



# **MINUTES**

## **Planning and Environment Standing Committee Meeting**

**8 March 2019**

**MINUTES OF COOK SHIRE COUNCIL  
PLANNING AND ENVIRONMENT STANDING COMMITTEE MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON FRIDAY, 8 MARCH 2019 AT 9.00AM**

**1 ATTENDANCE**

Cr Peter Scott (Mayor), Cr Robyn Holmes (Deputy Mayor), Cr John Dessmann, Cr John Giese, Cr Larissa Hale, Cr Kaz Price, Cr Alan Wilson, Linda Cardew (Chief Executive Officer), Eric Brown (Director Organisational Business Services), Mr Lawrence Booth (Director Community, Economy and Innovation), David Klye (Director Infrastructure), Lisa Miller (Manager Planning & Environment), Michael Fallon (Graduate Planner),

**2 APOLOGIES**

Nil

**3 CONFIRMATION OF PREVIOUS MINUTES**

**COMMITTEE RESOLUTION 2019/31**

Moved: Cr Kaz Price

Seconded: Cr Alan Wilson

That the minutes of the Planning and Environment Standing Committee Meeting held on 2 November 2018 were confirmed. **CARRIED**

**4 BUSINESS ARISING**

**DECLARATIONS OF INTEREST**

Cr John Giese declared a conflict of interest in Item [7.1], Update on State Government Proposal on Key Resource Area (KRA166)(as defined by *Local Government Act 2009*, section 175D) as follows.

I am employed by an owner of commercial quarries within the Cook Shire.

I have determined that this personal interest is not of sufficient significance that it will lead me to making a decision on the matter that is contrary to the public interest. I will best perform my responsibility of serving the overall public interest of the whole of Council's area by participating in the discussion and voting on this matter.

However, I acknowledge that the remaining councillors must now determine, pursuant to sections 175E (4) of the *Local Government Act 2009*:-

- a) Whether I have a real conflict of interest in this matter or a perceived conflict of interest in this matter; and
- b) if so whether :-
  - i) I must leave the meeting while this matter is discussed and voted on; or
  - ii) I may participate in the meeting in relation to the matter, including voting on the matter.

#### 4.1 CONFLICT OF INTEREST

##### COMMITTEE RESOLUTION 2019/32

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

Cr John Giese has a perceived conflict of interest in the matter and accordingly must leave the meeting room, including any place set aside for the public and stay away while this matter is discussed and voted on.

CARRIED

#### 5 AGENDA ITEMS

##### 5.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4008 - MAKING A MATERIAL CHANGE OF USE FOR AN EXTENSION TO THE EXISTING SHORT-TERM ACCOMMODATION (ONE (1) ADDITIONAL SELF-CONTAINED UNIT) ON LOT 4 CP866939, LOCATED AT HAGGERSTONE ISLAND, SHELBURNE, CORAL SEA

##### COMMITTEE RESOLUTION 2019/33

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

1. That the following reasons for the decision be included on the notice on Council's website (as required by section 63(4) of the *Planning Act 2016*) in the event that Council decides to approve the application:
  - (a) An assessment was made against the applicable assessment benchmarks and the proposed development demonstrated compliance.
  - (b) The proposed development for a Material Change of Use for an extension to the existing Short-term accommodation (one (1) additional self-contained unit) will have no detrimental impact on the island or surrounding environment itself.
2. That the application by Roy Leonard Turner, Haggerstone Island Holdings Pty Ltd C/- Kristy Gilvear, Gilvear Planning Pty Ltd for Development Permit DA/4008, Material Change of Use for an extension to the existing Short-term Accommodation (one (1) additional self-contained unit) on Lot 4 on CP866939 be approved subject to the following reasonable and relevant conditions.

##### **A. Assessment Manager (Council) Conditions**

##### **Approved Plan**

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

##### **Patronage**

2. Total patronage of the development must not exceed fourteen (14) guests and four (4) staff at any one time.

**Effluent Disposal**

3. Any application for waste water treatment and disposal must include details of the proposed wastewater disposal systems and calculations demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – “On Site Domestic Wastewater Management”. Details must be provided at the time of Building application.

**Water Supply**

4. The development must be connected to a potable water supply. This water supply must comply with the Australian Drinking Water Standards.

**Environment**

5. The applicant must ensure that the development has no adverse impacts on the functioning and integrity of habitats and environmental values contained within the conservation estate.
6. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development. A sediment control plan must be submitted to Council for approval prior to works commencing.
7. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.

**Construction and Waste Management Plan**

8. The applicant must prepare and submit to Council a Construction Waste Management Plan. The plan is to be approved by Councils Manager Planning and Environment prior to the issue of a Development Permit for carrying out building works.

**Electricity**

9. The development must be connected to a reliable electricity supply. Details are to be provided at the time of building application.

**Cultural Heritage**

10. The applicant must ensure that when carrying out works associated with this development, all reasonable and practical measures are taken to ensure that works do not harm Aboriginal cultural heritage (the ‘cultural heritage duty of care’).

**Internal Pathways**

11. Internal pathways must be kept in a dust suppressed state at all times.

**Building and Plumbing Approvals**

12. All relevant building and plumbing approvals must be obtained prior to the use commencing.

**Outstanding Charges**

13. All rates, service charges, interest and other charges levied on the land are to be paid prior to construction.

**Compliance**

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

**Stormwater**

15. Stormwater must be directed to a legal point of discharge. Details are to be provided at the time of Building application.

**Currency Period**

16. The currency period for this application is six (6) years. Should the approved extension to the existing Short-term accommodation (one (1) additional self-contained unit) not be established within this time, the approval shall lapse.

**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) That the Applicant be advised that the development must be in accordance with the conditions stated in Perpetual Lease No. 40069401.

**CARRIED**

**5.2 REQUEST FOR AN EXTENSION TO THE CURRENCY PERIOD FOR DEVELOPMENT PERMIT DA/3357 - RECONFIGURATION OF ONE (1) LOT INTO TWO (2) LOTS ON LAND DESCRIBED AS LOT 217 ON RP881059, LOCATED ON THE PENINSULA DEVELOPMENTAL ROAD, LAKELAND**

**COMMITTEE RESOLUTION 2019/34**

Moved: Cr Alan Wilson

Seconded: Cr Kaz Price

That Council grant a two (2) year extension the currency period for Development Permit DA/3357, Reconfiguration of Lot 217 on RP881059, located on the Peninsula Development Road, Lakeland, until 17 February 2021.

**CARRIED**

**6 GENERAL BUSINESS**

Nil

**7 CONFIDENTIAL SECTION****RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275 of the Local Government Regulation 2012:

**7.1 Update on State Government Proposal for a Key Resource Area (KRA166)**

This matter is considered to be confidential under Section 275(g) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

At 9:22 am, Cr John Giese left the meeting.

**COMMITTEE RESOLUTION 2019/35**

Moved: Cr Kaz Price

Seconded: Cr John Dessmann

That Council moves into Closed Council.

**CARRIED**

**COMMITTEE RESOLUTION 2019/36**

Moved: Cr Kaz Price

Seconded: Cr Robyn Holmes (Deputy Mayor)

That Council moves out of Closed Council into Open Council.

**CARRIED**

**7.1 UPDATE ON STATE GOVERNMENT PROPOSAL FOR A KEY RESOURCE AREA (KRA166)**

**COMMITTEE RESOLUTION 2019/37**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

1. That, pursuant to section 257 of the *Local Government Act 2009*, Council delegates authority to the Chief Executive Officer to write to the Department of Natural Resources, Mines and Energy stating that Council has formally resolved to support the amended Key Resource Area, however subject to the amendments with respect to the Separation Area adjacent to the Mulligan Highway as depicted on the plans titled "Proposed Exclusion from Key Resource Area".
2. That Council's representations to the State on this matter include the comments with respect to the separation area, provided by Ecoroc P/L dated 21 February 2019.

In Favour: Crs John Dessmann, Larissa Hale and Kaz Price

Against: Crs Robyn Holmes (Deputy Mayor) and Alan Wilson

**CARRIED**

At 9:29 am, Cr John Giese returned to the meeting.

**The Meeting closed at 9.30am.**

**The minutes of this meeting will be confirmed at the Planning and Environment Standing Committee Meeting to be held on 5 April 2019.**

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**CHAIRPERSON**