



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

25 AUGUST 2015

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 25 AUGUST 2015 COMMENCING AT 1:35PM**

1 OPENING**2 PRESENT**

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor G A Belz
Councillor S J Schwarten
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Mr M Crow – Manager Engineering Services
Mr J McCaul – Coordinator Development Engineering
Mr A Russell – Coordinator Strategic Infrastructure
Mr R Truscott – Coordinator Strategic Planning
Mr P Barry – Senior Planning Officer
Mr A de Klerk – Planning Officer
Ms C Hibberd – Planning Officer
Ms L Price – Community Awareness Officer
Ms I Taylor – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****COMMITTEE RESOLUTION**

THAT the minutes of the Planning & Development Committee held on 11 August 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Williams
Seconded by: Councillor Rutherford

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

In accordance with s173(2) of the *Local Government Act 2009*, Mayor Strelow disclosed a perceived conflict of interest in respect of Item 8.4 – Request for a Negotiated Decision Notice for Development Permit D/69-2015 for a Material Change of Use for a Commercial Premises as the property was previously owned by her daughter. Mayor Strelow considered her position, will leave the meeting when the matter is discussed.

In accordance with s173(2) of the *Local Government Act 2009*, Councillor Smith disclosed a perceived conflict of interest in respect of Item 13.1 – Development Impacts on Council's Hunter Street Property due to a family member owning a property adjacent, the Councillor considered her position, was of the opinion that she could participate in the debate and vote on the matter in the public interest.

6 BUSINESS OUTSTANDING

6.1 BUSINESS OUTSTANDING TABLE FOR PLANNING AND DEVELOPMENT COMMITTEE

File No: 10097

Attachments: 1. Business Outstanding Table for Planning and Development Committee

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Evan Pardon - Chief Executive Officer

SUMMARY

The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Planning and Development Committee is presented for Councillors' information.

COMMITTEE RESOLUTION

THAT the Business Outstanding Table for the Planning and Development Committee be received.

Moved by: Councillor Smith
Seconded by: Councillor Williams

MOTION CARRIED

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 D/285-2014 - CLARIFICATION TO AN APPLICATION UNDER THE DEVELOPMENT INCENTIVES POLICY FOR DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR VEHICLE DEPOT, MEDIUM IMPACT INDUSTRY, BULK STORE AND CARETAKER'S RESIDENCE

File No:	D/285-2014
Attachments:	<ol style="list-style-type: none"> 1. Locality Plan 2. Site Plan (amended by Council) 3. Charge Area 1 and Priority Infrastructure Area
Authorising Officer:	Tarnya Fitzgibbon - Manager Development and Building Martin Crow - Acting General Manager Regional Services
Author:	Anton de Klerk - Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D/285-2014</i>
<i>Applicant:</i>	<i>Austin Grillmeier</i>
<i>Real Property Address:</i>	<i>Lot 13 on SP209739, Parish of Gracemere</i>
<i>Common Property Address:</i>	<i>Lot 13 Kabra Road, Kabra</i>
<i>Area of Site:</i>	<i>18.1 hectares</i>
<i>Planning Scheme:</i>	<i>Fitzroy Shire Planning Scheme 2005</i>
<i>Planning Scheme Zoning:</i>	<i>Gracemere-Stanwell Zone – Medium Impact Industry Precinct</i>
<i>Planning Scheme Overlays:</i>	<i>Agricultural Land Classification (A1)</i>
<i>Type of Approval:</i>	<i>Development Permit for a Material Change of Use for Vehicle Depot, Medium Impact Industry, Bulk Store and Caretaker's Residence</i>
<i>Date of Decision:</i>	<i>3 July 2015</i>
<i>Application Lodgement Fee:</i>	<i>\$28,206.00</i>
<i>Infrastructure Charges:</i>	<i>\$48,717.80</i>
<i>Infrastructure Charges Incentive:</i>	<i>All other areas other than Rockhampton Central Business District precincts 1 and 2 – 50% concession</i>
<i>Incentives sought:</i>	<i>Development Facilitation Refund of Development Application Fees</i>

1.45PM Councillor Schwarten attended the meeting.

COMMITTEE RESOLUTION

THAT in relation to a request for further clarification regarding a possible application under the Development Incentives Policy for a Development Permit for a Material Change of Use for a Vehicle Depot, Medium Impact Industry, Bulk Store and Caretaker's Residence, located at Lot 13 Kabra Road, Kabra, on land described as Lot 13 on SP209739, Parish of Gracemere and the proposal for allowing the development to apply for compensation under the Development Incentives Policy despite not being located within the Priority Infrastructure Area, is supported, subject to all other criteria in the policy being met.

Moved by: Mayor Strelow
Seconded by: Councillor Smith
MOTION CARRIED

9 STRATEGIC REPORTS

9.1 DEVELOPMENT AND BUILDING SECTION - JULY OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - July 2015
Authorising Officer: Martin Crow - Acting General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 31 July 2015 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT the Development and Building Section report for July be received.

Moved by: Councillor Williams
Seconded by: Councillor Rutherford
MOTION CARRIED

8 OFFICERS' REPORTS

8.2 LOWER FITZROY RIVER INFRASTRUCTURE PROJECT - DRAFT ENVIRONMENTAL IMPACT STATEMENT

File No: 7687

Attachments:

1. LFRIP Draft EIS Executive Summary
2. Draft EIS Submission

Authorising Officer: Martin Crow - Acting General Manager Regional Services

Author: Angus Russell - Coordinator Strategic Infrastructure

SUMMARY

The report provides information and discussion of matters relevant to Council in the draft Environmental Impact Statement for the Lower Fitzroy River Infrastructure Project and recommends a Submission to be made on the project to the Coordinator-General.

2.00PM Councillor Fisher attended the meeting.

2.00PM Councillor Schwarten left the meeting and did not return.

COMMITTEE RESOLUTION

THAT the content of the Report be noted.

THAT the draft Submission be endorsed and submitted to the Coordinator-General.

Moved by: Mayor Strelow

Seconded by: Councillor Williams

MOTION CARRIED

8.3 VARIATION OF FEE TO PURCHASE A HARD COPY OF THE NEW ROCKHAMPTON REGION PLANNING SCHEME

File No: RRPS-PRO-2010/03/07/09
Attachments: Nil
Authorising Officer: Russell Claus - Executive Manager Regional Development
Author: Robert Truscott - Coordinator Strategic Planning

SUMMARY

This report seeks to vary the fee to purchase a hard copy of the new Rockhampton Region Planning Scheme to properly reflect the cost of producing the documents.

COMMITTEE RESOLUTION

THAT Council resolve to:

1. Vary the fee for the purchase of a hard copy of the entire planning scheme (including maps) from \$2557 to \$1006.
2. Vary the fee for the purchase of a hard copy of the planning scheme (excluding maps) from \$398 to \$335.

Moved by: Mayor Strelow
Seconded by: Councillor Rutherford

MOTION CARRIED

- 2.05PM THAT in accordance with s165(1)(a) of the Local Government Act 2009 and s14(1)(2) Council Meeting Procedures, the Deputy Mayor Councillor Williams be appointed Chairperson of the Planning and Development Committee meeting for the period of the Mayor, Councillor Strelow's absence.
- 2.05PM Mayor Strelow declared a perceived conflict of interest in respect of Item 8.4 – Request for a Negotiated Decision Notice for Development Permit D/69-2015 for a Material Change of Use for a Commercial Premises and left the meeting.

8.4 REQUEST FOR A NEGOTIATED DECISION NOTICE FOR DEVELOPMENT PERMIT D/69-2015 FOR A MATERIAL CHANGE OF USE FOR A COMMERCIAL PREMISES

File No: D/69-2015

Attachments:

1. Locality Plan
2. Site Plan

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Martin Crow - Acting General Manager Regional Services

Author: Corina Hibberd - Planning Officer

SUMMARY

Development Application Number: D/69-2015

Applicant: Mary McKenzie

Real Property Address: Lot 3 on RP600207, Parish of Rockhampton

Common Property Address: 91 Denham Street, Rockhampton City

Area of Site: 307 square metres

Planning Scheme: Rockhampton City Plan 2005

Rockhampton City Plan Area: Central Business District Commercial Area (Precinct 3 – Mixed Use Precinct – Central Business District City Frame)

Planning Scheme Overlays: Flood Prone Land Overlay

Existing Development: House

Approval Sought: Negotiated Decision Notice Development Permit for a Material Change of Use for Commercial Premises - Beauty Therapist

Level of Assessment: Code Assessable

Adopted Infrastructure Charges Area: Charge Area One

2.10PM Councillor Swadling attended the meeting.

COMMITTEE RESOLUTION

RECOMMENDATION A

A1 That in relation to the application for a Negotiated Decision Notice for a Development Permit D/69-2015 for a Material Change of Use for Commercial Premises - Beauty Therapist, made by DesignTek on behalf of Mary McKenzie, on Lot 3 on RP600207, Parish of Rockhampton, located at 91 Denham Street, Rockhampton City, Council resolves that:

1. Condition 1.6.1 remain unchanged
2. Condition 1.7 remain unchanged
3. Condition 3.1 remain unchanged
4. Condition 3.2 remain unchanged
5. Condition 3.3 remain unchanged
6. Condition 3.4 remain unchanged
7. Condition 3.5 be added as a new condition
8. Condition 4.1 remain unchanged
9. Condition 4.2 remain unchanged
10. Condition 4.3 remain unchanged
11. Condition 4.4 remain unchanged
12. Note 7 to be added for a Works in Road Reserve Permit

A2 That to reflect the above amendments, Mary McKenzie be issued with a Negotiated Decision Notice for Development Permit D/69-2015 for a Material Change of Use for Commercial Premises in accordance with Recommendation A1 and as follows:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Road Works; and
 - (ii) Access and Parking Works.
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works:
 - (i) Demolition works for existing structures; and
 - (ii) Building works for new structures.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in

accordance with the relevant Council policies, guidelines and standards.

- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Reference</u>	<u>Dated</u>
Existing Site Plan	1501-03, MCU-01 Rev A	23 April 2015
Proposed Site/Area Plan	1501-03, MCU-02 Rev A	23 April 2015
Existing Demolition & Proposed Floor Plans	1501-03, MCU-03 Rev A	23 April 2015
Existing Elevations	1501-03, MCU-04 Rev A	23 April 2015
Proposed Elevations	1501-03, MCU-05 Rev A	23 April 2015

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Operational Works.

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).
- 3.3 A concrete or asphalt pathway, with a minimum width of two (2) metres must be constructed for the full frontage of the site.
- 3.4 All pathways and access ramps must be designed and constructed in accordance with *Australian Standard AS1428 "Design for Access and Mobility"*. All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*.
- 3.5 As an alternative to condition 3.1, the applicant may pay Council a contribution in lieu of the road works required. A concrete footpath for the full frontage of the property will require a payment of \$7,400.00 (plus GST). Alternatively, an asphalt footpath for the full frontage of the property will require a payment of \$3,850.00 (plus GST). The contribution must be paid to Council prior to the commencement of the use.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans

(refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All parking spaces, access driveway(s) and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.

4.4 A bollard must be installed between the proposed driveway and the existing power pole and must include reflective materials.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 The development must be connected to Council's reticulated sewerage and water networks.

5.2 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act*.

5.3 Sewerage/Amended Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.

6.0 ROOF AND ALLOTMENT DRAINAGE WORKS

6.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

6.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

6.3 Stormwater through the sealed access and parking area must be discharged to the kerb and channel via a grated drain and associated underground pipe.

7.0 SITE WORKS

7.1 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

8.0 BUILDING WORKS

8.1 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.

8.2 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

9.0 LANDSCAPING WORKS

9.1 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 OPERATING PROCEDURES

- 12.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Denham Street.
- 12.2 The development must comply with *Environmental Protection (Waste Management) Regulations* for storage of solid wastes. In particular, all waste storage areas must be:
- 12.2.1 Concealed from public view such that the contents of the bin compound are not visible from any public place;
 - 12.2.2 Kept in a clean and tidy condition; and
 - 12.2.3 Located further than two (2) metres away from a road frontage.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Aboriginal and Torres Straight Islander and Multicultural Affairs website www.datsima.qld.gov.au

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Workplace Health and Safety* legislation and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 4. General Safety Of Public During Construction

The *Work Health and Safety Act* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a

road.

NOTE 5. Future Development

It is acknowledged that the intention is to amalgamate the site with part of adjoining Lot 7 on RP600207.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure contributions in accordance with Council policies. The contributions are presented on an Adopted Infrastructure Charges Notice.

NOTE 7. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the application for a Development Permit for Operational Works (access works). *This is applicable only for the works occurring in the road reserve, being from the property boundary, to the kerb and channel of Denham Street.*

Moved by: Councillor Williams

Seconded by: Councillor Rutherford

MOTION CARRIED

COMMITTEE RESOLUTION

THAT Council request its legal advisor to prepare a clarification document on the Building Act, Sustainable Planning Act and Planning Scheme application on Building works and Operational works that can be provided to the public.

Moved by: Councillor Williams

Seconded by: Councillor Smith

MOTION CARRIED

2.29PM Chief Executive Officer left the meeting.

2.29PM Chief Executive Officer returned to the meeting.

2.30PM Mayor Strelow returned to the meeting and resumed the chair.

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS QUESTIONS

12 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COMMITTEE RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

13.1 Development Impacts on Council's Hunter Street Property

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

COMMITTEE RESOLUTION

2.30PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Swadling

Seconded by: Councillor Williams

MOTION CARRIED

COMMITTEE RESOLUTION

2.51PM

THAT pursuant to s34(1)(k) and s44 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Fisher

Seconded by: Councillor Williams

MOTION CARRIED

13 CONFIDENTIAL REPORTS

13.1 DEVELOPMENT IMPACTS ON COUNCIL'S HUNTER STREET PROPERTY

File No: D579-2013

Attachments: 1. Location Plan

Authorising Officer: Evan Pardon - Chief Executive Officer

Author: Martin Crow - Acting General Manager Regional Services

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

SUMMARY

Council Officers have undertaken an assessment of flood modelling submitted for an earthworks development application on Hunter Street which may impact on a Council owned property.

COMMITTEE RESOLUTION

THAT Council seek an extension of time of the decision making period to allow the completion of modelling work for a fully developed airport precinct.

Moved by: Councillor Rutherford

Seconded by: Councillor Swadling

MOTION CARRIED UNANIMOUSLY

14 CLOSURE OF MEETING

There being no further business the meeting closed at 2.54pm.

SIGNATURE

CHAIRPERSON

DATE