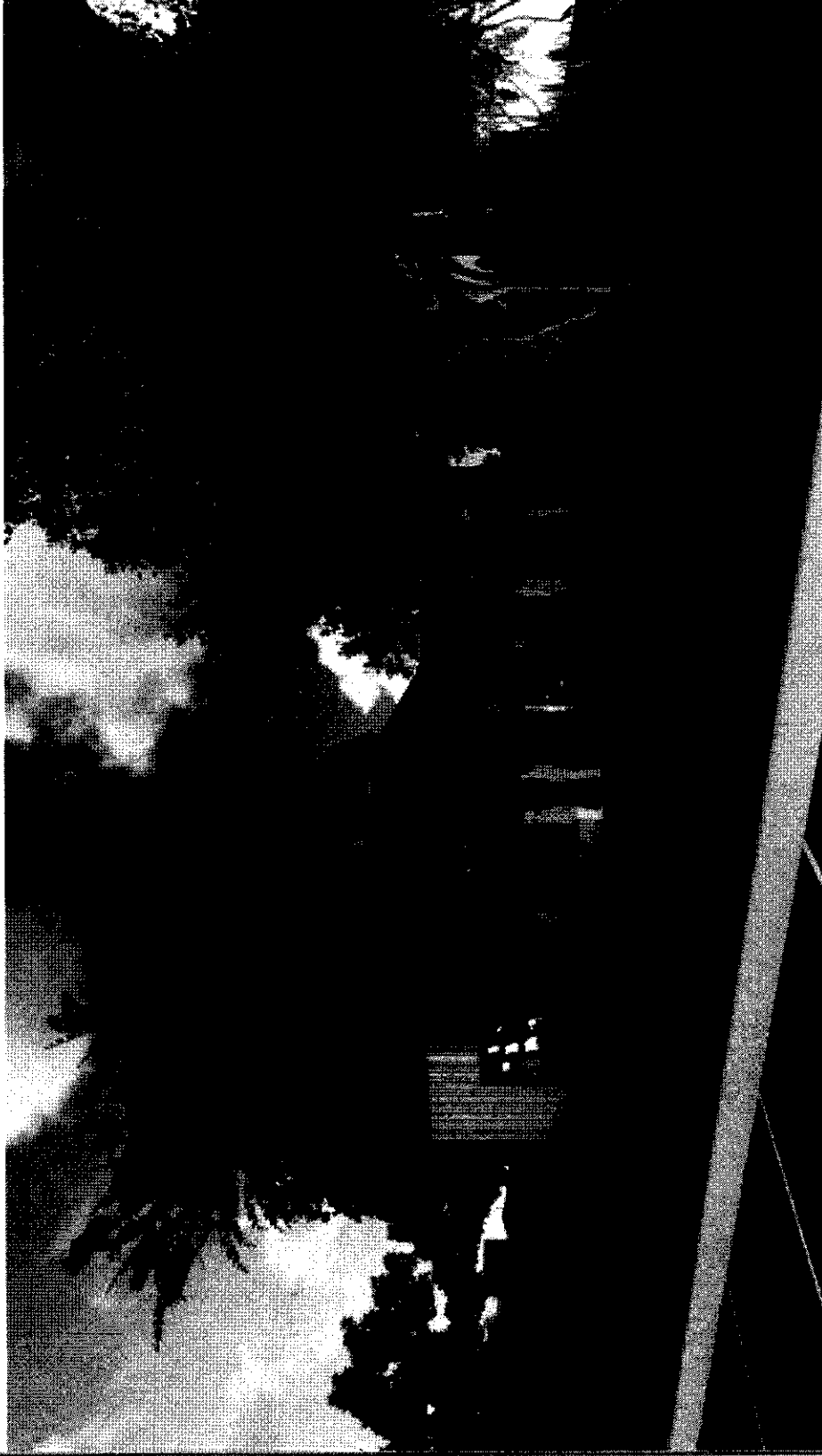
Elevation - Sherrin Esplanade

Elevation - Charlotte St

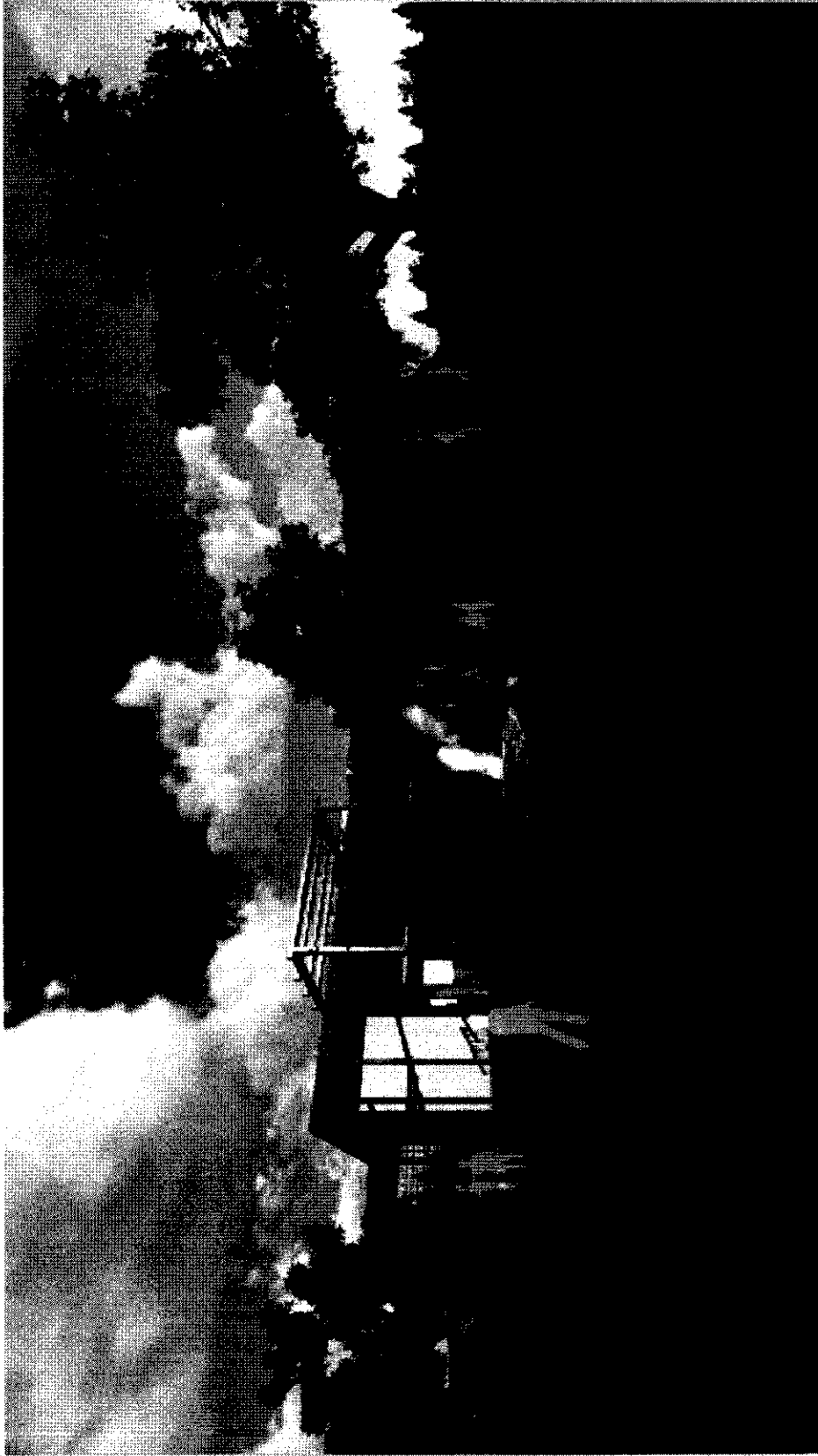
Materials



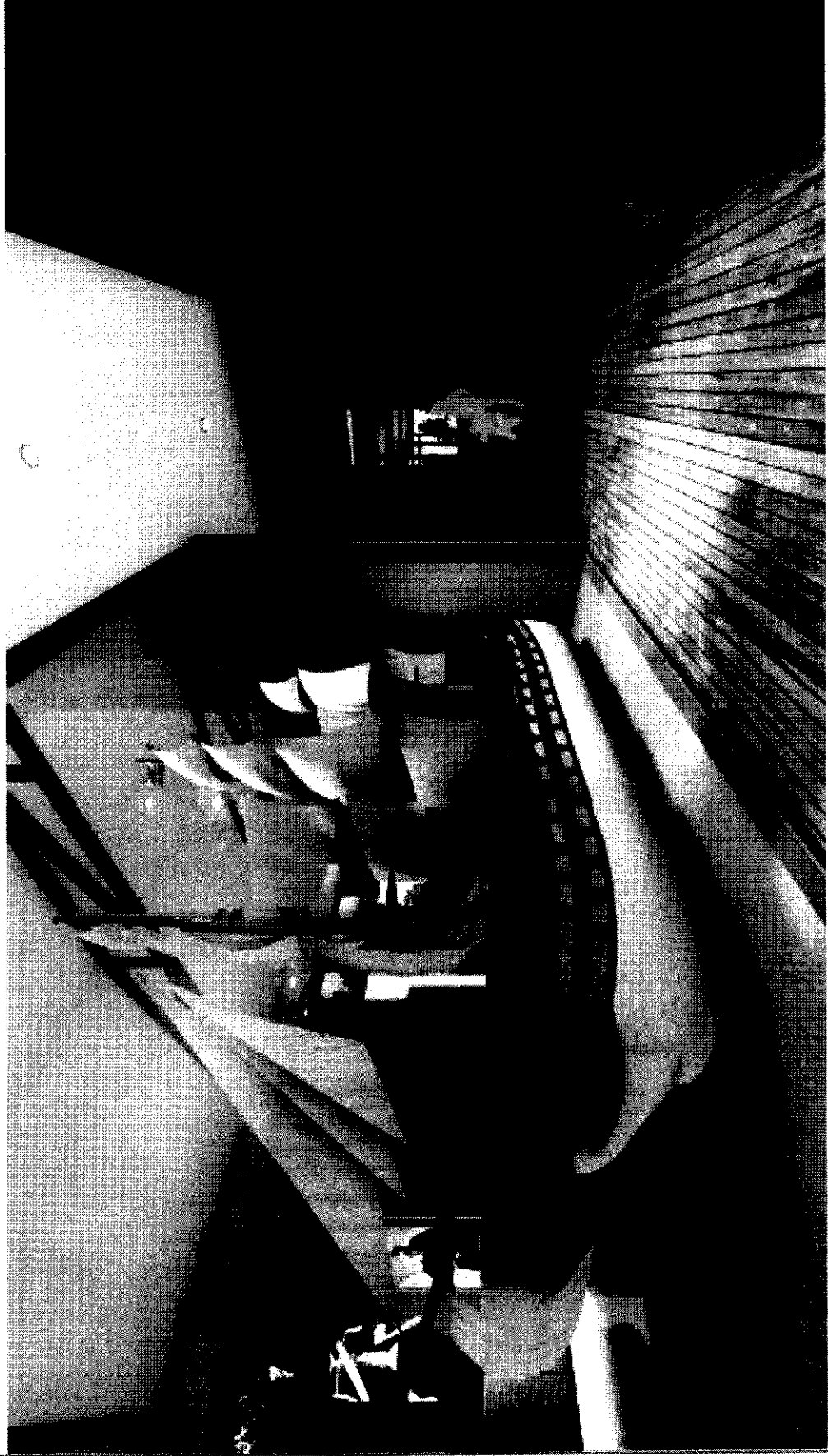
3D Visualisation



3D Visualisation



3D Visualisation



Appendix 'B'

Our Ref: LM:MF:DA/4207:D20/25164

13 October 2020

Cook Shire Council
C/- Planz Town Planning Pty Ltd
PO Box 181
Edge Hill QLD 4870

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE
DEVELOPMENT APPLICATION DA/4207**

Proposal:	Material Change of Use for a Community Use (Waymbuurr Cultural Centre)
Applicant:	Cook Shire Council C/- Planz Town Planning Pty Ltd PO Box 181 Edge Hill QLD 4870
Owner:	Dept. of Natural Resources, Mines and Energy – Cook Shire Council DOGIT (Title Reference: 20123202)
Location of Site:	121 Charlotte Street Cooktown
Real Property Description:	Lot 5 on C17973
Type of Development:	Material Change of Use (Code Assessable)

Adopted Infrastructure Charge - Material Change of Use for a Community Use (Waymbuurr Cultural Centre) – Stage One

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Places of Assembly)	\$6.30 (Water Supply)	\$ per m ² Gross Floor Area	219m ²	\$1,379.70
Material Change of Use (Places of Assembly)	\$6.30 (Sewerage)	\$ per m ² Gross Floor Area	219m ²	\$1,379.70
Material Change of Use (Places of Assembly)	\$8.40 (Transport)	\$ per m ² Gross Floor Area	219m ²	\$1,839.60
Material Change of Use (Places of Assembly)	\$3.00 (Stormwater)	\$ per Impervious m ²	213m ²	\$639.00
Total Charges				\$5,238.00

Adopted Infrastructure Charge - Material Change of Use for a Community Use (Waymbuurr Cultural Centre) – Stage Two

Development Class	Charge	Unit of Measure	No. of Units	Amount of Charge
Material Change of Use (Places of Assembly)	\$6.30 (Water Supply)	\$ per m ² Gross Floor Area	231m ²	\$1,455.30
Material Change of Use (Places of Assembly)	\$6.30 (Sewerage)	\$ per m ² Gross Floor Area	231m ²	\$1,455.30
Material Change of Use (Places of Assembly)	\$8.40 (Transport)	\$ per m ² Gross Floor Area	231m ²	\$1,940.40
Material Change of Use (Places of Assembly)	\$3.00 (Stormwater)	\$ per Impervious m ²	156m ²	\$468.00
Total Charges				\$5,319.00

Net Adopted Infrastructure Charges Summary:

Total Adopted Charge	Total Credit	Total Infrastructure Charge
\$10,557.00	-	\$10,557.00

(Note: The Total Infrastructure Charge = Total Charges – Total Credit for Existing Use)

Due Date for Payment:

Payment of the total infrastructure charge must be made at the time of issuing the certificate of classification.

Payment Details:

Payment of the adopted infrastructure charge must be made to Cook Shire Council.

Goods and Services Tax

The federal government has determined that rates and utility charges levied by a local government will be GST free. Accordingly, no GST is included in this infrastructure charge notice.

Adopted Infrastructure Charge is Subject to Price Variation

The amount of the adopted infrastructure charge is subject to variations in the Consumer Price Index (C.P.I.). All groups from the reference date stated in this notice until the date the payment is made.

This notice will lapse if the development approval stops having effect.

RIGHTS OF APPEAL:

Pursuant to the provisions of Chapter 6 of *The Planning Act 2016*, a person may appeal to the Planning & Environment Court against the decision of this Council. Please refer to <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2016-025> to access the *Planning Act 2016*. Please refer to sections 124, 125, and 229 to 232 which detail your appeal rights regarding this notice.

Should you require any further information or assistance on this matter please contact Council's Manager Planning and Environment, Lisa Miller on (07) 4082 0500.

Yours faithfully



Linda Cardew
Chief Executive Officer
Cook Shire Council

Attachment 1 (Part 2) – Conditions imposed by a Concurrence Agency

Queensland Heritage Act 1992

Section 74 Exemption Certificate

Application no:	202008-10560 EC
Date application received:	3 August 2020
Date of decision:	13 August 2020
Applicant:	Planz Town Planning Pty Ltd Susie Lord info@planz.com.au
GHR place and ID:	<ul style="list-style-type: none">• 601535 - Cook Shire Council Chambers• 600421 - Mary Watson's Monument• 601731 - Early Granite Kerbing and Channelling, Cooktown
Location:	121 Charlotte Street, Cooktown 4895 / Lot 5 on C17973
Approval summary:	MCU and Building work: • New building and landscape works – Waymburn Cultural Centre

The application for an exemption certificate to carry out the development described above, is approved with conditions under section 74 of the *Queensland Heritage Act 1992*.

This exemption certificate attaches to the premises. Any person, including the owners, owners' successors in title and occupiers of the premises, may carry out development permitted by this exemption certificate and is bound by the conditions.

This exemption certificate only applies to development substantially started within 4 years of this decision.

If more information is required, contact Ben Carson, Cultural Heritage Coordinator, on (07) 3330 5835 or via email benjamin.carson@des.qld.gov.au



Anthony Simmons
Cultural Heritage Coordinator
Heritage, Arts and Heritage
Department of Environment and Science
Delegate for the Chief Executive
administering the *Queensland Heritage Act 1992*

Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.1 – 1 June 2020

Conditions of approval:

No.	Condition	Condition timing
1.	<p>Scope of development approved Carry out the development as described in the application received on 3 August 2020 from the applicant Susie Lord of Planz Town Planning Pty Ltd and the documents listed in 'Approved documents'. In the case of a discrepancy between application documents and conditions, conditions take precedence. (Reason - To ensure development is carried out as approved)</p>	At all times.
2.	<p>Keep a copy of the approval on site A copy of this exemption certificate and a copy of any documents that describe the approved development must be retained at the State heritage place. (Reason - To facilitate the monitoring of development for compliance purposes)</p>	For the duration of the development.
3.	<p>Notify start of development Provide written notice of the start of development to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au. The notice must state: name of State heritage place, exemption certificate number and condition number 3. (Reason - To facilitate the monitoring of development for compliance purposes)</p>	No later than 2 business days prior to the commencement of the development.
4.	<p>Photograph effect of development Submit photographs of the area where the development is undertaken, both before and after the development is completed to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au. The submission must state: name of State heritage place, exemption certificate number and condition number 4. (Reason - To facilitate the monitoring of development for compliance purposes and to ensure change is adequately recorded)</p>	Within 10 business days of completion of the development.
5.	<p>Permit access to the State heritage place Permit access to the State heritage place by Department of Environment and Science officers if requested. (Reason - To facilitate the monitoring of development for compliance purposes)</p>	For the duration of the development.
6.	<p>Protect the place from damage Protect the existing features of the place from incidental damage. (Reason - To ensure the cultural heritage values of the place are appropriately recognised and managed)</p>	For the duration of the development.
7.	<p>Report any damage to the place that occurs During development, should damage occur to any features of the place report such incidents immediately to Environmental Services and Regulation, Department of Environment and Science at palm@des.qld.gov.au. (Reason - To ensure the cultural heritage values of the place are appropriately recognised and managed)</p>	Immediately, should damage occur.
8.	<p>Protect Monument Mary Watson's Monument must remain intact and in-situ and be protected during all development works from advertent or inadvertent damage. Protective measures could include a suitably robust hoarding if required. (Reason - To ensure the cultural heritage values of adjacent heritage places are protected and managed during development)</p>	For the duration of development

Queensland Heritage Act 1992
Section 74 Exemption Certificate

Version 1.1 – 1 June 2020

No.	Condition	Condition timing
9.	Kerb and Channel The stone kerb and channel fronting Charlotte street must remain intact and in-situ and be protected during all development works from advertent or inadvertent damage. <i>(Reason - To ensure the cultural heritage values of adjacent heritage places are protected and managed during development)</i>	For the duration of development

Approved documents:

Document no.	Document title	Date
Report: Redevelopment of the Cooktown Boathouse: Development Application Charlotte Street, Cooktown By: CA Architects For: Cook Shire Council		
P4	Site Plan	July 2020
P5	Demolition Plan	July 2020
P6	Ground Floor Plan	July 2020
P7	Roof Plan	July 2020
P8	Staging & Construction Plan	July 2020
P9	Elevations	July 2020
P10	Materials	July 2020
P11	3D Visualisation	July 2020

Take Notice: This certificate does not exempt the applicant from the need to obtain such other approvals as may be required under other legislation.