



ORDINARY MEETING

MINUTES

27 JANUARY 2021

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MEETING ATTACHMENTS

ANNEXURE A - Documents presented for reference to Item 10.3

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON WEDNESDAY, 27 JANUARY 2021 COMMENCING AT 9:13AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening prayer presented by Pastor David Alley from Peace Christian Church

2 PRESENT

Members Present:

Acting Mayor, Councillor N K Fisher (Chairperson)
Councillor S Latcham
Councillor A P Williams
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer
Mr A Russell – Manager Strategy and Planning
Mr D Morrison – Manager Office of the Mayor
Mr S Harvey – Coordinator Infrastructure Planning
Ms T Fitzgibbon – Coordinator Development Assessment
Mr M Clerc – Coordinator Accounting Services
Mr T Gardiner – Senior Planning Officer
Ms L Leeder – Senior Committee Support Officer
Ms K Walsh – Committee Support Officer

Via Webex:

Ms T Sweeney – Executive Manager Workforce and Governance
Mr G Bowden – Executive Manager Advance Rockhampton
Mr S Ellis – Coordinator Community Master Planning

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 8 December 2020 be confirmed.

Moved by: Councillor Smith
Seconded by: Councillor Latcham

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 ROCKHAMPTON AVIATION SERVICES

File No: 14246
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Ross Cheesman - Deputy Chief Executive Officer

SUMMARY

Rockhampton Aviation Services Pty Ltd ACN 623 061 763 was the company created under Council approval that formed part of the proposed Carmichael Airport arrangement. As there is no intention to pursue this arrangement it is being recommended that this company be formally deregistered. This report provides the details surrounding this process.

COUNCIL RESOLUTION

1. THAT former Mayor Margaret Strelow be removed as a Director of Rockhampton Aviation Services Pty Ltd.
2. THAT Council apply to the Australian Securities & Investments Commission for Rockhampton Aviation Services Pty Ltd to be deregistered.

Moved by: Councillor Fisher
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10.2 CQ PRINCIPAL CYCLE NETWORK PLAN - PRIORITY ROUTE MAPS UPDATE

File No: 5732

Attachments:

1. List of PRM Changes
2. Updated Priority Route Maps

Authorising Officer: Martin Crow - Manager Infrastructure Planning
Peter Kofod - General Manager Regional Services

Author: Stuart Harvey - Coordinator Infrastructure Planning

SUMMARY

The Rockhampton Regional Council Priority Route Maps have been updated to reflect administrative changes to route priority as a result of constructed cycling infrastructure. The Department of Transport and Main Roads is seeking endorsement of these maps by Rockhampton Regional Council.

COUNCIL RESOLUTION

THAT Council endorse the Priority Route Maps for the Principal Cycle Network.

Moved by: Councillor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED

10.3 D/120-2020 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR DUAL OCCUPANCY

File No:	D/120-2020
Attachments:	1. Locality Plan 2. Site Plan
Authorising Officer:	Tarnya Fitzgibbon - Coordinator Development Assessment Karen Moody - Acting Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Thomas Gardiner - Senior Planning Officer

SUMMARY

<i>Development Application Number:</i>	<i>D/120-2020</i>
<i>Applicant:</i>	<i>R and D Minor</i>
<i>Real Property Address:</i>	<i>Lot 10 on RP608774</i>
<i>Common Property Address:</i>	<i>452 Lakes Creek Road, Lakes Creek</i>
<i>Area of Site:</i>	<i>1,146 square metres</i>
<i>Planning Scheme:</i>	<i>Rockhampton Region Planning Scheme 2015 (version 2.1)</i>
<i>Planning Scheme Zone:</i>	<i>Low Density Residential Zone</i>
<i>Planning Scheme Overlays:</i>	<i>Special Management Area Overlay</i>
<i>Existing Development:</i>	<i>Dwelling House</i>
<i>Approval Sought:</i>	<i>Development Permit for a Material Change of Use for a Dual Occupancy</i>
<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>Nil</i>
<i>Referral Agency:</i>	<i>Queensland Treasury (State Assessment and Referral Agency Department)</i>
<i>Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy, made by R. and D. Minor, located at 452 Lakes Creek Road, Lakes Creek, described as Lot 10 on RP608774, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	The proposed development is for Material Change of Use - Dual Occupancy
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Reasons for Decision	<p>a) Assessment of the development against the relevant zone purpose, planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Low Density Residential Zone Code; • Special Management Area Overlay Code; • Access, Parking And Transport Code; • Filling and Excavation Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p> <p>The development was assessed against all of the assessment benchmarks listed above and wholly complies without exception.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	Low Density Residential Zone Code	<p>PO3</p> <p>The proposed built form does not incorporate a pedestrian entry and door that is visible from the primary street frontage (Lakes Creek Road). This conflicts with AO3.6.</p> <p>While the proposed built form does not incorporate a pedestrian entry door that is visible from Lakes Creek Road, the Dual Occupancy is considered to be consistent with the character and amenity of the surrounding area – which predominantly accommodates single-detached, low-rise residential uses. The design of the proposed development incorporates sufficient access to private open space and passive recreation opportunities.</p>

		As such, the proposed development is considered to comply with this Performance Outcome.
	Special Management Area Overlay Code	<p>PO2</p> <p>The proposed development will result in the intensification of an existing sensitive land use in the Special Management Area Overlay.</p> <p>Despite this non-compliance, the subject site is located in an established residential area and is consistent with the intent of the Low Density Residential Zone. The addition of one (1) additional residence in proximity to the abattoir is not expected to result in the proliferation of any issues relating to human health, amenity or well-being.</p> <p>As such, the proposed development is considered to comply with this Performance Outcome.</p>
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.1); and • The common material, being the material submitted with the application. 	

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy, made by R. and D. Minor, located at 452 Lakes Creek Road, Lakes Creek, described as Lot 10 on RP608774, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
- 1.3.1 to Council's satisfaction;
- 1.3.2 at no cost to Council; and
- 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:

- 1.5.1 Plumbing and Drainage Works; and
- 1.5.2 Building Works:
- (i) Demolition Works; and
- (ii) Building Works.
- 1.6 Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance 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 any condition of this development approval:

Drawing/report title	Prepared by	Date	Reference number	Rev
Site Plan	Dezign Elements	10 October 2020	20_105 / A-02	A
Floor Plan	Dezign Elements	10 October 2020	20_105 / A-03	A
Block Setout	Dezign Elements	10 October 2020	20_105 / A-04	A
Elevation	Dezign Elements	10 October 2020	20_105 / A-08	A
Section	Dezign Elements	10 October 2020	20_105 / A-09	A

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development 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 an application for a Development Permit for Building Works.
- ## 3.0 PLUMBING AND DRAINAGE WORKS
- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 3.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, *Water Supply (Safety and Reliability) Act 2008*, *Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.3 The development must be connected to Council's reticulated sewerage and water networks.

- 3.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 3.5 The proposed development must be provided with a master meter at the development site boundary and sub-meters for each sole occupancy building in accordance with the Queensland Plumbing and Drainage Code and Council's Sub-metering Policy.
- 3.6 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 3.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 3.8 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.

4.0 ROOF AND ALLOTMENT DRAINAGE WORKS

- 4.1 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines and sound engineering practice.
- 4.2 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 4.3 All stormwater runoff from the proposed impervious areas must be discharged to the kerb and channel in Lakes Creek Road.

Note: The development site is not able to discharge roof drainage to kerb and channel in Lakes Creek Road via gravity. Appropriate fill must be placed over the building pad area to ensure the roof drainage discharge to the kerb and channel via gravity.

5.0 SITE WORKS

- 5.1 All earthworks must be undertaken in accordance with Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments".
- 5.2 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 surrounding land or infrastructure.
- 5.3 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).

6.0 BUILDING WORKS

- 6.1 All building works must be undertaken in accordance with Queensland Development Code, Mandatory Part 1.4 for building over or near relevant infrastructure.
- 6.2 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 6.3 The existing dwelling on the development site must be demolished.

7.0 ELECTRICITY

- 7.1 Electricity services must be provided in accordance with the standards and requirements of the relevant service provider.
- 8.0 TELECOMMUNICATIONS
- 8.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 9.0 ASSET MANAGEMENT
- 9.1 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 undertaken and completed at no cost to Council.
- 9.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 10.0 ENVIRONMENTAL
- 10.1 The Erosion Control and Stormwater Control Management Plan in accordance with the Capricorn Municipal Design Guidelines, must be:
- 10.2 Implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and
- 10.3 Available on-site for inspection by Council Officers whilst all works are being carried out.
- 11.0 OPERATING PROCEDURES
- 11.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Lakes Creek Road.

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 Strait Islander and Partnerships website www.datsip.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 *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site 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 2011 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. Infrastructure Charges Notice

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

NOTE 6. Property Note

The development site is not able to discharge roof drainage to kerb and channel in Lakes Creek Road via gravity. Appropriate fill must be placed over the building / duplex pad area to ensure the roof drainage discharge to the kerb and channel via gravity.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dual Occupancy, made by R and D Minor, located at 452 Lakes Creek Road, Lakes Creek, described as Lot 10 on RP608774, Council resolves to issue an Infrastructure Charges Notice for the amount of \$9,000.00.

Moved by: Councillor Smith
Seconded by: Councillor Latcham
MOTION CARRIED

10.4 BOTANIC GARDENS AND ZOO REDEVELOPMENT

File No: 805
Attachments: 1. Implementation Plan
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Aaron Pont - Manager Parks

SUMMARY

This report presents for Council's consideration the Botanical Gardens and Zoo Implementation Plan. The process of review commenced with the creation of an operational plan action item and there have been 2 workshops of Council along with a number of on-site visits and discussions. This report puts on record the intended approach to redevelopment of the site.

COUNCIL RESOLUTION

THAT Council endorse the Botanical Gardens and Zoo Redevelopment Implementation Plan and commence the concept design phase of the plan.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

**10.5 SUMMARY BUDGET MANAGEMENT REPORT FOR THE PERIOD ENDED
31 DECEMBER 2020**

File No: 8148
Attachments: 1. Income Statement - December 2020
2. Key Indicator Graphs - December 2020
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer presenting the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 December 2020.

COUNCIL RESOLUTION

THAT the Rockhampton Regional Council Summary Budget Management Report for the period ended 31 December 2020 be 'received'.

Moved by: Councillor Williams
Seconded by: Councillor Smith

MOTION CARRIED

10.6 BUILDING BETTER REGIONS FUND ROUND 5

File No: 12534

Attachments:

1. **BBRF Infrastructure Projects Stream Guidelines**
2. **BBRF Community Investments Stream Guidelines**

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Angus Russell - Manager Strategy and Planning

SUMMARY

The report recommends projects for submission to Round 5 of the Australian Government's Building Better Regions Fund.

COUNCIL RESOLUTION

THAT Council endorse the recommended projects for submission to Round 5 of the Building Better Regions Fund.

Moved by: Councillor Fisher

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

10.7 LETTER OF SUPPORT - TROPICAL NORTH QUEENSLAND DROUGHT RESEARCH AND ADOPTION HUB

File No: 647
Attachments: 1. Letter of Support to Department of Agriculture, Water and the Environment
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Damon Morrison - Manager Office of the Mayor

SUMMARY

This report provides details of a request from CQUniversity for Rockhampton Regional Council to provide a letter supporting its application to the Australian Government's Drought Resilience Research and Adoption Program.

COUNCIL RESOLUTION

THAT Council endorse the letter to the Department of Agriculture, Water and the Environment supporting CQUniversity's application for the establishment of the Tropical North Queensland Drought Resilience Research and Adoption Hub.

Moved by: Councillor Latcham
Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

Nil

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS\QUESTIONS**14 CLOSED SESSION**

In accordance with the provisions of section 254J(3) 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.

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 Outstanding Infrastructure Contributions as Rates Against the Land

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Moved by: Councillor Kirkland

Seconded by: Councillor Wickerson

MOTION CARRIED

COUNCIL RESOLUTION

10:04AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Smith

MOTION CARRIED

COUNCIL RESOLUTION

10:17AM

THAT pursuant to s5.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Latcham

Seconded by: Councillor Williams

MOTION CARRIED

15 CONFIDENTIAL REPORTS

15.1 OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS AS RATES AGAINST THE LAND

File No: 7028
Attachments: Nil
Authorising Officer: Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services
Author: Tarnya Fitzgibbon - Coordinator Development Assessment

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

This report provides details of outstanding Developer Contributions that officers have deemed unviable to recover due to both a combination of age and changed property ownership.

COUNCIL RESOLUTION

THAT Council accept the offer to settle outstanding contributions as full and final settlement of the Developer Contributions outstanding.

Moved by: Councillor Smith
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

16 CLOSURE OF MEETING

There being no further business the meeting closed at 10:18am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

27 JANUARY 2021

ANNEXURE A

Documents presented to Councillors for their reference during the Council meeting when dealing with:

Item 10.3 - D/120-2020 – Development Application for a Material Change of Use for Dual Occupancy

Development application (D/120-2020) for a Material Change of Use for a Dual Occupancy

452 Lakes Creek Road, Lakes Creek

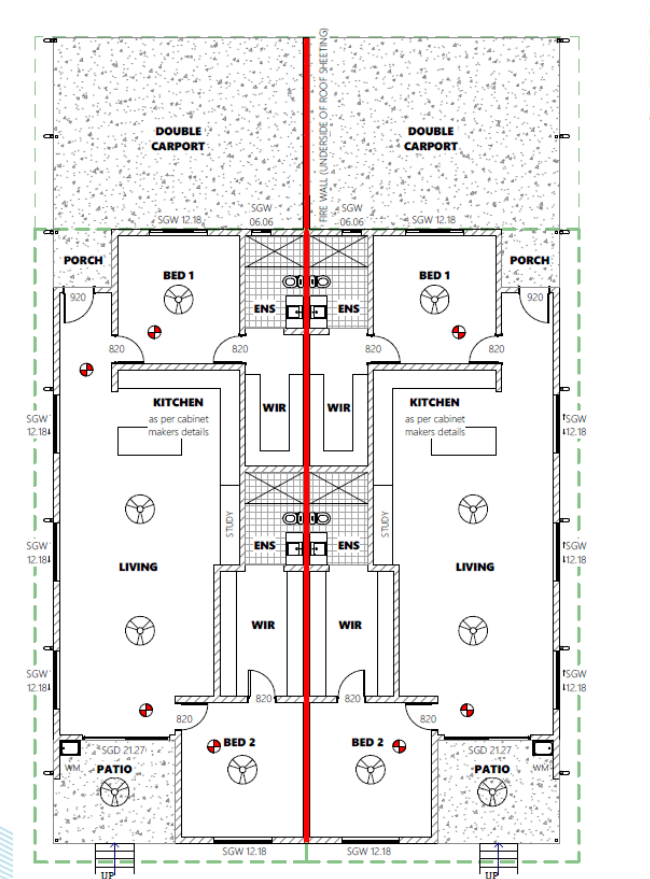
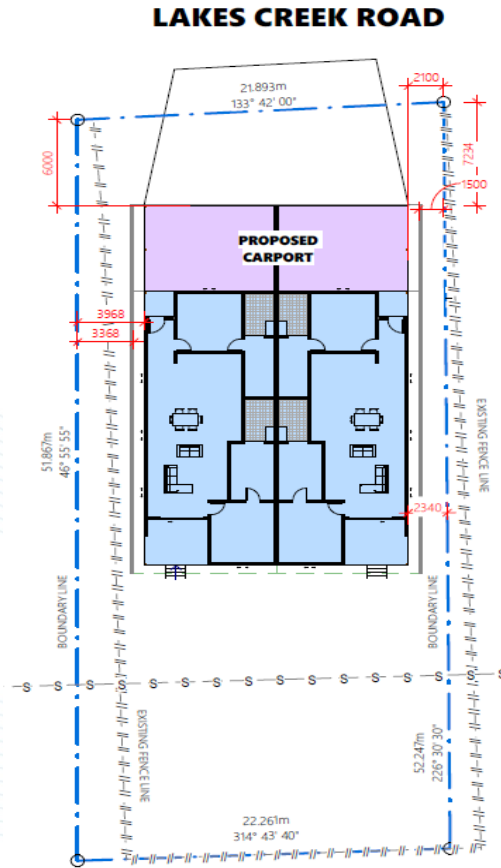
Council meeting – 27 January 2021

Thomas Gardiner – Senior Planning Officer

Subject Site



Proposed development



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Assessment Summary

- There were no submissions received during the public notification period.
- The proposed development is consistent with the purpose of the Low Density Residential Zone.
- The addition of another residence in the Special Management Area Overlay will not exacerbate issues relating to human health, amenity or well-being.