



# District Council of Lower Eyre Peninsula

*Working with our Rural and Coastal Communities*

## **SPECIAL COUNCIL MEETING LATE ITEM – 5 JULY 2019**

### **C189 GENERAL BUSINESS**

#### **1. Bonding Agreement – Offsite works associated with 932/C018/2015 A/C HEATH**

At its meeting on 11 March 2016, Council's Development Assessment Panel (now CAP) resolved to delegate authority to myself to grant Land Division Consent and Development Approval to development application 932/C018/2015 subject to the following criteria being met:

- a. The applicant/developer entering into an agreement with Council in regard to the necessary works required to the service road (also known as Trickle Creek Lane) to ensure it is of a reasonable sealed standard to the satisfaction of Council's Works Manager;
- b. The concurrence of the Development Assessment Commission; and
- c. Relevant conditions of consent.

The 'service road' reference in dot point a), will remain as a private access driveway and all ongoing maintenance and ultimate replacement will be the responsibility of the private land owners through the Scheme Description associated with the community title division. The agreement with Council is required to ensure that the developer constructs the private driveway which is on existing road reserve to the minimum standards required of both DPTI and Council's Works Department. If the developer fails to undertake the works, Council would be in a position to draw upon the bank guarantee and complete the works.

It is proposed that a letter signed by both parties will form the 'agreement' as referenced in point a) above and upon the letter being executed by all parties and the security received by Council, I would forward development application 932/C018/2015 to the State Commission Assessment Panel (formerly the Development Assessment Commission) seeking its concurrence (required by dot point b) above).

(continued)

1. **Bonding Agreement – Offsite works associated with  
932/C018/2015 A/C HEATH** cont'd:

I have folioed a copy of the proposed letter as well as a plan of division showing the location of the proposed works for Member's information.

**(REFER FOLIO: CLABP19.07.02)**

Whilst in recent times, Council has moved away from bonding agreements with developers, in this instance, a bonding agreement is deemed appropriate in order to secure offsite works which wouldn't otherwise be picked up using conditions on an approval.

**RECOMMENDATION MDES**

***“That Council enter into a bonding agreement supported by adequate security with I and G Heath for the provision of offsite driveway works associated with 932/C018/2015; and***

***That the Mayor and Chief Executive Officer be authorised to sign the letter of agreement to enact the bond.”***