



# **MINUTES**

**Planning and Environment Standing  
Committee Meeting**

**11 October 2022**

**MINUTES OF COOK SHIRE COUNCIL  
PLANNING AND ENVIRONMENT STANDING COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, ADMINISTRATION OFFICE, 10 FURNEAUX STREET,  
COOKTOWN  
ON TUESDAY, 11 OCTOBER 2022 AT 10.30AM**

**1 AGENDA CONTENTS**

**2 ATTENDANCE**

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

*Councillor Marilyn Morris attended via videoconference.*

Brian Joiner, Chief Executive Officer; Lawrence Booth, Director Community, Economy and Innovation; Heather Kelly, Director Organisational Business Services; Peter Tonkes, Director Infrastructure; Lisa Miller, Manager Planning and Environment.

**3 MEETING OPENED**

10.30am

**DEPUTATION - URBAN SYNC RE. DEVELOPMENT PROPOSAL**

The Mayor advised that a request was received from Urban Sync on Friday 7 October, to make a deputation to Council about a proposed development at Webb Road, Lakeland. The request was approved the same day and arranged for 10.30am, Tuesday 11 October during the Planning and Environment Standing Committee meeting.

The Mayor then welcomed Urban Sync planners Stuart Ricketts and Jamie Wyatt via videoconference, and their client Franziska Inderbitzin in person, to address the Council.

The deputation concluded at 10.46am.

At 10:48 am, Deputy Mayor Robyn Holmes left the meeting.

At 10:51 am, Mayor Peter Scott left the meeting.

At 10:51 am, Deputy Mayor Robyn Holmes returned to the meeting.

At 10:53 am, Mayor Peter Scott returned to the meeting.

**4 APOLOGIES**

Cr John Dessmann

**5 ACKNOWLEDGEMENT OF COUNTRY**

On Cook Shire Council acknowledges the Traditional Owners of country throughout the Shire and recognises their continuing connection to lands, water and community. We pay our respects to the many Aboriginal and Torres Strait Islander peoples across our vast Shire and to elders and leaders past, present and emerging.

**6 DECLARATIONS OF INTEREST**

Nil

**7 CONFIRMATION OF PREVIOUS MINUTES**

**CONFIRMATION OF PREVIOUS MINUTES**

**COMMITTEE RESOLUTION 2022/81**

Moved: Deputy Mayor Robyn Holmes

Seconded: Mayor Peter Scott

That the minutes of the Ordinary Meeting held on 13 September 2022 be confirmed.

**CARRIED**

**8 BUSINESS ARISING**

Heather Kelly requested through the chair that given the length of time between the this and the last Planning and Environment Committee meeting, that future minutes of this meeting should be presented at the next Ordinary Council meeting. The Chair and all Councillors agreed.

**9 AGENDA ITEMS**

**9.1 APPLICATION FOR A DEVELOPMENT PERMIT - DA/4546 - MATERIAL CHANGE OF USE FOR - MULTIPLE DWELLING (4 X UNITS) - 12 HOWARD STREET, COOKTOWN - LOT 620 ON PLAN C17912**

**COMMITTEE RECOMMENDATION**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

1. That Council issue an approval for the development application submitted by Will and Krystal Miles c/ Scope Town Planning for a Development Permit for Material Change of Use for Multiple dwelling (4 x dwelling units) at 12 Howard Street, Cooktown, formally described as Lot 620 on C17912, subject to the following 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 for Material Change of Use for Multiple dwelling is an

appropriate use to be located on the site and will have no adverse impact on the established residential character and amenity of the locality and adjoining lots.

3. That an Infrastructure Charges Notice be issued for the amount of \$15,600 in relation to the development approval for a Development Permit for Material Change of Use – Multiple Dwelling at 12 Howard Street, Cooktown, formally described as Lot 620 on C17912.

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

**Approved Plan**

1. The development must be carried out generally in accordance with the following plans/specialist reporting submitted with the application, except for any variations required to comply with the conditions of this approval:

- Cover Sheet, Sheet No. A-100, drawn by AKA Architects, dated 6 May 2022
- Site Plan, Sheet No. A-101, drawn by AKA Architects, dated 31 August 2022
- Serv. & Landscape Plan, Sheet No. A-101A, drawn by AKA Architects, dated 17 August 2022
- Floor Plan – Villa 01, Sheet No. A-102, drawn by AKA Architects, dated 22 June 2022
- Elevations – Villa 01, Sheet No. A-103, drawn by AKA Architects, dated 22 June 2022
- Elevations – Villa 01, Sheet No. A-104, drawn by AKA Architects, dated 22 June 2022
- Floor Plan – Villa 2 & 4, Sheet No. A-105, drawn by AKA Architects, dated 6 May 2022
- Elevations – Villa 2 & 4, Sheet No. A-106, drawn by AKA Architects, dated 6 May 2022
- Elevations – Villa 2 & 4, Sheet No. A-107, drawn by AKA Architects, dated 6 May 2022
- Section – Villa 2 & 4, Sheet No. A-108, drawn by AKA Architects, dated 6 May 2022
- Floor Plan – Villa 03, Sheet No. A-109, drawn by AKA Architects, dated 6 May 2022
- Elevations – Villa 03, Sheet No. A-110, drawn by AKA Architects, dated 6 May 2022
- Elevations – Villa 03, Sheet No. A-111, drawn by AKA Architects, dated 26 August 2022
- Section – Villa 03, Sheet No. A-112, drawn by AKA Architects, dated 6 May 2022

**Access**

2. Access to the proposed development must be provided in accordance with the approved plans of development.
3. Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Development Manual Drawing S1015 and Design Manual D1, Road Geometry, section D1.17 and subject to a Local Laws Permit 'Make Alterations or Improvements to a Road'.

**Car Parking**

4. A minimum of five (5) car parking spaces must be provided on site (four (4) resident and one (1) visitor space adjoining Villa #01).

5. Car parking spaces must be located as per the approved plans and be concrete or bitumen sealed and comply with the Australian Standard 2890.1 – Parking Facilities – off-street parking and be constructed to the requirements of the FNQROC Development Manual.

**Fencing and Landscaping**

6. Fencing and landscaping must be provided in accordance with the approved plans of development.

**Electricity**

7. The development must be connected to the reticulated electricity supply.
8. Internal reticulation between the dwelling units must be via underground distribution.

**Services**

9. Electricity and telecommunication services must be provided to the premises in accordance with the standards and requirements of the relevant service provider.

**Water**

10. The development must be connected to the reticulated water supply prior to the commencement of the use at full cost to the applicant.

**Sewerage Supply**

11. The sewer manhole located at the rear of the lot must remain unobstructed and accessible at all times.
12. The development must be connected to the reticulated sewerage scheme prior to the commencement of the use, at full cost to the applicant. Plans must be submitted as part of a plumbing application for approval by Council's Plumbing Inspector prior to works commencing.

**Waste Disposal**

13. All bins and waste storage areas must be located on site and screened so they are not visible from the street or neighbouring properties.

**Stormwater**

14. Stormwater drainage must be directed to a lawful point of discharge being Howard Street.

**Environmental**

15. No State declared or environmental pest, plants, and animals are to be introduced onto the property.
16. 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**

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.

**Amenity**

18. The development shall have no adverse impact on the amenity of the surrounding area by

way of light nuisance, dust or noise.

**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 currency period for this application is six (6) years. Should the approved use not commence within this time, the approval shall lapse.
3. Infrastructure charges must be paid to Council prior to the commencement of use of the new dwelling house as indicated on the attached Adopted Infrastructure Charges Notice at the rate applicable at the time of payment.
4. The applicant/owner must notify Council their intention to commence the use after acceptable of and compliance with these conditions or negotiated conditions (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.
5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

*Cr Ross Logan moved an amendment to the motion.*

**COMMITTEE RESOLUTION 2022/82**

Moved: Councillor Ross Logan

Seconded: Deputy Mayor Robyn Holmes

That the 'Access' conditions 2. and 3. be replaced with those listed as 'Alternative conditions of approval' on page 10 of the agenda, including the listed 'External Works' as new conditions, as follows:

**Access**

2. *Access to the proposed development must be provided in accordance with the approved plans of development as updated to show the kerb and channel and driveway crossovers.*
3. *Access from the property boundary to the road pavement must be sealed with concrete or bitumen and be constructed to the requirements of the FNQROC Development Manual Drawing S1015, and Design Manual D1, Road Geometry, section D1.17 and subject to a Local Laws Permit 'Make Alterations or Improvements to a Road'.*

**External Works**

4. *The applicant must upgrade the Helen and Howard Road frontages to provide kerb and channel for the full frontages of the site. The kerb and channel is to be provided to replace the roadside table drains and must be installed at a level and grade to facilitate the FNQROC verge and road crossfalls. The requirements of this condition will include backfilling the existing drain along the road frontage and constructing the kerb and channel to revised levels. The applicant will need to prepare engineering plans for approval with the levels, locations and extent of kerb shown on these external works plans.*

*Advice Note: Council may be upgrading underground drainage in Howard Street and the applicant is to liaise with Council's Engineering team to confirm the timing of Council's*

*drainage works. If the timing of the development kerbing work precedes Council's work program, Council may nominate the drainage and kerb alignments to ensure future construction impacts are minimised.*

5. *The external works require a Local Laws Permit 'Make Alterations or Improvements to a Road' or Operational Works Approval prior to construction. The external works must be completed and accepted by Council prior to commencement of the use.*

**CARRIED**

*The amendment formed a new substantive motion and was put to the vote.*

### **COMMITTEE RESOLUTION 2022/83**

Moved: Councillor Peter Burns

Seconded: Councillor Marilyn Morris

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3. That an Infrastructure Charges Notice be issued for the amount of \$15,600 in relation to the development approval for a Development Permit for Material Change of Use – Multiple Dwelling at 12 Howard Street, Cooktown, formally described as Lot 620 on C17912.

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**Public Utilities**

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

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20. The development shall have no adverse impact on the amenity of the surrounding area by way of light nuisance, dust or noise.

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5. The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes on all landowners.

In Favour: Crs Peter Scott, Peter Burns, Robyn Holmes, Ross Logan and Marilyn Morris

Against: Nil

**CARRIED**

**10 CONFIDENTIAL ITEMS**

Nil

**The meeting closed at 11.41am.**

**The minutes of this meeting will be confirmed at the Ordinary Council Meeting to be held on 25 October 2022.**

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**CHAIRPERSON**