

Business Paper

LATE REPORTS ORDINARY COUNCIL MEETING

**ALBY SCHULTZ MEETING CENTRE,
COOTAMUNDRA**

6:00PM, Tuesday 25th August, 2026

Administration Centres: 1300 459 689

LATE REPORTS

Order Of Business

9	Questions with Notice	3
9.4	Question with Notice - Cr Wight - Dog on the Tuckerbox Development.....	3

9 QUESTIONS WITH NOTICE

9.4 QUESTION WITH NOTICE - CR WIGHT - DOG ON THE TUCKERBOX DEVELOPMENT

DOCUMENT NUMBER	480213
REPORTING OFFICER	Trevor Dando, Acting General Manager
AUTHORISING OFFICER	Trevor Dando, Acting General Manager
ATTACHMENTS	Nil

RECOMMENDATION

That the responses to the Question with Notice on the Dog on the Tuckerbox development be noted.

QUESTIONS WITH NOTICE

The following 'questions with notice' from Councillors have been received with the responses from Council officers provided respectively:

Cr Ros Wight – This highly Significant Commercial Enterprise has now taken the Council a staggering EIGHT YEARS, to even get anywhere near the starting line.

The Developer does not even have an approved DA to allow them to commence work on the Car Park site or to commence work on the first new building, which is the bakery.

I am requesting Council to respond urgently to the following requests.

1. Commence the supply of water to the site.
2. Approve the DA for the first new building which is the bakery.
3. Council sign the Car Park contract to enable work to commence.

I am also requesting a list from Council of all outstanding requests relating to this Enterprise, which prevents the Developers from completing their Development.

The financial cost to the Developers is now monumental.

Response from Council Officer –

The current position in relation to the matters raised is as follows:

1. Commence the supply of water to the site

Council resolved at the 24 March 2026 Council meeting via RESOLUTION 091/2026:

That Council awards P&TS Group Pty Ltd (ABN 42 610 955 425) the tender for the construction of the Annie Pyers Precinct Water Main Extension for a lump sum price of \$2,089,500.00 (exc. GST).

Construction for the water supply pipeline has commenced.

2. Approve the DA for the first new building, being the bakery

No development application has been lodged with Council for the use of any building on the site as a bakery. Council is therefore not in a position to approve such an application.

The Southern Regional Planning Panel granted consent to DA 2023/116 on 17 September 2024 as a deferred commencement consent. Council confirmed on 19 June 2025 that the deferred commencement conditions had been satisfied, and the consent is operational.

The consent provides for:

Development to be constructed in 3 stages involving demolition of existing buildings; construction of 3 buildings (approval for use for food and drink premises and shop subject to separate subsequent consent); relocation of Dog on the Tuckerbox Memorial; construction of play area; construction of car parking; sewer treatment works; stormwater works; tree removal works; earthworks; landscape works; and subdivision to create three allotments of 25,162m², 210m² and 1,250m².

The consent authorises the construction of the three buildings only. It does not authorise the fitout or use of those buildings. The original development application expressly excluded the use of the buildings from the development sought. The use of the buildings requires a separate development consent.

Council received an application under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* to modify the consent. The modification application is not an application for a bakery.

Council staff/contractors will assess the 4.55(1A) modification application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. As the application includes land owned by Council, Council will also apply its adopted Managing Conflicts of Interest: Council-related Development Policy. The application will be referred to Council for determination and cannot be determined by staff under delegation.

Notwithstanding the above, Councillors are reminded that they cannot direct staff to approve a development application. Assessment of an application must be undertaken in accordance with the *Environmental Planning and Assessment Act 1979*.

Councillors are further reminded that when acting as the consent authority they must consider the matters listed in section 4.15 of the *Environmental Planning and Assessment Act 1979* and must determine the application on its merits. Statements made before an application is reported for determination which indicate a Councillor has already formed a concluded view may give rise to a reasonable apprehension of prejudgment. This exposes any determination to challenge in the Land and Environment Court, and bears on Councillors obligations under Council's Code of Conduct.

3. Council sign the car park contract to enable work to commence

Finalisation of a licence to undertake works for the public car parking is being undertaken and exchange of the contract of sale is expected to be completed by the end of August.