



# **MINUTES**

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

**25 August 2020**

**MINUTES OF COOK SHIRE COUNCIL  
PLANNING AND ENVIRONMENT STANDING COMMITTEE MEETING  
HELD AT THE ADMINISTRATION CENTRE, 10 FURNEAUX STREET, COOKTOWN  
ON TUESDAY, 25 AUGUST 2020 AT 9.00AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

Cr Peter Scott (Mayor), Cr Robyn Holmes (Deputy Mayor), Cr Peter Burns, Cr John Dessmann, Cr Larissa Hale, Cr Ross Logan, Cr Marilyn Morris, Ms Linda Cardew (Chief Executive Officer), Mr Lawrence Booth (Director Community, Economy and Innovation), Ms Heather Kelly (Director Organisational Business Services), Mr David Klye (Director Infrastructure), Ms Lisa Miller (Manager Planning and Environment), Mr Michael Fallon (Planning Officer)

**3 MEETING OPENED**

9.00am

**4 APOLOGIES**

Nil

**5 ACKNOWLEDGEMENT OF COUNTRY**

On behalf of all Councillors, the Mayor acknowledged the Waymburr Warra people, Traditional Custodians of the land on which we meet today, and paid respects to their Elders past, present and emerging.

**6 DECLARATIONS OF INTEREST**

**6.1 CONFLICT OF INTEREST DECLARATION - CR R HOLMES**

Cr Robyn Holmes (Deputy Mayor) declared a conflict of interest in Item 9.1, (as defined by *Local Government Act 2009*, section 175D) as follows:

- a) I have a relationship with the applicants in that they are my work colleagues.

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.

**COMMITTEE RESOLUTION 2020/57**

Moved: Cr Peter Burns  
Seconded: Cr Marilyn Morris

Cr Robyn Holmes does not have either a real conflict of interest or a perceived conflict of interest in this matter and is accordingly free to participate in the meeting while this matter is discussed, including voting on the matter.

**CARRIED**

**7 CONFIRMATION OF PREVIOUS MINUTES**

**PLANNING AND ENVIRONMENT STANDING COMMITTEE MEETING – 28 JULY 2020**

**COMMITTEE RESOLUTION 2020/58**

Moved: Cr Robyn Holmes (Deputy Mayor)  
Seconded: Cr Peter Burns

That the minutes of the Planning and Environment Standing Committee meeting held on 28 July 2020 be confirmed.

**CARRIED**

**8 BUSINESS ARISING**

Nil

**9 AGENDA ITEMS**

**9.1 APPLICATION FOR A DEVELOPMENT PERMIT DA/4195 - RECONFIGURING ONE (1) LOT INTO FOUR (4) LOTS - LOT 135 ON C17949 - 44 GARDEN STREET COOKTOWN**

**COMMITTEE RESOLUTION 2020/59**

Moved: Cr Marilyn Morris  
Seconded: Cr Ross Logan

1. That the application by Kenneth White and Karen White C/- U&i Town Plan for Development Permit DA/4195 – Reconfiguring Lot 135 on C17949 into four (4) allotments, located at 44 Garden Street Cooktown, be approved subject to the following reasonable and relevant conditions.
2. 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.

**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:
  - Development Plans – One (1) into Four (4) Lots – Plan # R8-20 (1) – Date: 19.03.19 – Prepared by Thomas Stanley Lowe on 10.07.19;
  - Identification Survey of Lot 135 on C17949 – Job No. 2533 – IS234801.

**Access**

2. Plans showing the location of the access driveway to proposed Lot 1, must be submitted to Council's Manager Engineering for approval and be supported by a Traffic Management Plan undertaken by a suitably qualified person for works within the road reserve.

Access to proposed Lot 1 must be sealed with reinforced concrete from the property boundary to the road pavement, and be constructed prior to the endorsement of the survey plan and in accordance with the requirements of the FNQROC Development Manual; Drawing Number S1105, and Design Manual D1, Road Geometry, section D1.17.

3. Plans showing the location of access driveways to proposed Lots 2, 3, and 4 must be submitted to Council's Manager Engineering for approval and be supported by a Traffic Management Plan, undertaken by a suitably qualified person, for works within the road reserve, at the time of lodgement of a building application.

Approved access driveways, must be constructed prior to the issue of a Certificate of Classification, for any structure built on proposed Lots 2, 3, and 4. The access must be sealed with reinforced concrete from the property boundary to the road pavement, and be constructed in accordance with the requirements of the FNQROC Development Manual; Drawing Number S1105, and Design Manual D1, Road Geometry, section D1.17.

4. The location of access driveways and site distance provision must be in accordance with AS2890 – Parking Facilities – Off Street Parking.
5. The future driveways shall:
  - a. Avoid reversing movement into or out of the development (except in the case of individual dwelling houses);
  - b. Provide safety for pedestrians by ensuring adequate site distance;
  - c. Provide adequate clearance between vehicles turning path and physical constraints within the property.

**Water Supply**

6. Proposed Lots 1, 2, 3, and 4 must be able to be connected to the reticulated water supply prior to Council endorsement of the Plan of Survey.
7. Proposed Lots 1, 2, 3, and 4 must be connected to Council's reticulated water supply prior to the issue of a Certificate of Classification, for any structure/s built on the lots created.

**Sewerage**

8. Proposed Lots 1, 2, 3 and 4 must be able to be connected to the reticulated sewerage scheme prior to Council endorsement of the Plan of Survey.
9. Proposed Lots 1, 2, 3, and 4 must be connected to Council's reticulated sewerage scheme

prior to the issue of a Certificate of Classification for any construction or Plumbing Compliance Certificate, for any structure/s built on the lots created.

### **Stormwater Discharge**

10. Stormwater drainage must be directed to a legal point of discharge. Any future buildings must direct stormwater from the roof top, to an approved legal point of discharge via a stormwater pipe.

### **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 prior to the issue of a Certificate of Classification for a dwelling built on the lots created.

### **Fire Management**

12. The development must be maintained at all times to a standard so as not to create a fire hazard.

### **Environmental Protection**

13. No state declared or environmental pest, plants, or 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.

### **Public Utilities**

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

### **Compliance**

17. All relevant Condition of this Development Permit must be complied with prior to the Plan of Survey being submitted to Council for endorsement, unless stated otherwise.

### **Outstanding Charges**

18. 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**

19. 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**

20. 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 this approval will lapse.

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

1. A development permit is required for carrying out any Building work and a Plumbing and

Drainage Approval/Compliance Permit is required for plumbing and drainage works prior to any construction on these allotments.

2. The erection and use of any future buildings must comply with the Building Act and all other relevant Acts, Regulations and Laws, and these approval conditions.
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. It is advised that Council’s rate search information for proposed Lots 2, 3, and 4 will be noted to the effect that there is a condition requiring the construction of access prior to the issue of a Certificate of Classification for any future building application.

**CARRIED**

**9.2 APPLICATION FOR A MINOR CHANGE TO DEVELOPMENT PERMIT DA/3934 - RECONFIGURATION OF TWO (2) LOTS BY WAY OF BOUNDARY REALIGNMENT - LOT 1 AND 2 ON RP867052 - 94 AND 96 HUTCHINSON STREET COOKTOWN**

**COMMITTEE RESOLUTION 2020/60**

Moved: Cr Robyn Holmes (Deputy Mayor)

Seconded: Cr John Dessmann

1. That the application submitted by Peter McKenzie and Belinda White for a Minor Change to Development Permit DA/3934 – Reconfiguration of Lot 1 and Lot 2 on RP867052 located at 94 and 96 Hutchinson Street Cooktown into two (2) lots by way of boundary realignment be approved by Council subject to the following conditions of approval:

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

**Approved Plans**

1. The development must be carried out generally in accordance with the following Proposal Plan (Attachment 1) submitted with the application, except for any variations required to comply with the conditions of this approval:
  - Cardno – Proposed Boundary Realignment Plan of Lots 1 & 2 – Cancelling Lots 1 & 2 on RP867052 Annan Road, Cooktown – Plan Number Q184089\_P001 B – Dated 4/08/2020.

**Access**

2. Access to proposed Lot 1 must be from the existing driveway off Hutchinson Street, via the unformed Annan Road junction.
3. Access to proposed Lot 2 must be from the existing driveway off Hutchinson Street, via the unformed Annan Road junction.

**Water supply**

4. Proposed Lot 2 must be connected to the reticulated water supply by means of a separate metered connection prior to Council endorsement of the Plan of Survey.
5. The existing water supply line for proposed Lot 2 must be disconnected and moved to sit

within the new boundary of the proposed Lot prior to Council endorsement of the Plan of Survey.

**Fire Management**

6. The development must be maintained at all times to a standard so as not to create a fire hazard.

**Stormwater Drainage**

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

**Public Utilities**

8. The developer is responsible for the cost of any alteration to Public Utilities as a result of complying with the Conditions of this approval.

**Compliance**

9. 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**

10. 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.

**Endorsement**

11. 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.

**CARRIED**

**9.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4190 - MATERIAL CHANGE OF USE FOR A TELECOMMUNICATIONS FACILITY - LOT 1 ON RP717971 - ROSSVILLE BLOOMFIELD ROAD, BLOOMFIELD**

**COMMITTEE RESOLUTION 2020/61**

Moved: Cr John Dessmann

Seconded: Cr Peter Burns

1. That the application by Telstra Corporation Limited C/- Visionstream Australia Pty Ltd, for Development Permit DA/4190 – Material Change of Use for a Telecommunications Facility on Lot 1 on RP717971 located at Rossville Bloomfield Road, Bloomfield be approved subject to the following reasonable and relevant conditions.
2. 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) The Telecommunications Facility is essential community infrastructure that will service the Bloomfield region.

(b) An assessment was made against the relevant Cook Shire Council Planning Scheme 2017 codes as well as the Strategic Framework and the proposed development demonstrated compliance.

(c) The proposed development will have no detrimental impact on the surrounding land uses.

#### **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:
  - Site Access and Locality Plan – Mobile Network Site 330157 Bloomfield River State School – Rossville Bloomfield Rd, Bloomfield QLD 4895 – Dwg No. Q116591 – Sht No. S1 – Dated 21.05.20 – Issue 1;
  - Site Layout – Mobile Network Site 330157 Bloomfield River State School – Rossville Bloomfield Rd, Bloomfield QLD 4895 – Dwg No. Q116591 – Sht No. S1-1 – Dated 21.05.20 – Issue 1; and
  - South Elevation – Mobile Network Site 330157 Bloomfield River State School – Rossville Bloomfield Rd, Bloomfield QLD 4895 – Dwg No. Q116591 – Sht No. S3 – Dated 21.05.20.

##### **Access**

2. Access to the proposed facility must be gravel sealed from the property boundary to the road pavement, and be constructed prior to the commencement of the use and in accordance with the relevant FNQROC Development Manual standard.
3. Plans showing the location of access to the proposed facility must be submitted to Council's Manager Engineering for approval prior to construction and be supported by a Traffic Management Plan undertaken by a suitably qualified person for works within the road reserve.
4. 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.

##### **Internal Driveway**

5. The internal driveway servicing the development must be constructed to a minimum compacted gravel standard to a minimum depth of 100mm and be appropriately drained prior to the commencement of the use, and maintained for the life of the development, to the satisfaction of Council's delegated officer.
6. The internal driveway must be maintained to the above standard for the life of the development.

##### **Timing of Effect**

7. The conditions of this development permit must be complied with to the satisfaction of Council's delegated officer prior to the commencement of the use.
8. The applicant must notify Council that all the conditions of the development permit have



been complied with prior to the commencement of the use.

**Environmental**

9. The applicant must ensure that no soil or silt runoff occurs from the site during the construction and operational phase of the development.
10. No State declared or environmental pest plants and pest animals are to be introduced onto the property. The applicant/owner shall be responsible for the complete removal and destruction of any noxious weed or plants existing on the land in the access and construction footprint that is the subject of this Development Permit.

**Public Utilities**

11. The applicant/developer is responsible or the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by the conditions of this approval.

**Stormwater**

12. Stormwater must be directed to a legal point of discharge.

**Currency Period**

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

**Outstanding Charges**

14. All rates, service charges, interest and other charges levied on the land must be paid prior to the use commencing.

**B. Assessment Manager (Council) Conditions**

1. That the applicant be advised that a further Development Permit is required for carrying out Building Works prior to the 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**

**10 CONFIDENTIAL REPORTS**

Nil

**11 GENERAL BUSINESS**

**The Meeting closed at 9.20am**

**The minutes of this meeting will be confirmed at the Planning and Environment Standing Committee Meeting held on 22 September 2020.**

.....

**CHAIRPERSON**