



MINUTES

Ordinary Council Meeting

19 January 2021

**MINUTES OF COOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION BUILDING, 10 FURNEAUX STREET,
COOKTOWN, QLD 4895
ON TUESDAY, 19 JANUARY 2021 AT 9.00AM**

1 AGENDA CONTENTS

2 ATTENDANCE

Mayor Peter Scott, Deputy Mayor Robyn Holmes, Councillor Peter Burns, Councillor John Dessmann, Councillor Larissa Hale, Councillor Ross Logan, Councillor Marilyn Morris

Chief Executive Officer Linda Cardew, Director Infrastructure David Klye, and Director Organisational Business Services Heather Kelly.

3 MEETING OPENED

9.00am

4 APOLOGIES

Director Community, Economy and Innovation Lawrence Booth.

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

- Cr Holmes advised that she will have a conflict of interest in Item 15.1 as she is a member of the Cooktown Amateur Turf Club, which has been nominated for an Australia Day Award. Cr Holmes will address this conflict prior to the commencement of this agenda item.
- Cr Morris advised that she will have a conflict of interest in Item 15.1 as she is a member of the Queensland Country Women's Association (Cooktown), which has been nominated for an Australia Day Award. Cr Morris will address this conflict prior to the commencement of this agenda item.
- Cr Burns advised that he will have a conflict of interest in Item 15.1 as he is an executive member of the Cooktown & District Historical Society which has been nominated for an Australia Day Award, and in item 15.2 as he is a market stall holder in Cooktown. Cr Burns will address these conflicts prior to the commencement of these agenda items.
- Cr Logan advised that he will have a conflict of interest in Item 15.1 as he is a member of the Cooktown & District Historical Society which has been nominated for an Australia Day Award. Cr Logan will address this conflict prior to the commencement of this agenda item.

7 MAYORAL MINUTE

Nil

8 NOTICE OF BEREAVEMENT

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

9 LEAVE OF ABSENCE**REQUEST FOR LEAVE OF ABSENCE - CR ROBYN HOLMES****RESOLUTION 2021/1**

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That the request for leave of absence by Cr Robyn Holmes for 25 January 2021 to 29 January 2021 be approved.

CARRIED

It was noted that Cr Holmes would be available via teleconference for any business or meetings during that time.

10 CONFIRMATION OF PREVIOUS MINUTES**CONFIRMATION OF MINUTES – ORDINARY COUNCIL MEETING – 8 DECEMBER 2020****RESOLUTION 2021/2**

Moved: Councillor Larissa Hale

Seconded: Councillor Peter Burns

That the minutes of the Ordinary Council Meeting held on 8 December 2020 be confirmed as a true and accurate record of that meeting.

CARRIED

CONFIRMATION OF MINUTES - SPECIAL COUNCIL MEETING - 15 DECEMBER 2020**RESOLUTION 2021/3**

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

That the minutes of the Special Council Meeting held on 15 December 2020 be confirmed as a true and accurate record of that meeting.

CARRIED

11 BUSINESS ARISING

Nil

12 NOTIFIED MOTIONS

Nil

13 COUNCILLORS' REPORTS**13.1 COUNCILLORS' MONTHLY REPORTS****RESOLUTION 2021/4**

Moved: Councillor John Dessmann

Seconded: Councillor Peter Burns

That the activities contained in the individual Councillors' monthly reports and travel requirements be endorsed by Council.

CARRIED

Cr Holmes suggested future community messaging regarding the importance of pre-planning COVID Safe Plans and any liquor licencing for events.

14 EXECUTIVE SERVICES - REPORTS**14.1 CHIEF EXECUTIVE OFFICER'S MONTHLY REPORT****RESOLUTION 2021/5**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

That the activities contained in the Chief Executive Officer's monthly report be endorsed by Council.

CARRIED

15 COMMUNITY, ECONOMY AND INNOVATION – REPORTS**DECLARATION OF INTEREST - CR MARILYN MORRIS - ITEM 15.1**

Cr Marilyn Morris informed the meeting she has a declarable conflict of interest in Item 15.1 - 2021 Cook Shire Australia Day Awards (as defined in section 150EN of the *Local Government Act 2009*).

This declarable conflict of interest arises due to my membership of a committee that has been nominated for an Australia Day Award.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, whether I participate in the decision about the matter, including by voting on the matter; or leave.

RESOLUTION 2021/6

Moved: Mayor Peter Scott

Seconded: Councillor Peter Burns

That Cr Morris be allowed to participate in the decision about the matter, including by voting on

the matter.

CARRIED

DECLARATION OF INTEREST - CR ROBYN HOLMES - ITEM 15.1

Cr Robyn Holmes informed the meeting that she has a prescribed conflict of interest in Item 15.1 - 2021 Cook Shire Australia Day Awards (as defined in section 150EI of the *Local Government Act 2009*). The nature of her interest is as follows:

- i. A close associate of mine has submitted a nomination in relation to the Australia Day Awards;
- ii. The close associate is a family member;
- iii. A committee of which I am a member has also been nominated for an Australia Day Award.

In accordance with section 150EM of the *Local Government Act 2009* I will now leave the meeting and stay away from the meeting while the matter is discussed and voted on.

At 9:51am, Deputy Mayor Robyn Holmes left the meeting.

DECLARATION OF INTEREST - CR PETER BURNS - ITEM 15.1

Cr Peter Burns informed the meeting he has a declarable conflict of interest in Item 15.1 - 2021 Cook Shire Australia Day Awards (as defined in section 150EN of the *Local Government Act 2009*).

This declarable conflict of interest arises due to my membership in the executive committee of the Cooktown & District Historical Society that has been nominated for an Australia Day Award.

I wish to participate in the decision in relation to three remaining categories. I acknowledge that eligible councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, whether I participate in the decision about the matter, including by voting on the three remaining award categories but exclusion from participating in the discussion or voting for Volunteer of the Year award.

RESOLUTION 2021/7

Moved: Mayor Peter Scott

Seconded: Councillor Ross Logan

That Cr Burns be allowed to participate in the decision about the matter including by voting on the matter, excluding discussion and voting for the Volunteer of the Year award.

CARRIED

DECLARATION OF INTEREST - CR ROSS LOGAN - ITEM 15.1

Cr Ross Logan informed the meeting he has a declarable conflict of interest in Item 15.1 - 2021 Cook Shire Australia Day Awards (as defined in section 150EN of the *Local Government Act 2009*).

This declarable conflict of interest arises due to my membership of the Cooktown & District

Historical Society that has been nominated for an Australia Day Award.

I wish to participate in the decision in relation to this matter. I acknowledge that eligible councillors must now determine, pursuant to section 150ES of the *Local Government Act 2009*, whether I participate in the decision about the matter, including by voting on the matter.

RESOLUTION 2021/8

Moved: Mayor Peter Scott

Seconded: Councillor Ross Logan

That Cr Logan be allowed to participate in the decision about the matter, including by voting on the matter.

CARRIED

15.1 2021 COOK SHIRE AUSTRALIA DAY AWARDS CITIZEN OF THE YEAR

RESOLUTION 2021/9

Moved: Councillor Peter Burns

Seconded: Councillor Larissa Hale

In Favour: Crs Peter Scott, Peter Burns, John Dessmann, Larissa Hale, Ross Logan and Marilyn Morris.

Against: Nil

That the Cook Shire 2021 Australia Day Award for Citizen of the Year be awarded to Dr Des Hill.

CARRIED

15.1 2021 COOK SHIRE AUSTRALIA DAY AWARDS YOUNG CITIZEN OF THE YEAR

RESOLUTION 2021/10

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

In Favour: Crs Peter Scott, Peter Burns, John Dessmann, Larissa Hale, Ross Logan and Marilyn Morris.

Against: Nil

That the Cook Shire 2021 Australia Day Award for Young Citizen of the Year be a joint award to Wudarabin Snider and Sam Simmonds.

CARRIED

15.1 2021 COOK SHIRE AUSTRALIA DAY AWARDS SPORTS AWARD

RESOLUTION 2021/11

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

In Favour: Crs Peter Scott, Peter Burns, John Dessmann, Larissa Hale, Ross Logan and Marilyn Morris.

Against: Nil

That the Cook Shire 2021 Australia Day Award for Sports be awarded to Jackson Agale.

CARRIED

At 10:12 am, Councillor Peter Burns left the meeting.

15.1 2021 COOK SHIRE AUSTRALIA DAY AWARDS VOLUNTEER OF THE YEAR

RESOLUTION 2021/12

Moved: Councillor Larissa Hale

Seconded: Councillor John Dessmann

In Favour: Crs Peter Scott, John Dessmann, Larissa Hale, Ross Logan and Marilyn Morris.

Against: Nil

That the Cook Shire 2021 Australia Day Award for Volunteer of the Year be awarded to Mr Peter Shields.

CARRIED

At 10:22 am, Councillor Peter Burns returned to the meeting.

At 10:22 am, Deputy Mayor Robyn Holmes returned to the meeting.

The Mayor suspended standing orders at 10:22 am.

The Mayor resumed standing orders at 10:45 am.

DECLARATION OF INTEREST - CR PETER BURNS - ITEM 15.2

Cr Peter Burns informed the meeting he has a prescribed conflict of interest in Item 15.2 – Cooktown Expo 2021 Market Stall Fees. This prescribed conflict of interest arises due to being a stall holder at the Cooktown Markets.

In accordance with section 150EM of the *Local Government Act 2009* I will now leave the meeting and stay away from the meeting while the matter is discussed and voted on.

At 10:46 am, Councillor Peter Burns left the meeting.

15.2 COOKTOWN EXPO 2021 MARKET STALL FEES**RESOLUTION 2021/13**

Moved: Councillor Marilyn Morris

Seconded: Councillor John Dessmann

In Favour: Crs Peter Scott, John Dessmann, Larissa Hale, Robyn Holmes, Ross Logan and Marilyn Morris.

Against: Nil

That Council approves the following fees for market stalls for the ten-day Cooktown and Cape York Expo 2021 event for market stallholders and roadside vendors not registered with Council as at 1 December 2020:

	Powered Site	Non-powered site
Food Stall – 10 Days	\$480	\$310
Non-Food Stall – 10 Days	\$240	\$175

CARRIED

At 10:54 am, Councillor Peter Burns returned to the meeting.

16 ORGANISATIONAL BUSINESS SERVICES - REPORTS**16.1 2020-21 2ND QUARTER OPERATIONAL PLAN REVIEW****RESOLUTION 2021/14**

Moved: Councillor Marilyn Morris

Seconded: Deputy Mayor Robyn Holmes

That Council note:

1. the second quarterly review of the 2020-21 Operational Plan; and
2. the inclusion of updates provided for Operational Plan initiatives carried over from 2019-20.

CARRIED

16.2 APPLICATION FOR A DEVELOPMENT PERMIT DA/4151 - MATERIAL CHANGE OF USE FOR A SHOP AND FOOD AND DRINK OUTLET (CAFE) ON LOT 161 ON WMT80213 - LOCKHART RIVER ROAD, IRON RANGE**RESOLUTION 2021/15**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

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 environment or surrounding land uses.
2. That the application by Stuart Layton, Michael Layton and Timothy Layton for a Development Permit for Material Change of Use for a Shop and Food and Drink Outlet (café) be approved subject to the following reasonable and relevant conditions:

ASSESSMENT MANAGER (COUNCIL) CONDITIONS

Approved Plans

1. The development must be carried out generally in accordance with the following proposal plans except for any modifications required to comply with the conditions of this approval (see Appendix A):
 - BOA-GH01 – A01 – ‘Architectural Site Plan’, Revision D, dated 04/09/19 prepared by Best Overend & Associates Architects;
 - BOA-GH01 – A02.01 – ‘Floor Plans’, Revision C, dated 06/09/19 prepared by Best Overend & Associates Architects;
 - BOA-GH01 – A02.02 – ‘Roof Plan’, Revision B, dated 04/09/19 prepared by Best Overend & Associates Architects; and
 - BOA-GH01 – A03 – ‘Elevations’, Revision C, dated 06/09/19 prepared by Best Overend & Associates Architects.

Plumbing

2. The applicant must ensure that the appropriate plumbing approvals are in place prior to the commencement of the use.

Car Parking

3. Four (4) car parking spaces must be provided in the location shown on the approved plan. Car parking is to be constructed to an all-weather gravel standard, signed and maintained at all times.

Effluent Disposal

4. Wastewater treatment and disposal applications must include details of 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 to be provided at the time of lodgement of a Plumbing or Building application and prior to the issue of a Development Permit for Building Works. The works must be completed to the satisfaction of Council’s Manager Planning and Environment, prior to the commencement of the use.

Storm Water

5. Storm water must be directed to a legal point of discharge.

Refuse

6. Refuse storage areas must be screened from view of the Lockhart River Road and adjoining properties. The bin area must comply with the Food Standards Code.

Environmental Health

7. Under the *Food Act 2006*, food businesses must comply with the Food Standards Code and a person must apply for a Food Business Licence before commencement of trade. An application for such a licence must be submitted to Council including detailed plans of the proposed layout and fit out of the kitchen and associated facilities.
8. No food preparation is allowed in the pizza oven area. All food preparation must be completed in the kitchen preparation area.
9. Under the Food Standards Code, food businesses must use potable water for all activities that use water that are connected on the food premises. A water management plan must be submitted to Council showing how compliance with Australian Drinking Water Quality Guidelines will be achieved and maintained as part of an application for a Food Business Licence, before the use commences.

Water Supply

10. The development must be connected to a reliable potable water supply for the use. If rain water tanks are proposed, they must have a minimum capacity of 50,000 litres and the proposed rain water collection system must be fitted with sufficient first flush diverters to divert the first 2mm of rainfall over the entire area of roof used for rainwater harvesting. The inlets and outlets of the rain water collection tanks must be fitted with insect screens.
11. The roof material and sealant used must be suitable for the collection of drinking water. All guttering used for rain water harvesting must be fitted with leaf screens.
12. Prior to the commencement of the use and if rain water tanks are proposed to service the proposed development, the applicant is to submit to Council a report prepared by a qualified expert demonstrating the proposed water source complies with the Australian Drinking Water Guidelines. The report is to also detail proposed water treatment devices, including operating parameters and quality testing regimes.

Electricity Supply

13. The development must have a reliable electricity supply, prior to the commencement of the use.

Environmental

14. The applicant must ensure that no sand, soil or silt runoff occurs from the site during the construction and operational phase of the development.
15. The applicant must undertake all reasonable endeavours to ensure that during the construction stage no nuisance is caused to the surrounding properties by way of noise or dust emissions.
16. No State Declared or environmental pest plants and pest animals are to be introduced onto the property.

Public Utilities

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

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 are to be complied with prior to the use commencing.

Outstanding Charges

19. All rates, service charge, interest and other charges levied on the land are to be paid prior to the use commencing.

Currency Period

20. The currency period for this application is six (6) years. Should the approved Shop and Food and Drink Outlet (café) not be established within this time, the approval shall lapse.

B. Assessment Manager (COUNCIL) Advice

- a. A development permit is required for carrying out Building works (if required) 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.

CARRIED

16.3 APPLICATION FOR A DEVELOPMENT PERMIT DA/4241 - RECONFIGURATION OF A LOT BY WAY OF BOUNDARY REALIGNMENT - TWO (2) INTO TWO (2) LOTS PENINSULA DEVELOPMENTAL ROAD, LAKELAND, 4871 - LOT 25 ON SP218120 AND LOT 10 ON SP218120

RESOLUTION 2021/16

Moved: Councillor Marilyn Morris

Seconded: Councillor Peter Burns

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 environment or surrounding land uses.
2. That the application by Anita and Andy Stemmler for Development Permit DA/4241 Development Permit for Reconfiguration of a Lot by way of Boundary Realignment (2 into 2

Lots) located at Peninsula Developmental Road, Lakeland, Qld 4871 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 1) submitted with the application, except for any variations required to comply with the conditions of this approval:
 - Plan of Development – Boundary Realignment (2 Lots into 2 Lots) Peninsula Developmental Road, Lakeland, Cooktown – Council Ref: DA/4241/ SARA Ref: 2003-15900 SPL SRA (Print Date 23/03/2020) per applicants Anita and Andy Stemmler.

Access

2. Access to proposed amended Lot 10 on SP218120 must remain via the existing crossover on Peninsula Developmental Road as the only designated driveway.
3. Access to Lot 25 on SP218120 must remain via the existing crossover on Peninsula Developmental Road as the only designated driveway.

Water Supply

4. Water supply to each allotment must remain the same. Any variation of water reticulation supply, plumbing or drainage must comply to legislative requirements and may require an application.

Effluent Disposal

5. 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.

Fire Management

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

Environmental Protection

7. No State Declared or environmental pests, plants and animals are to be introduced onto the property.

Stormwater Drainage

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

Public Utilities

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

Compliance

11. 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

12. 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.

Currency Period

13. 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 one (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 erection and use of any future buildings must comply with the *Building Act 1975* and all other relevant Acts, Regulations and Laws, and these approval conditions.
3. 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.
4. 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.

C. Concurrence Agency (Queensland Treasury) Response:

Nil Concurrence Agency Response required.

As the proposed development is not creating a lot less than 25 hectares, and referral agency assessment is not triggered for native vegetation clearing.

Referral agency assessment is not triggered for reconfiguring a lot near a State transport corridor due to the proposed development not involving a new or changed access to a state controlled road.

CARRIED

16.4 APPLICATION FOR A DEVELOPMENT PERMIT DA/4249 - RECONFIGURING A LOT BY WAY OF BOUNDARY REALIGNMENT (3 LOTS INTO 3 LOTS) - 2354, 2356 AND 2386 MULLIGAN HIGHWAY, ROSSVILLE - LOTS 1,2 AND 3 ON SP293633

RESOLUTION 2021/17

Moved: Councillor Marilyn Morris

Seconded: Councillor 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 will have no detrimental impact on the environment or surrounding land uses.
2. That the application by Jamie Sail C/- Scope Town Planning for Development Permit DA/4249, Reconfiguring Lots 1-3 on SP293633 by way of boundary realignment into three (3) allotments, located at 2354, 2356, and 2386 Mulligan Highway, Rossville, 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:
 - Information Request – Reconfiguration of a Lot (3 into 3) – Mulligan Hwy. Rossville Qld. – Figure 1: Proposed Building Envelopes for Lots 1 & 2 – November 2020 – Scope Town Planning.

Access

2. Access to proposed Lot 1 and Lot 2 must be via the existing access crossover on Mulligan Highway located approximately 1.14km north of the Shiptons Flat Road intersection as specified by TMR Layout Plan (34C – 53.29km) (Appendix B).
3. Access to proposed Lot 3 must be via the existing access crossover located approximately 730m north of the Shiptons Flat Road intersection as specified by TMR Layout Plan (34C – 53.29km) (Appendix B).

Water Supply

4. 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

5. 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

6. 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

7. The development must be maintained at all times to a standard so as not to create a fire hazard.
8. Any new building (other than a class 10a) erected on any of the proposed lots shall:
 - Be sited in the designated building envelope areas identified on the approved plan or another location as agreed to in writing by Council;
 - 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 10,000 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.

Vegetation Clearing

9. Clearing of vegetation on Lots 1-3 is limited to the areas identified as the designated building envelopes on the approved plan.
10. Other than that contemplated by Condition 8, no additional clearing is permitted, including that for access ways, driveways, fences or fire breaks.

Environmental Protection

11. No State Declared or environmental pests, plants and 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.

Currency Period

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 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 erection and use of any future buildings must comply with the *Building Act 1975* 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.

CARRIED

16.5 APPLICATION FOR A DEVELOPMENT PERMIT DA/4274 - BUILDING WORK ASSESSABLE AGAINST THE COOK SHIRE PLANNING SCHEME 2017 (EROSION PRONE AREA) FOR DWELLING ADDITIONS AND A SHED ON LOT 8 ON PLAN SP175695 - WEARY BAY ESPLANADE, BLOOMFIELD

RESOLUTION 2021/18

Moved: Councillor Ross Logan

Seconded: Councillor Larissa Hale

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 environment or surrounding land uses.
2. That the application by Richard Davis for Development Permit DA/4274 – Building Work assessable against the Cook Shire Council Planning Scheme 2017 (Erosion Prone Area) for Dwelling Additions and a Shed – Lot 8 Weary Bay Esplanade, Bloomfield – Lot 8 on SP175695, 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 Additions – Rick Davis & Mereana Pohatu – Lot 8, Weary Bay Esplanade, Bloomfield QLD 4895 – Prepared by: Rodgers Consulting Engineers – Sheet: 01 – Revision: G – Dated 30/07/20;
- Proposed Additions – Rick Davis & Mereana Pohatu – Lot 8, Weary Bay Esplanade, Bloomfield QLD 4895 – Prepared by: Rodgers Consulting Engineers – Sheet: 02 – Revision: G – Dated 30/07/20.

Fire Management

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

Environmental Protection

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

Flooding

5. The approved buildings must have a minimum floor level 0.3m above 2.66m AHD (Q100).

Stormwater Drainage

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

Public Utilities

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

Compliance

8. All relevant conditions of this development permit must be complied with prior to issue of a certificate of classification.

Outstanding Charges

9. All rates, service charges, interest and other charges levied on the land are to be paid prior to issue of a certificate of classification.

Currency Period

10. The code assessable building work approval authorised by this Development Permit must be completed within two (2) 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 erection and use of any future buildings must comply with the *Building Act 1975* 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.

CARRIED

16.6 2019/20 AUDIT FINAL MANAGEMENT LETTER

RESOLUTION 2021/19

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council resolves to note the 2019/20 Final Management Letter issued by the Queensland Audit Office on 4 December 2020, along with the clear progress towards the items raised within this letter.

CARRIED

16.7 FINANCE REPORT - DECEMBER 2020

RESOLUTION 2021/20

Moved: Councillor Marilyn Morris

Seconded: Councillor Larissa Hale

That Council resolves to:

Note the financial report, as required under section 204 of the *Local Government Regulation 2012* (QLD), for December 2020.

CARRIED

16.8 RFT T6020 - REPAIRS TO COEN AERODROME BUILDINGS

RESOLUTION 2021/21

Moved: Councillor Peter Burns

Seconded: Councillor Ross Logan

That Council:

1. Approve the award of RFT T6020 – Repairs to Coen Aerodrome Buildings to **JAMES CONSTRUCTION INTERNATIONAL** in the total amount of **\$ 536,592.86 (excluding GST)**; and,
2. Delegate authority to the Chief Executive Officer, under section 257 of the Local Government Act 2009 (QLD), the ability to execute the contract, approve payments, negotiate and finalise minor administrative or financial amendments and approve any variations, if so required.

CARRIED

17 INFRASTRUCTURE - REPORTS**17.1 T2120 - PSA - SUPPLY AND DELIVERY OF PLUMBING FITTINGS****RESOLUTION 2021/22**

Moved: Councillor John Dessmann

Seconded: Councillor Larissa Hale

That Council:

1. Approve the award of T2120 – PSA – Supply and delivery of plumbing fittings, to TRADELINK PLUMBING SUPPLIES under a preferred supplier arrangement, based on their schedule of rates, and;
2. Delegate authority to the Chief Executive Officer, under section 257 of the *Local Government Act 2009 (QLD)*, the ability to negotiate and finalise minor administrative or financial amendments and approve any variations, if so required

CARRIED

17.2 CAPITAL WORKS PROGRAM 2020/21 - 2ND QUARTERLY REPORT OCTOBER - DECEMBER 2020**RESOLUTION 2021/23**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

That Council receive and note the second quarter 2020/21 FY (October to December) Capital Works Infrastructure Quarterly Report.

CARRIED

17.3 DISASTER RELIEF FUNDING ARRANGEMENTS (DRFA) - 2ND QUARTER, 2020/2021**RESOLUTION 2021/24**

Moved: Councillor John Dessmann

Seconded: Councillor Marilyn Morris

That Council receives and notes the Disaster Recovery Funding Arrangements Quarterly Report for the second quarter of 2020/21, October to December 2020.

CARRIED

18 CONFIDENTIAL REPORTS

Nil

The Meeting closed at 12:20pm

The minutes of this meeting will be confirmed at the Ordinary Council Meeting held on 9 February 2021.

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CHAIRPERSON