

CONFIDENTIAL REPORT



REPORT FOR:	Council		
MEETING DATE:	26 March 2012		
REPORT FROM:	City Manager		
REPORT TITLE:	Airport Land Development – Master Plan		
FILE NAME:	F10/610	RECORD NO:	AR12/5487

STRATEGIC PLAN SUB GOAL/S

- 2.1 A positive & progressive image of our City.
- 3.1 Economic growth for long-term benefit.
- 4.2 Plans for the provision of additional infrastructure to meet the needs of our growing community.

PURPOSE

To formalise a Council approval of the Master Plan for the Airport Land Development.

RECOMMENDATION

Council:

1. Receives and notes the report (AR12/5487) dated 16 March 2012 submitted by the City Manager concerning "Airport Land Development - Master Plan".
2. Approves the Master Plan as in attachment 1 (AR12/5503) to this report.

BACKGROUND

At a meeting on 23 January 2012 in relation to an Information Report on JLKT Pty Ltd and ownership of Lot 103 Shirley Street, Council resolved that "Council seeks legal advice on whether it could seek an explanation from Pat Cheetham at a future committee meeting and on what other action Council should take in regard to this current situation".

Council's lawyers have advised that an informal meeting with Pat Cheetham may have unintended legal outcomes and accordingly strongly recommended a written enquiry of Mr Cheetham requesting a written response.

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I have sent the recommended inquiry to Pat Cheetham and am currently preparing a report to Council in due course. One aspect can be dealt with expeditiously.

DISCUSSION

The inquiry advised Mr Cheetham that a condition of the contract which required him to prepare a Master Plan of his proposed development and to have it approved in writing by Council had not been satisfied.

There is no dispute that the Master Plan had been prepared and had been presented to Council in a report on 16 June 2010, but it had not been formally approved nor had Pat Cheetham been provided with a written approval. Neither party was aware of this oversight until the lawyer sought advice on whether the conditions precedent had been fulfilled in order to use that information in the framing of his inquiry letter.

This non-compliance was clearly due to an oversight in the processes associated with this project and needs to be rectified. The Council decision on 16 June 2010 to approve the contracts for the sale and development of the Airport Land were clearly based on the development proposed by the Master Plan attached to that report. It is that Master Plan that is now presented to Council for formal approval.

CONFIDENTIALITY PROVISIONS

Pursuant to Section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

It is considered necessary to discuss this report in confidence and that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in a competitor receiving the information to the detriment of the developer.

It is recommended that Council maintain the confidential provisions as outlined above until formal lodgement of a formal development application.

RISK MANAGEMENT

1: Financial/Budget

n/a

2: Legal

The recommendation ensures that Council complies with its contractual obligations.

3: Environment

Environmental issues regarding this development have been addressed in the preparation of the Development Plan Amendment that is proposed to rezone this land as "Residential".

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4: Community

4.1 General

The community will be able to comment on the proposed rezoning and standards relating to residential use through the public consultation phase of the DPA which should commence shortly.

4.2 OPAL Program

The estate layout provides for linear parks that will encourage cycling and walking.

GREG PERKIN

20/03/2012

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APPENDIX 1

