



# **MINUTES**

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

**7 February 2020**

**MINUTES OF COOK SHIRE COUNCIL  
PLANNING AND ENVIRONMENT STANDING COMMITTEE MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON FRIDAY, 7 FEBRUARY 2020 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), Lawrence Booth (Director Community, Economy and Innovation), Lisa Miller (Manager Planning & Environment), Michael Fallon (Planning Officer)**

**2 APOLOGIES**

Tracey Boulton (Acting Director Organisational Business Services)

**ACKNOWLEDGEMENT OF COUNTRY**

Council acknowledges the Traditional Owners of the land on which we meet today and pays respect to Elders past, present and emerging.

**3 CONFIRMATION OF PREVIOUS MINUTES**

**COMMITTEE RESOLUTION 2020/42**

Moved: Cr Kaz Price

Seconded: Cr John Giese

That the minutes of the Planning and Environment Standing Committee Meeting held on 8 November 2019 be confirmed.

**CARRIED**

**4 BUSINESS ARISING**

Nil

5 AGENDA ITEMS

5.1 APPLICATION FOR DEVELOPMENT PERMIT DA/4112 - RECONFIGURING A LOT INTO TWO (2) LOTS - 28 CHARLOTTE STREET COOKTOWN - LOT 303 ON C17915

**COMMITTEE RESOLUTION 2020/43**

Moved: Cr John Giese

Seconded: Cr Kaz Price

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 will have no detrimental impact on the surrounding land uses.
2. That the application by Kerry Hobbs and Debra Wade for Development Permit DA/4112, Reconfiguring Lot 303 on C17915, located at 28 Charlotte Street Cooktown, into two (2) allotments 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 following Proposal Plan (Appendix A) submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Proposed Plan of Development - Plan of Lots 32 & 33 Cancelling Lot 303 on C17915 – SP306391 – Prepared by Eddy Luigi Picco – Dated 06-06-2019.

**Access**

2. Access to proposed Lots 32 and 33 must be via a shared six (6) metre wide crossover from the Charlotte Street frontage, and be constructed in accordance with the requirement of the FNQROC Development Manual; Drawing numbers S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. The crossover shall be designed and constructed to the requirements of Australian Standard AS2890.1:2004, in particular Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas. Culverts shall be designed and installed in accordance with Drawing S1105. The pipe size shall be a minimum of 600mm diameter. Access between the property boundary and the road must be bitumen sealed.
3. The level of the driveway must be raised to satisfy the site line condition as per AS2890.1:2004, Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas. The existing services must be raised accordingly.
4. The applicant must submit a Traffic Management Plan written by a suitably qualified person for Council approval for the works on the road reserve.

**Operational Works**

5. Engineering Plans must be submitted for approval by Council's Director Infrastructure Services as part of an Operational Works application prior to works commencing for construction of access crossovers (Conditions 2, 3 and 4). These plans must provide

evidence that the sight distance requirements as per AS2890.1:2004 will be met.

**Access Handle**

6. The access handle must be located entirely within the boundary of proposed Lot 32, and must:
  - (a) Minimise impacts on adjoining properties;
  - (b) Allow all weather practical access;
  - (c) Prevent erosion and sedimentation due to movement of vehicles;
  - (d) Minimise dust generate; and
  - (e) Ensure stormwater flow is managed and discharged to a legal point of discharge.

**Water Supply**

7. Proposed Lots 32 and 33 must be able to be connected to the reticulated water supply prior to the Council endorsement of the Plan of Survey.
8. Proposed Lots 32 and 33 must be connected to the reticulated water supply at the time of building application.

**Sewerage**

9. Proposed Lots 32 and 33 must be able to be connected to the reticulated sewerage scheme prior to Council endorsement of the Plan of Survey.

**Stormwater Drainage**

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

**Electricity**

11. Each proposed lot must be provided with a reliable electricity supply at the time of construction of a dwelling house. Written evidence of such electricity supply must be provided at the time of lodgement of a building application for a house.

**Fire Management**

12. The development must be maintained at all times to a standard so as not to create a fire hazard.
13. Any new building (other than a class 10a) erected on any of the proposed lots shall:
  - Be sited in locations of lowest bushfire hazard within the lot;
  - Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height, or ten (10) metres, whichever is greater.

**Environmental Protection**

14. No State declared or environmental pest, plants or animals are to be introduced onto the property.
15. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

**Public Utilities**

16. The developer is responsible for the cost of any alteration to Public Utilities as a result of complying with Conditions of this approval.
17. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities".

**Compliance**

18. 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**

19. 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.

**Infrastructure Charges**

20. Infrastructure charges must be paid to Council prior to Council endorsement of the Plan of Survey as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.

**Endorsement**

21. The reconfiguration of a lot approval authorised by 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 this approval will lapse.

**B. Advice (Council)**

1. The applicant be advised that a further Development Permit is required for carrying out Building works, along with Plumbing and Drainage Approval/Compliance Permits required for any Plumbing and Drainage works, prior to any building construction associated with this development.
2. 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.

**CARRIED**

**DECLARATION OF CONFLICT OF INTEREST**

Cr John Giese declared a conflict of interest in Item [5.2], Application for a Development Permit DA/4116 - Reconfiguring a Lot into Two (2) Lots - 7 Slaughteryard Road Marton - Lot 5 on SP151494 (as defined by *Local Government Act 2009*, section 175D) as follows.

The applicant is my ex brother in-law.

I have determined that this perceived conflict 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. However I will best perform my responsibility of serving the overall public interest of the whole of Council's area by not participating in the discussion or 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.

**COMMITTEE RESOLUTION 2020/44**

Moved: Cr Larissa Hale

Seconded: Cr Kaz Price

Council resolved that Cr John Giese has a real/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**

At 9:16 am, Cr John Giese left the meeting.

**5.2 APPLICATION FOR A DEVELOPMENT PERMIT DA/4116 - RECONFIGURING A LOT INTO TWO (2) LOTS - 7 SLAUGHTERYARD ROAD MARTON - LOT 5 ON SP151494**

**COMMITTEE RESOLUTION 2020/45**

Moved: Cr Alan Wilson

Seconded: Cr Robyn Holmes (Deputy Mayor)

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 will have no detrimental impact on the surrounding land uses.
2. That the application by Allan Morris for Development Permit DA/4116, Reconfiguring Lot 5 on SP151494, located at 7 Slaughter Yard Road Marton, into two (2) allotments 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 following Proposal Plan (Appendix A) submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Proposed Subdivision Lots 5-6 – Client: Allan Morris – Lot 5 on SP151494 –Prepared by: Kim McCarthy Surveys Pty Ltd;
  - Plan of lots 1-5, Cancelling Lot 3 on CP M24113 – SP15149 – Kim McCarthy Surveys Pty Ltd.

**Access**

2. Access to proposed Lots 5 and 6 must be via a shared six (6) metre wide crossover from the Slaughter Yard frontage, and be constructed in accordance with the requirements of the FNQROC Development Manual; Drawing numbers S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17. The crossover shall be designed and constructed to the requirements of Australian Standard AS2890.1:2004, in particular Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas. Culverts shall be designed and installed in accordance with Drawing S1105. The pipe size shall be a minimum of 600mm diameter. Access between the property boundary and the road must be bitumen sealed.
3. The level of the driveway must be raised to satisfy the site line condition as per AS2890.1:2004, Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas.
4. The applicant must submit a Traffic Management Plan written by a suitably qualified

person for Council approval for the works on the road reserve.

### **Operational Works**

5. Engineering Plans must be submitted for approval by Council's Director Infrastructure as part of an Operational Works application prior to works commencing for construction of the access crossover (Conditions 2-4). These plans must provide evidence that the sight distance requirements as per AS2890.1:2004 will be met.

### **Water Supply**

6. A separate source of water supply must be provided to each proposed lot at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity for 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

### **Effluent Disposal**

7. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – 'On-site domestic wastewater management'. Details are to be provided at the time of lodgement of a plumbing and building application.

### **Electricity**

8. Each proposed lot must be provided with a reliable electricity supply at the time of construction of a dwelling house. Written evidence of such electricity supply must be provided at the time of lodgement of a building application for a house.

### **Fire Management**

9. The development must be maintained at all times to a standard so as not to create a fire hazard.
10. Any new building (other than a Class 10a) erected on any of the proposed lots must:
  - Be sited in locations of lowest bushfire hazard within the lot;
  - Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is the greater; and
  - Be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings. Details are to be provided at the time of building application.

### **Environmental Protection**

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

### **Stormwater Drainage**

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

**Public Utilities**

14. The developer is responsible for the cost of any alteration to the public utilities as a result of complying with conditions of this approval.
15. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities.

**Compliance**

16. 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**

17. 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.

**Signing and Sealing**

18. The reconfiguration of a lot approval authorised by 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 this approval will lapse.

**B. Advice (Council)**

1. The applicant be advised that a further Development Permit is required for carrying out Building works for any proposed or existing structure/s on-site, along with Plumbing and Drainage Approval/Compliance Permits required for any Plumbing and Drainage works, prior to any building construction associated with this development.
2. 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.

**CARRIED**

At 9:21 am, Cr John Giese returned to the meeting.

**5.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4114 - RECONFIGURING A LOT INTO TWO (2) LOTS - 630 POISON CREEK ROAD COOKTOWN - LOT 2 ON RP850072**

**COMMITTEE RESOLUTION 2020/46**

Moved: Cr Kaz Price

Seconded: Cr John Giese

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 will have no detrimental impact on the surrounding land uses.
2. That the application by Shaun Dignan C/- U&i Town Plan for Development Permit DA/4114, Reconfiguring Lot 2 on RP850072, located at 630 Poison Creek Road Cooktown, into two (2) allotments 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 following Proposal Plan (Appendix A) submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Plan #: R2-19(1) - Development Plans – 1 into 2 Lot Reconfiguration (Lot 2 on RP850072) – Prepared by: U&i Town Plan – Date: 09/05/2019.

**Access**

2. Access to proposed Lot 2 must be via the existing crossover on Poison Creek Road.
3. Access to proposed Lot 2 must remain within the existing access easement on Lot A on RP744512 (over Lot 1 on RP744512).
4. Access to proposed Lot 4 must be via a three (3) metre wide crossover from the Railway Avenue frontage, and be constructed in accordance with the requirements of the FNQROC Development Manual; Drawing numbers S1015 and S1105, and Design Manual D1, Road Geometry, section D1.17.

The crossover shall be designed and constructed to the requirements of Australian Standard AS2890.1:2004, in particular Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas. Culverts shall be designed and installed in accordance with Drawing S1105. The pipe size shall be a minimum of 600mm diameter.

5. The level of the driveway for proposed Lot 4 must be raised to satisfy the site line condition as per AS2890.1:2004, Section 3: Access Facilities to Off-Street Parking Areas and Queuing Areas.
6. The applicant must submit a Traffic Management Plan written by a suitably qualified person for Council approval for the works on the road reserve.

**Operational Works**

7. Engineering Plans must be submitted for approval by Council's Director Infrastructure Services as part of an Operational Works application prior to works commencing for construction of the access crossover (Conditions 4-6). These plans must provide evidence that the sight distance requirements as per AS2890.1:2004 will be met.

**Water Supply**

8. A separate source of water supply must be provided to each proposed lot at the time of construction of a dwelling house. This would be satisfied by the provision of a rainwater tank with a minimum capacity for 50,000 litres. Where an alternative source of supply is available within the allotment, the applicant can provide certified evidence as to the flow rates and water quality of the bore water or other supply to eliminate or reduce the requirement of on-site water storage.

**Effluent Disposal**

9. Any application for wastewater treatment and disposal must include details of the proposed wastewater disposal systems and calculation demonstrating compliance with the Queensland Plumbing and Wastewater Code and AS/NZS 1547:2000 – 'On-site domestic wastewater management'. Details are to be provided at the time of lodgement of a plumbing and building application.

**Electricity**

10. Each proposed lot must be provided with a reliable electricity supply at the time of construction of a dwelling house. Written evidence of such electricity supply must be

provided at the time of lodgement of a building application for a house.

### **Fire Management**

11. The development must be maintained at all times to a standard so as not to create a fire hazard.
12. Any new building (other than a class 10a) erected on any of the proposed lots shall:
  - Be sited in locations of lowest bushfire hazard within the lot;
  - Achieve setbacks from fire hazardous vegetation of 1.5 times the predominant mature canopy tree height or ten (10) metres, whichever is the greater;
  - Be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This must be satisfied by the provision of an accessible dam, swimming pool, or water tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within forty (40) metres from the habitable buildings. Details are to be provided at the time of building application.

### **Environmental Protection**

13. No State Declared or environmental pests, plants and animals are to be introduced onto the property.
14. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.

### **Stormwater Drainage**

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

### **Public Utilities**

16. The developer is responsible for the cost of any alteration to the public utilities as a result of complying with conditions of this approval.
17. Utilities design must be in accordance with the FNQROC Development Manual D8 Operational Works Design Guidelines "Utilities."

### **Compliance**

18. 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**

19. 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.

### **Signing and Sealing**

20. The reconfiguration of a lot approval authorised by 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 this approval will lapse.

### **B. Advice (Council)**

1. The applicant be advised that a further Development Permit is required for carrying out Building works for any proposed or existing structure on-site, along with Plumbing and Drainage Approval/Compliance Permits required for any Plumbing and Drainage works, prior to any building construction associated with this development.
2. The applicant be advised that any future vegetation clearing of regulated vegetation

identified on the approved plan of development must be approved by the Department of Natural Resources, Mines, and Energy prior to works commencing.

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.

**CARRIED**

## **6 GENERAL BUSINESS**

Councillors engaged in a discussion regarding temporary and remote housing.

**The Meeting closed at 9.42am.**

**The minutes of this meeting will be confirmed at the next Planning and Environment Standing Committee Meeting.**

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**CHAIRPERSON**