



PLANNING AND REGULATORY COMMITTEE MEETING

MINUTES

28 FEBRUARY 2017

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**REPORT OF THE PLANNING AND REGULATORY COMMITTEE MEETING HELD AT
COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON ON
TUESDAY, 28 FEBRUARY 2017 COMMENCING AT 9:07AM**

1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor N K Fisher
Councillor C R Rutherford
Councillor M D Wickerson

In Attendance:

Mr M Rowe – Chief Executive Officer (Executive Officer)
Mr S Gatt – Manager Planning & Regulatory Services
Ms T Fitzgibbon – Coordinator Development Assessment
Ms K Moody – Supervisor Environmental Health
Ms A OMara – Senior Planning Officer
Mr T Gardiner – Planning Officer
Mr B Diplock – Planning Officer
Mr B Koelmeyer – Planning Officer
Ms S Joyner – Environmental Health Officer
Ms F McRae – Media Officer
Ms S Friske – Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning and Regulatory Committee held on 14 February 2017 be taken as read and adopted as a correct record.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED

**5 DECLARATIONS OF INTEREST IN MATTERS ON THE
AGENDA**

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

7.1 D/141-2016 - DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (THIRTEEN UNITS)

File No: D/141-2016
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services
Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/141-2016
Applicant: Aeon Projects Pty Ltd Tte
Real Property Address: Lot 20 on SP262830, Parish of Rockhampton
Common Property Address: 37 Alma Street, Rockhampton City
Approval Sought: Development Permit for a Material Change of Use for a Multiple Dwelling (thirteen units)

Council in receipt of an application for a Development Application for a Material Change of Use for a Multiple Dwelling (thirteen units), made by GSPC, on behalf of Aeon Projects Pty Ltd Tte, on land described as Lot 20 on SP262830, Parish of Rockhampton, located at 37 Alma Street, Rockhampton City.

The application is to be presented to the Planning and Regulatory Committee meeting on 28 February 2017.

Don Close (Applicant) and Sunil Govind (GSPC) has requested the opportunity to have a deputation with the Council at the Planning and Regulatory Committee meeting to provide justification to support the proposed development.

COMMITTEE RECOMMENDATION

THAT the deputation by Powan Govind and Sunil Govind be 'received'

Moved by: Councillor Smith

Seconded by: Councillor Fisher

MOTION CARRIED

8 OFFICERS' REPORTS

8.1 D/141-2016 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A MULTIPLE DWELLING (THIRTEEN UNITS)

File No: D/141-2016

Attachments:

1. Locality Plan
2. Site Plan
3. Elevations
4. Floor Plans

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Amanda O'Mara - Senior Planning Officer

SUMMARY

Development Application Number: D/141-2016

Applicant: Aeon Projects Pty Ltd Tte

Real Property Address: Lot 20 on SP262830, Parish of Rockhampton

Common Property Address: 37 Alma Street, Rockhampton City

Area of Site: 2,529 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: High Density Residential Zone

Planning Scheme Overlays: Nil

Existing Development: Vacant Land

Existing Approvals: Nil

Approval Sought: Development Permit for a Material Change of Use for a Multiple Dwelling (thirteen units)

Level of Assessment: Code Assessable

Submissions: Not Applicable

Referral Agency(s): Department of Infrastructure, Local Government and Planning

Infrastructure Charges Area: Charge Area 2

COMMITTEE RECOMMENDATION

THAT council approves the development application subject to appropriate recommendations being drafted and presented to the next Council meeting.

Moved by: Mayor Strelow
Seconded by: Councillor Smith

MOTION CARRIED

8.2 D/116-2008 - REQUEST FOR A PERMISSIBLE CHANGE TO DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A WAREHOUSE

File No: D/116-2008

Attachments:

1. Locality Plan
2. Site Plan
3. Acoustic report

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning & Regulatory Services
Michael Rowe - General Manager Community Services

Author: Thomas Gardiner - Planning Officer

SUMMARY

Development Application Number: D-R/116-2008

Applicant: PFD Food Services Pty Ltd (C/-HPC Urban Design + Planning)

Real Property Address: Lot 24 on RP603516 and Lot 25 on RP603516, Parish of Murchison

Common Property Address: 4-6 Hempenstall Street, Kawana

Area of Site: 4,046 square metres

Planning Scheme: Rockhampton City Plan 2005 (superseded)

Planning Scheme Area: Parkhurst Industrial Area, Precinct 1 – Industrial Precinct, Parkhurst Low Impact Industry (superseded)

Planning Scheme Overlays: Nil

Existing Development: Warehouse

Existing Approvals: Development Permit (D/116-2008) for a Material Change of Use for a Warehouse

Approval Sought: Amended Decision Notice for Development Permit (D/116-2008) for a Warehouse

Infrastructure Charges Area: Charge Area 1

COMMITTEE RECOMMENDATION

THAT to reflect the above changes to conditions, PFD Food Services Pty Ltd C/- HPC Urban Design + Planning be issued with an Amended Decision Notice for a Development Permit D/116-2008 for a Material Change of Use for a Warehouse, on land described as Lot 24 on RP603516 and Lot 25 on RP603516, Parish of Murchison, located at 4-6 Hempenstall Street, Kawana:

1.0 ADMINISTRATION

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

<u>Plan/Document Name</u>	<u>Plan Number</u>	<u>Dated</u>
Proposed Site Layout Plan	16-002185 SK01 Rev 2	December 2016
Existing Elevations	1683 WD-02 Rev. B	5 February 2014
Proposed Elevation	1683 WD-03 Rev. D	5 February 2014
Vehicle Movement Plan	16-002185 SK03 Rev 2	December 2016
Stormwater Management Plan	16-002185 SK02 Rev 2	December 2016
Noise modelling of PFD Food Services Site in Rockhampton	-	20 January 2017
Technical Memo – Stormwater Management	-	12 December 2016

- 1.2 Where there is any conflict between conditions of this decision notice and details shown on the approved plans, the conditions of approval must prevail.
- 1.3 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.
- 1.4 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.
- 1.5 All conditions, works, or requirements of this approval must be undertaken and completed to the satisfaction of Council.
- 1.6 The following further development permits are required prior to the commencement of any works on the site:
- 1.6.1 Operational Works:
- (i) Access and Parking;
 - (ii) Stormwater Works;
 - (iii) Site Works; and
 - (iv) Landscaping.
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 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 Deleted.
- 1.9 Any outstanding rates, charges or expenses levied by the Council over the subject land must be paid prior to the issue of a Development Permit for Building Works.
- 2.0 ACCESS AND PARKING
- 2.1 A Development Permit for Operational Works (access and parking) must be obtained prior to the commencement of any works on the site.
- 2.2 All car parking and access areas must be paved or sealed to the satisfaction of Council. Design and construction must be in accordance with the Capricorn Municipal Development Guidelines, Australian Standards and the provisions of a Development Permit for Operational Works (access and parking). The layout must be generally in accordance with the endorsed plans (refer to condition 1.1).
- 2.3 On-site parking, manoeuvring areas and accesses must be designed and constructed in accordance with Australian Standard 2890. The design must ensure that all vehicles enter and leave the site in a forward gear.
- 2.4 All access ways, both internal and external to the must be designed and constructed in accordance with Australian Standard 1428 for equitable access and mobility.
- 2.5 All stormwater runoff from parking and access areas must be collected and drained to a lawful point of discharge.
- 2.6 All redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the Capricorn Municipal Development Guidelines, prior to the commencement of use. Details of the works must be submitted as part of any application for a Development Permit for Operational Works (access and parking).
- 3.0 SEWERAGE WORKS
- 3.1 The development must be connected to Council's reticulated sewerage network in accordance with the provisions of the Water Act and Plumbing and Drainage Act. Council's preference is that the existing sewer connection be retained to service the development.
- 3.2 Any construction works proposed in the vicinity of Council's existing sewerage infrastructure must not adversely affect the integrity of the infrastructure.
- 3.3 The development must comply with Council's Building Over Sewer Policy.
- 3.4 A trade waste permit must be obtained for the washdown bay prior to the issue of a Development Permit for Building Works.
- 3.5 All sanitary drainage works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 4.0 WATER WORKS
- 4.1 The development must be connected to Council's reticulated water network in accordance with the provisions of the *Water Act* and *Plumbing and Drainage Act*. Council's preference is that the existing water connection be retained to service the development.
- 4.2 Any construction works proposed in the vicinity of Council's existing water infrastructure must not adversely affect the integrity of the infrastructure.
- 4.3 All plumbing works must be in accordance with regulated work under the *Plumbing and Drainage Act*.
- 5.0 STORMWATER WORKS
- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any works on the site.

- 5.2 All stormwater runoff from the subject site, and roof water and water from paved surfaces, must be collected within the site and directed to a lawful point of discharge, in accordance with Council requirements, the Queensland Urban Drainage Manual and the Capricorn Municipal Design Guidelines. The development must not adversely affect any other land by way of blocking, altering or diverting existing stormwater runoff patterns or have the potential to cause damage to other infrastructure items.

Note: The kerb adaptor for the southernmost driveway trench grate had not been installed properly and the pipe was exposed within the verge area. This needs to be rectified.

6.0 SITE WORKS

- 6.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any works on the site.
- 6.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks' plan which clearly identifies the following:
- 6.3 the location of cut and/or fill;
- (i) the type of fill to be used and the manner in which it is to be compacted;
 - (ii) the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - (iii) details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and
 - (iv) the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.
- 6.4 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt

7.0 BUILDING

- 7.1 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) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.2 All lift motor rooms, plant and service facilities must be totally enclosed or screened using materials consistent with those elsewhere in the building. Noise from any lift motor room must not exceed 5dB(A) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.3 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*'.

8.0 LANDSCAPING

- 8.1 A Development Permit for Operational Works (landscaping) must be obtained prior to the commencement of any works on the site.
- 8.2 Any application for a Development Permit for Operational Works (landscaping) must be in accordance with the endorsed (refer condition 1.1). The landscape plan must

include, but is not limited to, the following:

8.2.1 A plan documenting the “Extent of Works” and supporting documentation which includes:

- (i) location and name of existing trees, including those to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (eg stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

8.2.2 A “Planting Plan” and supporting documentation which includes:

- (i) trees, shrubs and groundcovers to all areas to be landscaped;
- (ii) position and canopy spread of all trees and shrubs;
- (iii) the extent and type of works (i.e. paving, fences, garden bed edging etc). All plants shall be located within an edged garden; and
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting.

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

9.0 ELECTRICITY AND TELECOMMUNICATIONS

9.1 The use must not commence unless and until the use has been provided with live underground electricity and telecommunication connections in accordance with the requirements of the relevant authority.

9.2 Provide street lighting and public space lighting in accordance with the relevant Australian Standards.

10.0 CONTRIBUTIONS/COSTS

10.1 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.

10.2 All frontage works damaged as a result of the development must be repaired or replaced, to Council's satisfaction, prior to the commencement of the use. All works must be at full cost to the developer.

11.0 ENVIRONMENTAL

11.1 Any application for a Development Permit for Operational Works or a Development Permit for Building Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;

- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

11.2 Any application for a Development Permit for Operational Works or Development Permit for Building Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) objectives;
- (ii) site location / topography;
- (iii) vegetation;
- (iv) site drainage;
- (v) soils;
- (vi) erosion susceptibility;
- (vii) erosion risk;
- (viii) concept;
- (ix) design; and
- (x) implementation, for the construction and post construction phases of work.

The erosion and sediment control plan must incorporate detailed plans, control measures, monitoring programmes and maintenance procedures to ensure appropriate development and management practices within and adjacent to the site.

11.3 The Environmental Management Plan and the Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.

11.4 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.

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 Hempenstall Street.

12.2 Noise from the activity must not cause an environmental nuisance.

12.3 Noise mitigation measures and recommendations must be implemented in accordance with the approved acoustic documents (refer to condition 1.1).

12.4 When requested by the administering authority, noise monitoring must be undertaken and recorded to investigate any noise complaint. In this situation the endorsed

- acoustic documents (refer condition 1.1) must be revised by the owner/operator within three (3) months and submitted to Council for approval with additional mitigation measures. Council will require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- 12.5 The hours of operation for the use of the premises must occur in accordance with the following requirements
- (i) Monday to Friday twenty-four (24) hours,
 - (ii) Saturday from 0700 to 1700 hours,
- with loading and/or unloading of delivery vehicles being limited between the hours of 1500 and 1800 on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
- 12.6 All waste must be stored in the refuse area and recycle bin area indicated on the endorsed plans (refer condition 1.1).
- 12.7 The waste storage areas must be:
- 12.7.1 surrounded by a fence/screen, at least 1.8 metres in height, that obstructs from view the contents of the bin compound by any member of the public from any public place; and
 - 12.7.2 of a minimum size to accommodate two commercial type bins with a capacity of three cubic metres each for the whole site.
- 12.8 All waste containers must be:
- 12.8.1 stored within the bin storage area;
 - 12.8.2 securely covered at all times; and
 - 12.8.3 maintained in a clean condition and in good repair.
- 12.9 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 12.10 Noise mitigation measures detailed in the 'Noise Modelling of PFD Food Services Site in Rockhampton' report dated 20 January 2017 must be installed prior to commencing twenty-four (24) hour operations.

NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

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 Natural Resources, Mines and Water's website www.nrm.qld.gov.au/cultural_heritage/index.html

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.

NOTE 3. Dust Control

It is the developer's responsibility to ensure compliance with Part 2A -

Environmental Nuisance of the Environmental Protection Regulation 1998 which prohibits unlawful environmental nuisance caused by dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

NOTE 4. Sedimentation Control

It is the developer's responsibility to ensure compliance with Section 32 of the Environmental Protection (Water) Policy 1997 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

NOTE 5. Noise During Construction And Noise In General

It is the developer's responsibility to ensure compliance with Section 6S General Emission Criteria and Section 6T Noise Emission Criteria of the Environmental Protection Regulation 1998.

NOTE 6. General Safety Of Public During Construction

It is the principal contractor's responsibility to ensure compliance with Section 31 of the Workplace Health and Safety Act 1995. Section 31(1)(c) states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace are safe and without risk of injury or illness to members of the public at or near the workplace.

It is the responsibility of the person in control of the workplace to ensure compliance with Section 30 of the Workplace Health and Safety Act 1995. Section 30(1)(c) states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

Moved by: Mayor Strelow

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATION

THAT prior to *Item 8.2 - D/116-2008 - Request for a Permissible Change to Development Permit for a Material Change of Use for a Warehouse* being considered at Council, an additional report with a summary of the issue and discussion with the complainant feedback be presented.

Moved by: Mayor Strelow

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS\QUESTIONS

11 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.

12.1 Status update on sourcing the new Animal Management Facility (Pound)

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to 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 Fisher

Seconded by: Councillor Wickerson

MOTION CARRIED

COMMITTEE RESOLUTION

10:05AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Rutherford

Seconded by: Councillor Fisher

MOTION CARRIED

COMMITTEE RESOLUTION

10:21AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED

12 CONFIDENTIAL REPORTS

12.1 STATUS UPDATE ON SOURCING THE NEW ANIMAL MANAGEMENT FACILITY (POUND)

File No: 3275

Attachments:

1. Creek Flooding Map
2. Servicing Map

Authorising Officer: Michael Rowe - General Manager Community Services

Author: Steven Gatt - Manager Planning & Regulatory Services

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to 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

This report provides a status update of the pound site procurement. The original site has stalled and a new location has been sourced and is identified within this report. Actions are underway to procure the new site.

10:22AM Mayor Strelow left the meeting.

COMMITTEE RECOMMENDATION

THAT the report be received and noted.

Moved by: Councillor Smith

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

13 CLOSURE OF MEETING

There being no further business the meeting closed at 10:22am.

SIGNATURE

CHAIRPERSON

DATE