MINUTES OF AN ORDINARY MEETING OF THE CIRCULAR HEAD COUNCIL HELD AT THE COUNCIL CHAMBERS, 33 GOLDIE STREET, SMITHTON ON THURSDAY 20 JANUARY 2005, COMMENCING AT 6.00 P.M.

1.0 RECORD OF ATTENDANCE/ PRAYERS/ APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

Meeting opened at 6.02pm

1.11 Attendance

Cr Hine – Mayor
Cr Quilliam – Deputy Mayor
Cr Buckby
Cr Charles
Cr Flowers
Cr Oldaker
Cr Weldon
Cr Wells
Cr Wilson
J van Gaalen – Acting General Manager
D Polzin – Manager Infrastructure and Development Services
I Newman – Senior Planner.

1.12 Prayers

Father Phil McCormack of the Smithton Catholic Church led the meeting in prayer.

1.13 Apologies

Nil.

2.0 APPLICATIONS FOR LEAVE OF ABSENCE

2.11 Nil.
3.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.11 Minutes of the Ordinary Meeting of the Council held on Thursday 16 December 2004.

MOVED: CR OLDAKER                   SECONDED: CR FLOWERS

That Item 8.6, ‘January Councillor Workshop Cancellation’ page 29 of the minutes to be corrected to show workshop date as 6 January 2005 (not December).

That the minutes of the previous Ordinary Meeting of the Council held on Thursday 16 December 2004, be confirmed as an accurate record.

CARRIED.

4.0 PUBLIC QUESTION TIME

4.1 Response to Public Questions Taken on Notice.

Nil.

4.2 Public Question Time

Public Question Time was taken at 6.07pm.

4.21 Mr Lyle Sharman re Kerb and Channel Works Sampson Avenue

Mr Sharman enquired of the Mayor, residents are now aware of the works planned for the street and sought further confirmation of the following:-

a) Will the pavement extend to the gutter;
b) Will the edge damage on the eastern side of the road be repaired as part of the work;
c) When will kerb and channel be installed on the western side?

The Manager Infrastructure and Development Services advised the project scope has been determined to achieve the biggest improvement to drainage for the expended monies. Previous development has not adequately addressed road drainage in this area and properties downstream have experienced some difficulties from road runoff. To answer the questions specifically:-

a) The pavement will be extended from the existing road edge to the channel,
b) Edge repairs to the seal will be undertaken as normal routine maintenance,
c) Kerb and channel of the western side of the street will be subject to future budget allocations and project priorities.
4.22 Ms Mandy Waller re Property Zoning, Plummers Road

Ms Waller enquired of the Mayor, what is the difference between Rural and Rural Residential since this information does not appear on Rate Notices but is referred to in relation to prioritising roads for sealing.

The Senior Planner advised land classifications that appear on the rate notice differ from those in the Planning Scheme. In accordance with the current Planning Scheme, minimum lot sizes allowable in Rural Residential zones is one hectare whilst eighty hectares is the minimum size for Rural zoned land. Generally, one house has been allowed per farm (historically).

4.23 Ms Sonia Smith (representing the Circular Head Show Society) re Rezoning of land adjacent off Main Road Stanley (Part CT36739/1)

Ms Smith enquired of the Mayor, given the proposed alterations to the Amendment to restrict certain uses within the proposed Zone, is this effectively a statement that the proposed Zone is inappropriate?

The Mayor advised the matter will be further discussed in an upcoming agenda item, and whilst no assurance can be given, the question may be answered during those discussions.

4.24 Mrs Romea Johnston re Plummers Road

Mrs Johnston enquired of the Mayor, I have a report from 2001 which indicates Boys Road was ranked fifth in a list of roads to be sealed. Where is Boys Road ranked now in that list?

The Manager Infrastructure and Development Services advised that, given two roads on that list have now been sealed, Boys Road would probably be third.

5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

6.0 MAYOR’S COMMUNICATIONS

6.11 Diary

December 17 Attended Christmas Parade and Carols by Candlelight – presentation to Ben and Vanessa Bishop.

December 23 Works Plus End of Year Function.
December 24  Council managers and staff break-up.

January 13  Citizenship Ceremony
Australia Day Awards Working Party.

6.12 South East Asia Tsunami Tragedy

The Tsunami tragedy has shocked us all and communities all over the country have responded in a very compassionate way.

I encourage Councillors to give some thought to what our response might be. It may be appropriate that we have some discussion on the subject over the meal prior to the meeting.

MOVED: CR QUILLIAM  SECONDED: CR WELDON

That the Mayor's communications be noted.  

CARRIED.

7.0 ISSUES RAISED BY COUNCILLORS

7.1 Response to Questions Taken on Notice

7.11 Cr Buckby re Old Stanley Road

At the December 2004 meeting, Cr Buckby enquired if Council staff were aware of the continued dumping of wood-waste at Old Stanley Road, and could a report and information be provided to Council on how to stop this

Response

As the matter relates to a Crown Reserve, it was referred to Crown Lands officers on 17 December 2004 for their attention. No response received at time of Agenda closing.

7.2 Questions on notice

Nil.

7.3 Questions

7.31 Cr Charles re Crown Lands Assessment and Classification

With respect to the Crown Lands Assessment project and its importance to the community, will the elected members be given the opportunity to be involved?
The Mayor advised that the managers are seeking to formalise the process and ongoing discussions will be undertaken in future to determine the need or otherwise of Crown land parcels in the area.

**Supplementary question** – Is it correct that this process is included within the Partnership?

The Acting General Manager advised that it is within the Partnership Agreement and representatives from DPIWE will be meeting with us in February to discuss the matter. Submissions close 15 March 2005.

7.32 **Cr Charles re Objection to Rezoning of land at 19 Emmett Street Smithton**

Should the letters of objection (12/10/05) and petition (undated) have been incorporated in the assessment of this amendment to the Planning Scheme, and can they still be forwarded to the RPDC?

The Senior Planner advised that those submissions were received prior to the statutory consultation period. Officers may only include submissions made during that period in the assessment of development applications. Notices of the amendment were issued as per the requirements of the legislation.

7.33 **Cr Flowers re Karst affected areas within the Circular Head area**

Given the problems encountered by some other regional Councils, are officers aware of the extent of karsts in this municipality?

The Senior Planner advised there is no stated land area subjected to karst systems in Circular Head.

However there are known karst systems located south of Arthur River, at Trowutta, Smithton, Mella, and the Dismal and Welcome swamps. These systems are considered extensive.

7.34 **Cr Flowers re Rezoning of land at 19 Emmett Street Smithton**

Given the nature of traffic in this street and the (narrow) alignment, will the traffic demands from this development create a need to upgrade the street, and if so, then who would pay for the works?

The Manager Infrastructure and Development advised, the amendment does not represent significant increases to heavy traffic. Existing activities that might not meet desirable standards will be investigated and resolved so that road safety is maintained. If works were required by such proposals and in light of Council’s current approach, the developer would be requested to contribute substantially to any required works.
If this amendment is successful and the land is rezoned, will heavy vehicle movements continue to block this street?

The Senior Planner advised that the amendment and subsequent rezoning will not alter the existing situation referred to.

8.0 REPORTS OF OFFICERS AND COMMITTEES

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SUMMARY /PURPOSE

This application by KR Michell & Associates P/L seeks approval for subdivision - rural boundary adjustment on land known as RA 78 Lovetts Road, Lileah. MG & LL Beattie-Lester own the property.

BACKGROUND

The proposal has the following features:
- Creation of Lot 1 of 3200m² containing the existing house and ancillary domestic outbuildings.
- Leaving a Balance Lot of 31.5ha containing farm buildings.
- Land capability Class 4e as mapped by K R Michell.

STATUTORY IMPLICATIONS

The land is zoned rural under the Circular Head S.46 Planning Scheme 1995. The subdivision - rural boundary adjustment is a discretionary use and will be treated as a Discretionary Permit Application.

The application was given public notification pursuant to Section 57 Land Use Planning and Approval Act 1993, and nil representations were received.

The Statutory 42-day period for consideration and determination of the application expired on 29 August 2004. A request for an extension of time was sought on 17 August 2004 to provide for a Council determination by 23 September 2004.
STRATEGIC IMPLICATIONS

Consistent with the goal to protect your lifestyle, heritage and natural environment and objective of facilitating opportunities for residential, commercial and industrial development.

POLICY IMPLICATIONS

4.8.3 Rural Zone - Zone Intent
4.8.3 Rural Zone - Development Standards
4.8.4 Rural Zone - Subdivision Standards

State Policy on the Protection of Agricultural Land 2000

Local Government (Building and Miscellaneous Provisions) Act 1993

FINANCIAL/RISK IMPLICATIONS

There are no financial implications of significance in relation to this matter.

No risks have been identified in relation to this matter, other than the need to assess and process the matter in accordance with the Land Use Planning and Approvals Act 1993.

COMMENT

In considering an application for a permit the Council is to take into consideration the objectives, the intent of the zoning, any development plan affecting the land and any relevant development standards or other relevant requirements of the Ordinance.

4.8.3 Rural Zone - Zone Intent

The intent of this zone is to encourage development which will not adversely affect the rural environment but will bring a greater diversity of activity to the area. Permitted activities includes farming, tourist developments, cottage industries based on local resources or products and where the siting, scale and operation of those uses will not detrimentally affect the local amenity or the rural character of the locality nor limit the operation of existing and future land based resource activities.

COMMENT: The proposed development is not in keeping with the zone intent of the Rural Zone as the application has the potential to fetter agricultural use and adversely affect the rural environment. Proposed Lot 1 is for residential use, and is not for agriculture, tourist development or cottage industries. The non-agricultural use has the potential to adversely affect the operation of existing and future land based resource activities.

Allowing creation of Lot 1 of less than 1ha (3200m²) containing the existing house in a rural area is condoning residential use in an area where there is no obligation or intent to provide residential amenity. An isolated small (less than the rural residential minimum lot size) residential property surrounded by agricultural activity is generally the source of complaints over environmental amenity degradation, since the land area is insufficient to provide appropriate buffer area from surrounding conflicting land uses.
The application does not state how the potential land use conflicts of the proposal and surrounding rural activity, will be abated. The proposed boundaries are best summarised in terms of facilitating adverse impacts.

4.8.3 Rural Zone - Development Standards

2) Building Setbacks

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COMMENT: The proposed subdivision - rural boundary adjustment has proposed setbacks as:
- Rear boundary - approximately 10m
- Southern side boundary - approximately 14m
- Northern side boundary - approximately 26m

NOTE: The front boundary setback is existing and will not be altered by the proposal.

There is the issue of the agricultural activities, which are industrial in nature being detrimental to the residential amenity of Lot 1. A separation distance of 20m and 14m from the dwelling (the garage approximately 7 and 5 metres) to a property boundary, will be the angst of future residents. Particularly where the southern side boundary is to the farm yard area of the Balance Lot. The house and its curtilage are currently a part of the farmyard. The activities undertaken within a farmyard are largely associated with the industrial nature of agriculture. While occupants of a house who are associated with the farmyard activity may tolerate these activities, occupants with no association to the farmyard/agricultural activity will be less tolerant. Enlarging Lot 1 to take in the farmyard, will fetter the agricultural activity, yet to leave the boundary as proposed may result in future residents of the house requiring the agricultural activity to be fettered so as to achieve an appropriate residential amenity.

4.8.4 Rural Zone - Subdivision Standards

1. The minimum area of a lot in the Rural Zone shall be 80 hectares unless this requirement is relaxed in accordance with Clauses 4.8.4 (2) below.

2. A subdivision may be approved in the Rural Zone to enable:

   i) the relocation of a boundary to allow for the re-organisation or consolidation of a lot(s) provided that no additional lots are created;

COMMENT: The area of the proposed Lot 1 is 3200m$^2$ and proposed Balance Lot of 31.5ha.

The proposal is for subdivision - rural boundary adjustment. However, information provided with the application has the subject land described by a single title (CT 206469-1). To place the existing dwelling on a separate lot from the balance lot would mean creation of an additional lot contrary to the Planning Scheme provisions. Correspondence from KR Michell & Associates P/L dated 11 June 2004 states that:

We draw your attention the fact that, that portion of land shown as Lot 22875 has the legal status of being an original Crown Land grant and as such has the capacity to have its Title reinstated. On this basis, we submit the application as though each already had its own Title and that we are not creating any extra Titles as part of the rural boundary relocation.
Under the *Local Government (Building and Miscellaneous Provisions) Act 1993* s.80 (3) for the purpose of determining whether any land constitutes a block for subdivision purposes, a block is:

(b) the whole of an original Crown Grant.

c) the whole of the land that is identified by description in a folio of the register kept under the Land Titles Act 1980.

Council officers contacted the Titles Office for clarification on the issue to be informed that normally the applicant would apply to the Titles Office for registration / reinstatement of the original Crown Grant as a separate title prior to submitting an application to Council for rural boundary adjustment. That registration can only occur for the 'whole' of the original Crown Grant - not part thereof.

The initial information provided with the application did not provide information on the original Crown Grant to demonstrate that s.80 (3) (b) can be complied with. The Planning Scheme provisions do not enable variations to clause 4.8.4. As the proposal is for adjustment of boundaries that do not exist at present, and creation of such boundaries may not be possible, Council is unable to grant a permit for subdivision - rural boundary adjustment as sought by the applicant.

Further to this the current title area is less than the minimum lot area of the Rural Zone ruling out subdivision to create additional lots.

As the proposal was for adjustment of boundaries that did not exist at the time of application and a block described by those boundaries failed to conform with the definition of a block for subdivision purposes due to a prior subdivision of the Crown Grant, Council was unable to grant a permit for subdivision as sought by the applicant within the statutory time frame.

The applicant on 1 September 2004 sought time to enable application to the Land Titles Office to reinstate the original titles which make up the total Title. The means by which the new titles have been issued and the timing of the titles being issued has greatly circumnavigated the planning process and the State Policy on the Protection of Agricultural Land 2000.

A copy of new titles dated 16 December 2004 was provided on 22 December 2004. This basically means that, the subdivision application has created two (2) titles from the single title that existed at the time of application. There remains some confusion over the purpose of the subdivision application as the application was to amend the boundary of CT 206469-1 which no longer exists.

**State Policy on the Protection of Agricultural Land 2000**

The state policy objective relevant to the proposed subdivision is:

2 (a) Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land users.

COMMENT: The surrounding land use is agriculture. Proposed Lot 1 has the potential to alienate agricultural land through lack of separation distance, as the proposed boundaries fail to ensure appropriate amenity for the exiting dwelling.

The relevant Principles of the state policy are:

Principle 2: Houses and other non-agricultural use and development and some intensive agricultural industries alienate prime agricultural land.

Principle 6: Adjoining non-agricultural use and development should not unreasonably fetter agricultural uses.

COMMENT: The applicant has provided information to the effect that the land’s land capability is Class 4e as mapped by K R Michell. The Land Capability of Circular Head Region 1:100 000 map by DPIWE 1999 has the land within an area of Class 2 and Class 3+4. The House lot is within Class 2 and the Class 3+4 land being 120 metres to the south where the land’s topography changes. While it
may be that the actual house site is of Class 4e, the balance lot and surrounding lands to the north and east are prime agricultural land that the residential Lot 1 will have a fettering impact over. The proposed development will cause fettering and alienation of prime agricultural land.

As the intention is to remove the existing house from the Balance Lot, it can be concluded that the agricultural use of the Balance Lot is not dependent on a house. Should a permit be considered, it would be appropriate to prohibit the establishment of a house on the Balance Lot through the application of a part 5 agreement on the Balance Lot title.

CONCLUSION

The application is for subdivision to adjust boundaries that do not exist (CT 206469-1) or that have been created since the application was lodged. The proposed subdivision is for the creation of an additional lot with an area less than 80ha contrary to the provisions of the Circular Heads 46 Planning Scheme 1995. Further, proposed Lot 1 is not consistent with the State Policy on the Protection of Agricultural Land 2000.

It is recommended that permit application number CHO4-105-01 be refused a permit for subdivision - rural boundary adjustment of land known as RA 78 Lovetts Road, Lileah described in CT 206469-1, on the following grounds:

1) The proposal does not comply with the Planning Scheme provisions as:
   (a) it is for the creation of new lot rather than amending the boundaries of lots that existed at the time of application.
   (b) the proposed lot area and balance lot area are less than 80ha in area.

2) The proposal does not comply with the State Policy on the Protection of Agricultural Land 2000, as Lot 1 (with dwelling) has the potential to alienate and fetter agricultural land use.

3) The proposed boundaries encompassing the dwelling do not meet the building setback standards of the Rural Zone. Lot 1 has insufficient area to provide appropriate buffer from the surrounding conflicting land uses.

4) There is some confusion over the subdivision applied for as the title (CT 206469-1) that the boundaries are to be adjusted no longer exists.

MOVED: CR WELDON  SECONDED: CR QUILLIAM

That council move into committee.

CARRIED.

Council moved into committee at 6.30pm

MOVED: CR QUILLIAM  SECONDED: CR WELDON

That council move out of committee.

CARRIED.

Council moved out of committee at 6.48pm
MOVED: CR CHARLES  SECONDED: CR FLOWERS

That the application be approved subject to reinstatement of (original grant) Title.

The motion was put and LOST.

Cr Oldaker sought leave of Council to enable discussions with the proponent. The meeting was adjourned from 6.51 to 6.57pm

MOVED: CR OLDAKER  SECONDED: CR WELDON

That the item lay on the table until the February ordinary meeting of Council. CARRIED.

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**No. 8.12**

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**SUMMARY /PURPOSE**

This application by KR Michell & Associates P/L seeks approval for subdivision - rural boundary adjustment on land known as RA 11 Lovetts Road, Lileah. MG & LL Beattie-Lester own the property.

**BACKGROUND**

The proposal is to amend the boundaries of CT 250580-1. The proposal has the following features:

- Creation of Lot 1 of 4100m² containing the existing house and ancillary domestic outbuildings with frontage to Lovetts Road.
- Leaving a Balance Lot of 39.6ha containing farm buildings with frontage to Ransons Road and Lovetts Road.
- Creation of Lot 21194 of 20.01ha having frontage to Ransons Road.
- Land capability Class 4e as mapped by K R Michell.
- Provision of a R.O.W. over Lot 1 along the southern boundary for access to the farm buildings on the Balance Lot.
STATUTORY IMPLICATIONS

The land is zoned rural under the Circular Head S.46 Planning Scheme 1995. The subdivision - rural boundary adjustment is a discretionary use and will be treated as a Discretionary Permit Application.

The application was given public notification pursuant to Section 57 Land Use Planning and Approval Act 1993, and nil representations were received.

The Statutory 42-day period for consideration and determination of the application expired on 29 August 2004. A request for an extension of time was sought on 17 August 2004 to provide for a Council determination by 23 September 2004. The applicant on 1 September 2004 requested that the application be placed on hold to allow for a minor amendment to enable application to the Land Titles Office to reinstate the original titles which make up the total Title.

A copy of the new (reinstated original) titles was provided on 22 December 2004.

STRATEGIC IMPLICATIONS

Consistent with the goal to protect your lifestyle, heritage and natural environment and objective of facilitating opportunities for residential, commercial and industrial development.

POLICY IMPLICATIONS

4.8.3 Rural Zone - Zone Intent

4.8.3 Rural Zone - Development Standards

4.8.4 Rural Zone - Subdivision Standards

State Policy on the Protection of Agricultural Land 2000

Local Government (Building and Miscellaneous Provisions) Act 1993

FINANCIAL/RISK IMPLICATIONS

There are no financial implications of significance in relation to this matter.

No risks have been identified in relation to this matter, other than the need to assess and process the matter in accordance with the Land Use Planning and Approvals Act 1993.

COMMENT

In considering an application for a permit the Council is to take into consideration the objectives, the intent of the zoning, any development plan affecting the land and any relevant development standards or other relevant requirements of the Ordinance.
4.8.3 Rural Zone - Zone Intent

The intent of this zone is to encourage development which will not adversely affect the rural environment but will bring a greater diversity of activity to the area. Permitted activities include farming, tourist developments, cottage industries based on local resources or products and where the siting, scale and operation of those uses will not detrimentally affect the local amenity or the rural character of the locality nor limit the operation of existing and future land based resource activities.

COMMENT: The proposed development is not in keeping with the zone intent of the Rural Zone as the application has the potential to fetter agricultural use and adversely affect the rural environment. Proposed Lot 1 is for residential use, and is not for agriculture, tourist development or cottage industries. The non-agricultural use has the potential to adversely affect the operation of existing and future land based resource activities.

Allowing creation of Lot 1 of less than 1ha (4100m²) containing the existing house in a rural area is condoning residential use in an area where there is no obligation or intent to provide residential amenity. An isolated small (less than the rural residential minimum lot size) residential property surrounded by agricultural activity is generally the source of complaints over environmental amenity degradation, since the land area is insufficient to provide appropriate buffer area from surrounding conflicting land uses.

The application does not state how the potential land use conflicts of the proposal and surrounding rural activity, will be abated. The proposed boundaries are best summarised in terms of facilitating adverse impacts.

4.8.3 Rural Zone - Development Standards

2) Building Setbacks

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COMMENT: The proposed subdivision - rural boundary adjustment has proposed setbacks as:
- Eastern rear boundary - approximately 5m
- Southern side boundary - approximately 47m
- Northern side boundary (existing) - approximately 4m

NOTE: The front boundary setback of the house will not be altered by the proposal.

The setback distance of the farm buildings on the Balance Lot from the southern boundary will not vary.

There is the issue of the agricultural activities, which are industrial in nature being detrimental to the residential amenity of Lot 1. A separation distance of 5m and 4m from the dwelling and ancillary outbuildings to a property boundary, will be the angst of future residents. While the northern side boundary exists and the setback cannot be adjusted, there is no reason the eastern rear boundary should not be 25 metres. The house and its curtilage are currently available for occupancy by persons with no association to the agricultural activity other than being tenants of the farmer. A tenant landlord relationship provides for greater tolerance of detrimental residential amenity or agricultural fettering. Occupants with no association to the agricultural activity will be less understanding and tolerant of agricultural activities undertaken on abutting lands. Enlarging Lot 1 to provide appropriate buffer, will fetter the agricultural activity, yet to leave the boundary as it is may result in future owners / residents of the house requiring the agricultural activity to be fettered so as to achieve an appropriate residential amenity.
4.8.4 Rural Zone - Subdivision Standards

1. The minimum area of a lot in the Rural Zone shall be 80 hectares unless this requirement is relaxed in accordance with Clauses 4.8.4 (2) below.

2. A subdivision may be approved in the Rural Zone to enable:
   
i) the relocation of a boundary to allow for the re-organisation or consolidation of a lot(s) provided that no additional lots are created;

COMMENT: The area of proposed Lot 1 is 4100m$^2$, Lot 21194 (CT 142785-1) of 20.01ha and Balance Lot (CT 142785-2 & CT 142785-3) of 39.6ha.

The proposal is for subdivision - rural boundary adjustment. However, at time of the initial application being submitted, the subject land was described by a single title (CT250580-1). To place the existing dwelling on a separate lot from the balance lot would have meant creation of an additional lot. Correspondence from KR Michell & Associates P/L dated 11 June 2004 states that:

We draw your attention the fact that, that portion of land shown as Lot 21194 and Lot 23069 both have the legal status of being an original Crown Land grant and as such has the capacity to have its Title reinstated. On this basis, we submit the application as though each already had its own Title and that we are not creating any extra Titles as part of the rural boundary relocation.

Under the Local Government (Building and Miscellaneous Provisions) Act 1993 s.80 (3) for the purpose of determining whether any land constitutes a block for subdivision purposes, a block is:

(b) the whole of an original Crown Grant. or

(c) the whole of the land that is identified by description in a folio of the register kept under the Land Titles Act 1980.

Council officers contacted the Titles Office for clarification on the issue to be informed that normally the applicant would apply to the Titles Office for registration / reinstatement of the original Crown Grant as a separate title prior to submitting an application to Council for rural boundary adjustment. That registration can only occur for the 'whole' of the original Crown Grant - not part thereof.

The initial information provided with the application did not provide information on the original Crown Grant to demonstrate that s.80 (3) (b) can be complied with. In 1980 a lot of 4549m$^2$ was subdivided from CT 2716/71. CT 2716/71 is indicated on the subdivision proposal plan as the western part of Balance and since 16 December 2004 described in CT 142785-3. The Planning Scheme provisions do not enable variations to clause 4.8.4. As the proposal was for adjustment of boundaries that did not exist at the time of application and a block described by those boundaries failed to conform with the definition of a block for subdivision purposes due to a prior subdivision of the Crown Grant, Council was unable to grant a permit for subdivision as sought by the applicant within the statutory time frame.

The applicant on 1 September 2004 sought time to enable application to the Land Titles Office to reinstate the original titles which make up the total Title. The means by which the new titles have been issued and the timing of the titles being issued has greatly circumnavigated the planning process and the State Policy on the Protection of Agricultural Land 2000.

A copy of new titles dated 16 December 2004 was provided on 22 December 2004. This basically means that, the subdivision application has created three (3) titles from the single title that existed at the time of application. There remains some confusion over the purpose of the full subdivision application as one of the proposed lots (Lot 21194) to be created by the application now has title (CT 142785-1).
State Policy on the Protection of Agricultural Land 2000
The state policy objective relevant to the proposed subdivision is:
2 (a) Enabling farmers to undertake agricultural activities without being unreasonably constrained by conflicts with adjoining non-agricultural land users.
COMMENT: The surrounding land use is agriculture to the north, east and west. Proposed Lot 1 has the potential to alienate agricultural land through lack of separation distance, as the proposed boundaries fail to ensure appropriate amenity for the exiting dwelling.

The relevant Principles of the state policy are:
Principle 2: Houses and other non-agricultural use and development and some intensive agricultural industries alienate prime agricultural land.
Principle 6: Adjoining non-agricultural use and development should not unreasonably fetter agricultural uses
COMMENT: The applicant has provided information to the effect that the land’s land capability is Class 4e as mapped by K R Michell. The Land Capability of Circular Head Region 1:100 000 map by DPIWE 1999 has the land within an area of Class 2. While it may be that the actual house site is of Class 4e, Lot 21194, the Balance Lot and surrounding lands are prime agricultural land that residential Lot 1 will have a fettering impact over. The proposed development will cause fettering and alienation of prime agricultural land.

As the intention is to remove the existing house from the Balance Lot, it can be concluded that the agricultural use of Lot 21194 and Balance Lot is not dependent on a house. Should a permit be considered, it would be appropriate to prohibit the establishment of a house on the Balance Lot through the application of a part 5 agreement on the titles of Lot 21194 and Balance Lot.

CONCLUSION

The application is for subdivision to adjust boundaries that do not exist (CT 250580-1) or that have been created since the application was lodged. The proposed subdivision is for the creation of additional lots with an area less than 80ha contrary to the provisions of the Circular Head s46 Planning Scheme 1995. Further, proposed Lot 1 is inconsistent with the State Policy on the Protection of Agricultural Land 2000. The application has resulted in the creation of 3 sub-standard (less than 80ha) lots prior to determination of the subdivision application.

It is recommended that permit application number CHO4-106-01 be refused a permit for subdivision - rural boundary adjustment on land known as RA 11 Lovetts Road, Lileah described in CT 250580-1 on the following grounds:

1) The proposal does not comply with the Planning Scheme provisions as:
   (a) it is for the creation of new lots rather than amending the boundaries of lots that existed at the time of application.
   (b) the proposed area of the lots to be created is less than 80ha in area.

2) The proposal does not comply with the State Policy on the Protection of Agricultural Land 2000, as Lot 1 (with dwelling) has the potential to alienate and fetter agricultural land use.

3) The proposed boundaries encompassing the dwelling do not meet the building setback standards of the Rural zone. Lot 1 has insufficient area to provide appropriate buffer from the surrounding conflicting land uses.
4) There is some confusion over the purpose of the full subdivision applied for as one of the proposed lots’ (Lot 21194) to be created now has title (CT 142785-1) and the title that the boundaries are to be adjusted CT 250580-1 no longer exists.

MOVED: CR QUILLIAM SECONDED: CR WILSON

The permit application CH04-106-01 be approved with the following conditions:

1. That approval is for the subdivision of land to create:
   a) Lot 1 containing the existing house and having an area capable of containing a house building envelope of no less than 250 square meters in compliance with the Rural Zone setbacks;
   b) Balance Lot being the combined areas of CT 142785-2 and CT 142785-3 less the area of Lot 1.

2. That vehicular access to Lot 1 shall be obtained from Lovetts Road with access to the balance lot being off Lovetts Road and Ransons Road. The siting and construction of the access crossing shall be to the requirements detailed in “Rural Roads – Standard Access” diagram SD-1012 and “Access Sight Distance Requirements” diagram SD-1030 (a copy of which is attached);

3. The owner of the balance lot is to enter into an agreement with Council under Part 5 of the Land Use Planning and Approvals Act 1993, at no cost to the Council, that in order to avoid conflict with agricultural and forestry operations on the subject and adjoining land:
   a). a dwelling is not to be erected on the balance lot;
   b). an application for a permit will not be submitted in relation to the erection of a dwelling on the balance lot.

   Note: The Part 5 Agreement required by condition 3 shall be lodged with the Titles Office to be placed on the title of the property. The cost of registration for lodgement with the Recorder of Titles is to be met by the property owner.

4. That water storage of not less than 10,000 litres shall be provided for fire fighting purposes in accordance with the Planning Conditions and Guidelines for Subdivisions in Bushfire Prone Areas, produced by the Tasmanian Fire Service 1995.

   If storage is above ground, a fitting (64mm 5V thread male coupling to TFS specifications) must be fitted to the storage to supply water. If storage is below ground, there must be sufficient access to allow draughting of water.

5. That the final survey plans indicate all necessary easements required over all services located in private property. All existing easements and right-of-ways shall be indicated.

6. The final plan of survey will not be sealed until all previous conditions have been complied with.

CARRIED.
No. 8.13

Title: Shop Addition with parking variation – 69 Emmett Street, Smithton

Proponent: Development Services Manager
Location: Planning & Development
Reporting Officer: Senior Planner
Date: 20 January 2005
File: CH04-180-01
Appendices: plan, application form, correspondence

SUMMARY /PURPOSE

This application by Gary Wells Building seeks approval for a shop addition with parking variation on land known as 69 Emmett Street, Smithton, as described in CT 74855/1. WT House P/L owns the property.

BACKGROUND

The proposal has the following features:
- Additional floor space 189m² – includes warehouse 140m² and verandah of 39m² to achieve 100% site coverage.
- Reorganisation of the existing warehouse floor space to provide 74² additional retail display area.
- Parking variation to enable employees and customers to use 7 parking spaces within the War Memorial Swimming Pool car parking area at the rear.

STATUTORY IMPLICATIONS

The land is zoned Commercial under the Circular Head s46 Planning Scheme 1995. Shop addition and parking variation is a discretionary use and was treated as a Discretionary Permit Application.

The application was given public notification pursuant to Section 57 Land Use Planning and Approval Act 1993, and nil representations were received within the prescribed period ending 11 December 2004. One representation was dated and received on the 14 December 2004.

STRATEGIC IMPLICATIONS

Consistent with the goal to protect your lifestyle, heritage and natural environment and objective of facilitating opportunities for residential, commercial and industrial development.

POLICY IMPLICATIONS
Circular Head S.46 Planning Scheme No.1, 1995

4.6 COMMERCIAL ZONE

4.6.1 Zone Intent

The intent of this zone is to identify the primacy of the Smithton township as an area for the concentration of commercial, civic, cultural and entertainment functions serving the Planning Area.

Development within this zone will be required to provide full urban services and to contribute to improving the parking, cycling and pedestrian amenity of the zone.

4.6.3 Development Standards

1) Height

No building within the zone shall exceed 10 metres in height.

2) Setbacks

An external wall of a building may abut the side, rear or front boundary subject to complying with other requirements of the Ordinance, particularly access to on site parking or where Council deems that the prevailing setback shall take precedence.

3) Parking and Access

Suitable access and parking shall be provided on site in accordance with Parts 9 and 10 of this Ordinance.

10.4 NUMBER OF PARKING SPACES REQUIRED

10.4.1 The minimum number of parking spaces to be provided on the land subject to a development shall be in accordance with this Schedule.

<table>
<thead>
<tr>
<th>Development</th>
<th>Per Unit</th>
<th>Minimum Number of Car Parking Spaces</th>
<th>Additional requirements Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shop</td>
<td>Floor area</td>
<td>1 per 45m²</td>
<td></td>
</tr>
<tr>
<td>Show room</td>
<td>Floor area of sale and display areas</td>
<td>1 per 100m²</td>
<td>whichever is greater</td>
</tr>
<tr>
<td></td>
<td>Employees</td>
<td>1 per 2 employees</td>
<td></td>
</tr>
</tbody>
</table>

FINANCIAL/RISK IMPLICATIONS

The financial implication of significance in relation to this matter is the provision of off site parking. There is a cost associated with the provision of parking spaces. The applicant through seeking a variation to have located off site within a council parking area means that the cost of providing and maintaining parking spaces is transferred to the Council while the developer benefits from greater commercial floor area.

Council’s costs in providing the parking spaces are:

- Land cost 7x27.85m² = 195m² at $100.44 per metre = $19,587
- Construction cost for 7 spaces $12,870
- Annual maintenance cost for 7 spaces $ 500

Estimated Total Cost $32,957
The developer’s benefits from having an additional 195m\(^2\) floor area at an assessed annual rental value of $9882 ($50.68 per m\(^2\) floor area).

The risks identified in relation to this matter, other than the need to assess and process the matter in accordance with the *Land Use Planning and Approvals Act 1993*, are works being undertaken adjacent to and over a public walkway. It is proposed to close the walkway while works are being undertaken over it. Conditions of approval can be applied to ensure the walkway temporary closure is undertaken to Council’s requirements.

**COMMENT**

Circular Head S.46 Planning Scheme No.1, 1995

**Zone Intent**

The proposed development and use is in keeping with the zone intent of the Commercial Zone - Smithton township as an area for the concentration of commercial, civic, cultural and entertainment functions serving the Planning Area.

Development within this zone will be required to provide full urban services and to contribute to improving the parking, cycling and pedestrian amenity of the zone.

COMMENT: see comments below

**Development Standards**

The height of the proposed development is approximately 6m (within development standards).

**Setbacks**

The proposed building setbacks are to abut to the rear and side boundaries (within development standards – see comments below on parking and pedestrian amenity).

**Parking and Access**

Currently, there are approximately 4 car parking spaces and a truck parking space provided at the rear of the existing building for staff parking and business/delivery truck parking. Currently, staff also utilise the car parking spaces available at the King Street car parking area and the War Memorial Swimming Pool car parking area.

It needs to be noted that while the actual parking demand generated by the existing land use and proposed development is in the order of 20 parking spaces based on floor area, the variation sought is only for the parking generated by the proposed additional floor area and the 3 existing on site parking spaces to be relocated.

According to Table 10 – the required car parking spaces for the extension are:

- Shop based on 140m\(^2\) floor area: 4 spaces
- Showroom (based on 14 employees – this includes casuals) (based on 140m\(^2\) floor area): 7 spaces or 4 spaces.

As the purpose of the additional floor area is integral and subservient to the existing “Shop” use of the property, the proposal has been considered as Shop / Showroom for the purposes of calculating the car parking variation. This is reinforced by the additional warehouse floor area being partly created to provide additional retail floor area and the warehouse floor area being dependent on the retail function.
It would seem that the current number of employees is 14 and that the proposed extension, while creating additional retail and display area, will not actually result in greater employment. It is therefore considered that the additional floor area will generate a need for 4 additional parking spaces. This means that with the 3 existing on site parking spaces to be relocated, the on site parking variation sought is for provision of 7 spaces within the War Memorial Swimming Pool car parking area.

The applicant has stated (correspondence dated 19/11/04) the intent of relocating the car parking provisions to the Council maintained and owned car parking area associated with the War Memorial Swimming Pool. The correspondence further states that the “swimming pool car park is approximately big enough to accommodate eighty to one hundred vehicles if parking lines were installed…a maximum fifteen cars would use it during work hours”. Currently, the car parking area associated with the swimming pool is not lined marked. Funding for line marking would need to be allocated through the Council budget process.

The swimming pool car parking area is accessible to the Packham Lane car park and pedestrian walkway to Emmett Street via a formed walkway with ramp. There is no security lighting provided.

If the applicant was to be granted approval to utilize the council owned and maintained car parking area for the applicant’s car parking provisions, the applicant would be avoiding the construction and maintenance costs associated with providing car parking spaces – in accordance with the Circular Head S.46 Planning Scheme No.1, 1995.

The proposed building setbacks associated with the development would result in a brick wall (at least 4.5m high) being constructed abutting the western edge of the walkway/ramp. This could result in a safety issue due to reduced sunlight to the ramp resulting in a darken area. Security lighting affixed to the brick wall would alleviate this issue.

Other general comments:

Work place request
The applicant has requested approval for the following measures:
1). Temporary diversion of the pedestrian walkway through the Duck Inn’s rear yard to the King Street car parking area and erect safety fence during the construction phase (applicant to negotiate with affected neighbouring property owner).
2). Temporary closure of the rear walkway and ramp to the swimming pool car parking area during the construction phase (applicant to negotiate an alternative pedestrian walkway through neighbouring properties).
3). Temporary waste bin positioned in closest car parking space at King Street car parking area during the construction phase.
4). Council to adjust the bitumen levels at the proposed verandah edge abuts the car parking area (to allow for unhindered vehicle access to the verandah and warehouse area).

Requests #1-3 are in relation to the construction phase, and are temporary in nature. The pedestrian walkway will need to be re-instated to the satisfaction of Council’s Infrastructure and Development Services. Conditions of approval can be applied to ensure temporary closure of the walkway is compliant with Council standards.

Request #4 is unacceptable, as the original road surface was constructed for the benefit of the subject property owner at the time of construction. The road surface contoured and sloped to minimise surface runoff flooding the subject land. The applicant has now submitted plans to change the development/use of the site, and as such should be responsible for the reconstruction of the road surface and provision of drainage to suit the applicant’s needs. Conditions of approval can be applied to ensure the road surface level alterations are undertaken to Council standards.
Representation

The application was given public notification pursuant to Section 57 Land Use Planning and Approval Act 1993, and nil representations were received within the prescribed period ending 11 December 2004. One representation was dated and received on the 14 December 2004.

Issues raised in the representation are:

1. Potential parking of the applicant’s delivery vehicles parked close to the loading area and potentially blocking vehicular access at the King Street car parking area.
   COMMENT: it is anticipated that the company truck and van would be parked in side the warehouse storage area when not in use and that the van would be parked under the verandah when not making deliveries. Conditions to be applied relating company delivery vehicles parking provision and causing nuisance.

2. Pedestrian safety reduced due to delivery movements, in relation to the pedestrian walkway and access to the swimming pool.
   COMMENT: it is anticipated that delivery unloading and loading would occur within the warehouse storage area, thereby reducing the safety risk to pedestrians. Conditions to be applied relating to delivery vehicles causing potential nuisance.

CONCLUSION

The development is considered acceptable subject to conditions. I therefore recommend that the application be granted a conditional permit.

That the Council grant a permit for application number CH04-135-01 for shop addition with parking variation on land known as 69 Emmett Street, Smithton, as described in CT 74855/1 with the following conditions:

1. That the use and development is to be generally in accordance with the plans endorsed as part of this approval prepared by Peter Poke Design, drawing number 00181, date September 2004.

2. That pursuant to Clause 10.3 of Circular Head s46 Planning Scheme 1995 the vehicle parking requirements of Clause 10.1 are varied to require sufficient space for 1 truck no less than 5 tonne capacity and one van of minimum 1 tonne capacity (company vehicles) to be parked on site at all times.

3. That approval is for seven (7) parking spaces within the swimming pool parking area accessed of Smith Street, to be utilised by employees and customers of the premises known as 69 Emmett Street.

4. That security lighting shall be installed to illuminate the walkway ramp area to the east and the walkway adjacent to the premises northern wall. The illumination provided to be in accordance with Australian Standard AS/NZS 1158.3.1:1999 Category P9 (for pathways with ramps and stairs).

5. All servicing, repair and installation or removal of equipment and appliances shall be conducted within the boundary of the property; and no use shall be made of any part of a public road or walkway reserve for this purpose.
6. That the loading and unloading of vehicles and the delivery of goods to and from the premises or the place where goods are to be stored on-site, shall at all times be effected within the property boundary, and no use shall be made of any adjacent public road or walkway reserve for the loading and unloading of vehicles.

7. That in the event the loading and unloading of vehicles and the delivery of goods to and from the premises or the parking of employee vehicles, associated with the development/use, in the Council’s opinion, causes a nuisance within the Packham Lane car parking area and to the pedestrian walkway, Council may require alternative delivery or parking provisions to be undertaken, to Council’s satisfaction within three (3) months of the Council requesting the same in writing.

8. That any road works to adjust the bitumen level, within the Packham Lane reserve, required as part of the development/use, shall be undertaken at no cost to Council. Prior to any such works being undertaken, detailed construction plans of all proposed works prepared by suitably qualified persons and complying with current Council standards are to be submit for the approval of Council’s Infrastructure and Development Services. The plans and specifications are to detail all necessary dimensions for road works and materials used for all works.

9. The road works to adjust the bitumen level are to be undertaken in accordance with the construction plans to the satisfaction of Council’s Manager of Infrastructure & Development Services.

10. That security lighting shall be installed, maintained and operated 24 hours/day, at no cost to council, on the rear exterior boundary wall to the satisfaction of Council’s Manager of Infrastructure & Development Services.

11. That all stormwater and roofwater runoff from the structure and vehicle access/verandah area is to be collected and drained to an approved stormwater disposal system and no concentrated runoff is to occur onto adjoining land.

NOTE: Provision for surface water collection and discharge shall be provided and incorporate silt arrested pits to the requirements detailed in “Stormwater – Grated Pit” Diagram SD-2080 or SD-2081.

12. That the use shall operate at all times in full accordance with the attached definition of shop as contained in Part 13 Circular Head S.46 Planning Scheme 1995.

13. That all works associated with the development of the structure shall be carried out in such a manner so as not to cause injury to, or prejudicially affect the amenity, function and safety of any adjoining or adjacent building, and of any person therein or in the vicinity thereof, by reason of:

a) The transportation of materials, goods and commodities to and from the premises; or

b) By reason of the obstruction of any public footway or highway other than as approved by condition 9; or

c) by reason of the undue omission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.

In this regard
hours of operation and nature of work in progress should be programmed to respect retail and commercial activity within the locality;

- suitable hoardings and barriers shall be erected to screen and separate the public from all work areas, including work overhead;

- no use shall be made of the public roadway or footpath area for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project. The exception to this being the location of a temporary waste bin (skip) on the parking space closest to the construction site as indicated on the endorsed site plan.

NB. loading and unloading of building materials and equipment should be co-ordinated to occur outside peak parking demand periods; and

- the applicant or his agent shall be responsible for making good and/or for cleaning any footpath, road surface or other element damaged or soiled as a consequent of the project..

Council reserves the right at any time as a consequence of observation or complaints received to make further specific direction in regard to the manner in which any aspect of the project is carried out.

NOTE: it is the applicant’s responsibility to obtain the necessary written permission and insurances to carry out any works on land not owned by the applicant, prior to any ground works commencing.

14. That during the construction of the rear boundary wall adjacent to the public walk way, the public walk way is to be closed to pedestrians for a maximum of 5 days with signs erected no less than 5 days prior to proposed closure period and during the closure period explaining the closure and informing persons of ability to bypass work site via ANZAC park & King Street etc.

MOVED: CR WELLS SECONDED: CR CHARLES

That the Council grant a permit for application number CH04-180-01 for shop addition with parking variation on land known as 69 Emmett Street, Smithton, as described in CT 74855/1 with the following conditions:

1. That the use and development is to be generally in accordance with the plans endorsed as part of this approval prepared by Peter Poke Design, drawing number 00181, date September 2004.

2. That pursuant to Clause 10.3 of Circular Heads46 Planning Scheme 1995 the vehicle parking requirements of Clause 10.1 are varied to require sufficient space for 1 truck no less than 5 tonne capacity and one van of minimum 1 tonne capacity (company vehicles) to be parked on site at all times.

3. That approval is for seven (7) parking spaces within the swimming pool parking area accessed of Smith Street, to be utilised by employees and customers of the premises known as 69 Emmett Street.

4. That security lighting shall be installed to illuminate the walkway ramp area to the east and the walkway adjacent to the premises northern wall. The illumination provided to
be in accordance with Australian Standard AS/NZS 1158.3.1:1999 Category P9 (for pathways with ramps and stairs).

5. All servicing, repair and installation or removal of equipment and appliances shall be conducted within the boundary of the property; and no use shall be made of any part of a public road or walkway reserve for this purpose.

6. That the loading and unloading of vehicles and the delivery of goods to and from the premises or the place where goods are to be stored on-site, shall at all times be effected within the property boundary, and no use shall be made of any adjacent public road or walkway reserve for the loading and unloading of vehicles.

7. That in the event the loading and unloading of vehicles and the delivery of goods to and from the premises or the parking of employee vehicles, associated with the development/use, in the Council’s opinion, causes a nuisance within the Packham Lane car parking area and to the pedestrian walkway, Council may require alternative delivery or parking provisions to be undertaken, to Council’s satisfaction within three (3) months of the Council requesting the same in writing.

8. That any road works to adjust the bitumen level, within the Packham Lane reserve, required as part of the development/use, shall be undertaken at no cost to Council. Prior to any such works being undertaken, detailed construction plans of all proposed works prepared by suitably qualified persons and complying with current Council standards are to be submit for the approval of Council’s Infrastructure and Development Services. The plans and specifications are to detail all necessary dimensions for road works and materials used for all works.

9. The road works to adjust the bitumen level are to be undertaken in accordance with the construction plans to the satisfaction of Council’s Manager of Infrastructure & Development Services.

10. That security lighting shall be installed, maintained and operated 24 hours/day, at no cost to council, on the rear exterior boundary wall to the satisfaction of Council's Manager of Infrastructure & Development Services.

11. That all stormwater and roofwater runoff from the structure and vehicle access/verandah area is to be collected and drained to an approved stormwater disposal system and no concentrated runoff is to occur onto adjoining land.

NOTE: Provision for surface water collection and discharge shall be provided and incorporate silt arrested pits to the requirements detailed in “Stormwater – Grated Pit” Diagram SD-2080 or SD-2081.

12. That the use shall operate at all times in full accordance with the attached definition of shop as contained in Part 13 Circular Head S.46 Planning Scheme 1995.

13. That all works associated with the development of the structure shall be carried out in such a manner so as not to cause injury to, or prejudicially affect the amenity, function and safety of any adjoining or adjacent building, and of any person therein or in the vicinity thereof, by reason of:

   a) The transportation of materials, goods and commodities to and from the premises; or

   b) By reason of the obstruction of any public footway or highway other than as approved by condition 9; or
c) by reason of the undue omission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.

In this regard

- hours of operation and nature of work in progress should be programmed to respect retail and commercial activity within the locality;
- suitable hoardings and barriers shall be erected to screen and separate the public from all work areas, including work overhead;
- no use shall be made of the public roadway or footpath area for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project. The exception to this being the location of a temporary waste bin (skip) on the parking space closest to the construction site as indicated on the endorsed site plan.

NB. loading and unloading of building materials and equipment should be co-ordinated to occur outside peak parking demand periods; and
- the applicant or his agent shall be responsible for making good and/or for cleaning any footpath, road surface or other element damaged or soiled as a consequent of the project.

Council reserves the right at any time as a consequence of observation or complaints received to make further specific direction in regard to the manner in which any aspect of the project is carried out.

NOTE: it is the applicant's responsibility to obtain the necessary written permission and insurances to carry out any works on land not owned by the applicant, prior to any ground works commencing.

14. That during the construction of the rear boundary wall adjacent to the public walk way, the public walk way is to be closed to pedestrians for a maximum of 10 days with signs erected no less than 5 days prior to proposed closure period and during the closure period explaining the closure and informing persons of ability to bypass work site via ANZAC park & King Street etc.

CARRIED.
SUMMARY /PURPOSE

- This report is to inform Council on the compliance of the planning permit in relation to CH04-027-01 – alfresco dining with associated signage for Church Street, Stanley.

BACKGROUND

- Council approved the Planning Permit CH04-027-01 for alfresco dining with associated signage for Church Street, Stanley on the 16 September 2004 at the Council’s September General Meeting, with 14 conditions.
- Conditions 12, 13 & 14 refer to the signage installation.
- Condition 3 refers to the management of street dining.
- Condition 2 refers to approval being for 12 months, with the ability to extend the permit for a further 12 months upon review.
- A complaint over the leaving of signs out over night has been verbally received causing Council officers to remind the operator of the permit conditions.
- Council received correspondence from the operator (Bernard Atkins) dated 7 December 2004 requesting a review of condition 13.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993 s56 – Minor Amendments of permits
Land Use Planning and Approvals Act 1993 s. 63 (2) (c).

FINANCIAL/RISK IMPLICATIONS

Other than administrative costs, there are no financial implications. The proposal rather than increasing Council’s risk exposure, should reduce the risk exposure.

COMMENT

The signs have been left up over night on a regular basis. The complaint from a local has not been based on any detriment, hazard, nuisance or inconvenience caused by the signs left out over night. The complaint has been based on the non compliance with the permit conditions.

In accordance with Land Use Planning and Approvals Act 1993 s.63 (2) (c) states that “a person must not use land in a way, or undertake development or do any other act, that – constitutes a breach of a condition or restriction of a permit imposed by a planning authority pursuant to any scheme or order or a determination of the Planning Tribunal”.

Council received correspondence from Bernard Atkins - (dated 7 December 2004) requesting a review of the planning permit CH04-027-01 conditions that refer to signage. The particular aim of the review is for Council to permit the sign installation to remain insitu outside of business hours. Currently condition 13 states that the signs can only be displayed during business hours. Due to the construction method of the signage installations, the weight of the signs physically hinders the signs being removed and installed at the close and opening of the business every day.
Section 56 Land Use Planning and Approvals Act 1993 (Minor Amendments of permits) provides for minor amendments to a permit where the planning authority is satisfied that the amendment:
 a). Does not change the effect of any condition required by the appeal tribunal; and
 b). Will not cause an increase in detriment to any person; and
 c). Does not change the use or development for which the permit was issued other than a minor change to the description of the use or development.

Section 56 requires that should the permit be amended, Council notify the person who requested the amendment, the property owner and all persons who made a representation to the original application, of the amendment.

Compliance with signage conditions:

SIGNAGE INSTALLATION

12) That approval is for installation of 4 signs:
   a). two business signs under the verandah gable as fascia signage
   b). four business signs between the verandah posts 1900mm long by 300mm wide mounted within a movable metal frame approximately 500mm x 1900mm. The wording of the signs being restricted to the name of the business and services provided. No product signage shall be erected.

   generally in accordance with the plans endorsed as part of this approval.

   COMMENT: compliant

13) That the signs between the verandah posts are only to be displayed when the businesses are open. This will mean use of fittings on the verandah posts that enable ease of sign installation and removal while at the same time ensuring the signs are not removed by wind or pedestrian knocks.

   COMMENT: not compliant with condition as signs have remained insitu outside of business operating hours. It appears that the signs, being left insitu, are not hindering pedestrian movements, and are deterring motorists from parking outside the premises, within the no parking zone. The signs can be removed if necessary by two persons. The construction of the signs appears to prevent removal by wind or by pedestrian knocks.

14) That no other sign shall be constructed or displayed without the consent of the Council under Clause 11 of the Circular Head s46 Planning Scheme 1995.

   COMMENT: Not compliant. Photo 1 indicates an ‘A’ frame sign for which approval is not granted.

In respect to S56 Land Use Planning and Approvals Act 1993, the requested amendment does not change the effect of any condition required by the appeal tribunal as there was no appeal of the permit issued. Having the signs permanently insitu will have no greater detriment than the signs only being in place during business hours. It may actually be more detrimental to have the signs removed outside business hours as it leaves the step from the footpath to the road pavement exposed.

The amendment to allow signs to remain insitu does not change the use or development for which the permit was issued other than a minor change to the management of the use.
Other comments:

Compliance with other permit conditions:

STREET DINNING ACTIVITY

1) That approval is for street dining to be undertaken wholly within the verandah area across the frontage of 4 Church Street, Stanley.

COMMENT: compliant

2) Approval for street dining is for a period of 12 months from the date of this permit with an ability to extend the permit for a further 12 months upon a review of pedestrian and traffic volumes in the Church Street precinct.

COMMENT: to be undertaken in September 2005.

3) That the street dining shall be managed to ensure:-
   • a minimum of 1.5 metres footpath width is maintained for pedestrian movement;
   • only three (3) tables with a maximum of two (2) chairs per table are placed within the dining area;
   • the street dining activity is undertaken and managed in a manner that maintains safe and convenient movement of pedestrians on the footpath.
   • a waste bin located near the shop entrance;
   • some form of step delineation should be installed at the entrance area to Ye Olde Chocolate Shoppe to decrease the potential of pedestrians tripping over the step.
   • when a table is vacated, any liquid, food, debris, broken glass, cigarette butts or waste shall be cleaned and washed away.
   • furniture and other items are to be removed when the activity is not being undertaken to enable any pavement cleansing and maintenance or other activity to be undertaken by the Council.
   • tables and chairs shall be of sufficient weight to ensure that under strong wind they do not blow away or pose a threat to other street users;
     i. Note: Please use your judgement in respect of street dining on days of strong winds.
   • street dining activity will be undertaken and managed so as not to damage Council’s pavement and infrastructure asset.
   •
   • COMMENT: An inspection by a Council officer on the 7 January 2005 revealed that:
     • The footpath width was permitting freedom of pedestrian movement.
     • Only three tables with 2 chairs per table were placed on the footpath.
     • The only waste bin visible at the shop entrance is the Council bin.
     • The footpath appeared clean.
     • Two bench chairs delineated the step of the shop entrance, without impinging on pedestrian movement. One of the bench chairs being located over the Telstra pit, an area pedestrians avoid.

4) That street dining is only to occur between 9.00am and dusk. For the purposes of this permit, dusk is when the street lights in Church Street come on.

COMMENT: Council is unaware of any breach.
5) That prior to the street dining commencing, the operator shall sign the attached indemnity form and return to the Council.

Note: It is recommended that the operator inform their building and or land insurance company of this planning permit and the signing of Council’s Indemnity form in order to ensure that their insurance cover is appropriate.

COMMENT: Council has no record of receiving the signed indemnity form.

6) That the operator shall at all times during the operation, be the holder of a current Public Liability Policy of insurance (“The Public Liability Policy”) in respect of the activities specified herein in the name of the operator/user providing coverage for a minimum sum of $10,000,000 (or more). The Public Liability Policy shall be effected with an insurer approved by the Council. The Public Liability Policy shall cover such risks and be subject only to such conditions and exclusions as are approved by the Council and shall extend to cover the Council in respect to claims for personal injury or property damage arising out of the negligence of the operator/user.

COMMENT: The operator has stated that his insurance for the business includes the street dining activity. Documented evidence of this has yet to be provided to verify compliance.

7) That the whole footpath area occupied by the activity and its immediate surrounds, that is the whole of the footpath in front of the premises, is to be kept clean and tidy at all times with the waste bin regularly emptied. The area is to be swept regularly and to be thoroughly cleaned at the end of each day’s activities. The footpath may be hosed down. No material is to be swept or washed off the footpath pavement onto the roadway, into a gutter or gully pits. The operator will be liable for any costs involved in cleansing the street dining area if the need arises for cleansing due to the street dining activity.

COMMENT: Council is unaware of any breach.

8) That from time to time the Council may require that no street dining be undertaken due to other activities in the street. Council shall give the operator notice in writing of such events, a minimum of 14 days prior to the event unless it is for an emergency where notice may be on the spot depending on the circumstances.

9) That no music, bands or sound equipment shall be located or played for the benefit of street diners.

COMMENT: Council is unaware of any breach.

10) That in the event of vehicles associated with the Swingin’ Anchor Café & Ye Olde Chocolate Shoppe premises, in the Council's opinion, causing a nuisance within the adjacent street system or use of the site, Council may require provision of carparking on the site or in other approved locations to the Council’s satisfaction within three (3) months of the Council requesting the same in writing;

11) That where there is a problem with the street dining creating a hazard to other road users or damage being caused to the road infrastructure, Council reserves the right to stop the street dining activity from taking place until the problems have been resolved to Council’s satisfaction. Where Council has cause to stop the street dining activity in accordance with this condition it must serve written notice on the operator specifying the problem/s to be addressed and clearly stating that the activity is to cease until a satisfactory resolution has been implemented.
It appears that the applicant is compliant with all conditions except:

- Condition No.3 iv) a waste bin located near the shop entrance.
- Condition No.13 that the signs between the verandah posts are only to be displayed when the business is open.
- Condition No.14 that no other sign shall be constructed or displayed without the consent of the Council under Clause 11 of the Circular Head S.46 Planning Scheme No.1, 1995.

In respect to conditions 5 and 6 where there is no record of the relevant information being lodged with the council as required, the operator shall be contacted and the information procured.

CONCLUSION

The requested amendment complies with Section 56 of Land Use Planning and Approvals Act 1993 and will result in no increased detriment. It is therefore recommended that the application be granted a permit subject to the listed conditions.

That Planning Permit CH04-027-01 be amended as follows:

1. Condition 13 amended to read “That the signs between the verandah posts are to be installed by means of fittings on the verandah posts that enable ease of sign installation and removal while at the same time ensuring the signs are not removed by wind or pedestrian knocks, as the Council may require that the signage installation to be removed to allow for other activities in the street. Council shall give the operator notice in writing of such events, a minimum of 14 days prior to the event unless it is for an emergency where notice may be on the spot depending on the circumstances.

MOVED: CR QUILLIAM SECONDED: CR WELDON

That Planning Permit CH04-027-01 be amended as follows:

1. Condition 13 amended to read “That the signs between the verandah posts are to be installed by means of fittings on the verandah posts that enable ease of sign installation and removal while at the same time ensuring the signs are not removed by wind or pedestrian knocks, as the Council may require that the signage installation to be removed to allow for other activities in the street. Council shall give the operator notice in writing of such events, a minimum of 14 days prior to the event unless it is for an emergency where notice may be on the spot depending on the circumstances.

CARRIED.
Title: Planning Scheme – Request for amendment
Part of CT 36739/1 off Main Road, Stanley

Proponent: Manager Infrastructure and Development Services
Location: Planning & Development
Reporting Officer: Senior Planner
Date: 20 January 2005
File: 03-042-65
Appendices: submissions received, map indicating current zone boundaries, correspondence relating to time extension

SUMMARY/PURPOSE

To consider the 3 submissions received on the draft amendment and make a recommendation on each submission that is to be forwarded to the Resource Planning and Development Commission with the officers comments attached.

BACKGROUND

At the 21 October Ordinary Meeting of Council draft amendment 02-04 of the Circular Head s46 Planning Scheme 1995 was certified for public exhibition.

The draft amendment rezoning Part of CT 36739/1 off Main Road, Stanley from Residential to Commercial.

STATUTORY IMPLICATIONS

Section S39(2) of the Land Use Planning and Approvals Act 1993 requires that a report including representations received and the Planning Authority’s opinions and recommendations with regard to a draft amendment be forwarded to the commission within 35 days after the exhibition period referred to in section 38(a) of the Act.

Pursuant to Section S38(a) of the Land Use Planning and Approvals Act 1993, the draft amendment was placed on public exhibition at the Council Offices, 33 Goldie Street, Smithton for a period of four (4) weeks from 30 October 2004 to 26 November 2004.

At the completion of the public exhibition period on 26 November 2004, three (3) submissions had been received objecting to the rezoning.

As consideration of the submissions received required discussions with and additional documentation from the party that requested the rezoning, it was not possible to comply with S39(2) within the 35 days provided. Because of this a request for an extension of time was sought on 10 December 2004. On the 15 December 2004 the Commission granted an extension of time until the 27th January 2005.
STRATEGIC IMPLICATIONS

Consistent with the goal to protect your lifestyle, heritage and natural environment and objective of facilitating opportunities for residential, commercial and industrial development.

POLICY IMPLICATIONS

Circular Head Strategic Plan

Circular Head S.46 Planning Scheme 1995
- Clause 4.2.1 Residential Zone - Zone Intent & development standards
- Clause 4.7.1 Commercial Zone - Zone Intent & development standards
- Clause 4.8.1 Village Zone - Zone Intent & development standards

Land Use Planning & Approvals Act 1993
- S.32 Requirements for preparation of amendments
- Schedule 1 - Objectives

FINANCIAL/RISK IMPLICATIONS

There are no financial implications of significance in relation to this matter.

No risks have been identified in relation to this matter, other than the need to assess and process the matter in accordance with the Land Use Planning and Approvals Act 1993.

COMMENT

Below the three (3) submissions received are summarised in italics with the response following:

Submission One

1) concerned at proposed zoning being “Commercial” not “Village”. Commercial zoning does not allow for public input whereas Village zone provides for public input.

2) Village zoning would suit the long term historical plan of Stanley.

3) Concerned over where access to land will be situated off Main Road, Stanley.

4) Not opposed to the development, only opposed to commercial zoning.

1) The stated problem with the commercial zone is that it removes the ability for public comment and is not suited to the long term historical plan for Stanley. It needs to be noted that in both the Commercial and the Village zones there are developments and land uses that are “permitted” or “discretionary”. Further to this where a development seeks a variation from the zone’s development standards, Council discretion is applied. The commercial zone development standards and table of uses would seem to provide for greater variety of uses and less restrictive development standards. This does not mean that land uses will be established or that development will necessarily be to the minimum standards required. Development and uses will more than likely be undertaken and established to take advantage of the existing character of Stanley. Development and use in the current
Commercial zoned area of Stanley over the past 10 years has not resulted in structures or uses inept to Stanley.

The submission while seeking input over a development, states there is no opposition to a development for which plans have not been publicly exhibited.

2) The current long term historical plan for Stanley is given force through the Circular Head s46 Planning Scheme No.1, 1995 and has a Commercial zoned area adjacent to the Historic Commercial zoned land. To date the intent or development standards of the Commercial zone have not been cited as compromising or contradicting the heritage values of Stanley. The aim of development standards within the planning scheme is to encourage compliance, not impose standards that ensure the need to exercise discretion.

3) The planning submission submitted with the request for rezoning indicates that while the property has three separate frontages to Stanley Main Road, two vehicle access points are to be provided, one located at southern road frontage and one at the northern road frontage. Submission One’s has property located midway between the two access points and therefore should not be affected by traffic movements generated by the rezoning.

4) Submission One is opposed to the rezoning but not the much talked about development intentions of Tall Timbers. It would seem that the insertion of a notation to the Commercial Zone table of uses may limit development and use to a form compliant with the submission’s purpose. The notation worded to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant) would limit development and use to a form compliant to the submission’s aim.

The submission does not provide sufficient evidence on the benefits of a Village zoning over a Commercial zoning to warrant abandoning the proposed zoning.

Submission Two

1. The purpose of Commercial zone is to ensure the continued development of Smithton as the commercial centre of the Municipality. Creating 2.2ha of commercially zoned land in this location will impact on not only Smithton but also the existing commercial activities of Stanley.

2. The development standards of the commercial zone allow a 10 metre high concrete structure boundary to boundary as permitted development and use.

3. The rezoning report discusses the Tall Timbers proposed land uses but does not discuss all the other possible developments that Council must issue a permit for under the commercial zone.

4. Village zone is most suitable as it will not compromise the amenity of residents; will give the residents of Stanley the opportunity to comment on proposal applications and will provide Council and the community with greater control over how the land is allowed to develop.

1) The Commercial zone intent is to identify the primacy of the Smithton township as an area for the concentration of commercial Civic, cultural and entertainment functions. Smithton has a commercial zoned area of approximately 28.77ha while Stanley currently has a commercial zoned area of approximately 4.4ha. The rezoning is not inconsistent with this intent as the area zoned commercial at
Stanley will increase to 6.6ha representing 18% of commercial zoned land in the municipality with Smithton having the balance 82% of land zoned commercial in the municipality.

The current Commercial zoning within Stanley is seen as complimenting rather than undermining Smithton as the commercial centre of the municipality. The proposed rezoning will further compliment the commercial centre of Smithton through providing opportunities for commercial activity at an alternative location with an emphasis on visitor services.

The area to be zoned commercial will be a 50% increase on the current commercial zoned land in Stanley. The current commercial zoning in Stanley is spread over 5 separate areas. The proposed rezoning while not consolidating the current commercial zoning, it will not detract from the core commercial area. Because the land subject to rezoning does not have built heritage issues on site or adjacent to it, it will provide for development opportunities not currently available within the principle commercial area of Stanley. The rezoning could compliment the current commercial areas of Stanley.

Unfortunately the commercial zoning may result in creation of a dominant commercial centre that detracts from the historical commercial centre. It is also recognised that the land to be rezoned does not have appropriate or suitable access to provide for a broad spectrum of commercial activity.

It is therefore considered that a notation to the Commercial zone table of uses be inserted to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant).

2) In the event the current property owners (Tall Timbers) sell before development takes place or even after, there is a potential for development or land uses to establish that may be detrimental to the surrounding amenity and character or have an undesirable impact on the land use pattern of Stanley. The impact primarily being derived from the zero setback requirements of the Commercial zone. A notation could be inserted in the planning ordinance that delineates a setback development standard for the area rezoned.

3) The documentation supporting the amendment does concentrate on the development intent of Tall Timbers and to this end the rezoning is primarily to enable development and operation of a tourist facility. However the range of land uses that are discretionary, or permitted were part of Councils consideration in respect of the Residential, Commercial and Village zones.

There is some broad community perceptions that the scheme amendment should relate more to the type of tourist facility of Tall Timbers preconceived form than general commercial activity. For this reason the insertion of a notation to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant), should ensure the rezoning and subsequent development is in keeping with the Stanley character while placing emphasis on the purpose of the rezoning request.

4) In respect to the Village zone being preferred zoning of the land as it will not compromise the amenity of residents, it needs to be noted that the village zone is a mix of the residential and commercial zone provisions, better described as a compromise between residential amenity and commercial activity.

As to the Commercial zone removing the ability for public comment, it needs to be noted that in both the Commercial and the Village zones there are developments and land uses that are “permitted” or “discretionary”. Further to this, for both zones, where a development seeks a variation from the zone’s development standards, Council discretion is applied.
While the commercial zone development standards and table of uses would seem to provide for greater variety of uses and less restrictive development standards, this does not mean that land uses will be established or that development will necessarily be to the minimum standards required. Development and uses will more than likely be undertaken and established to take advantage of the existing character of Stanley. Development and use in the current Commercial zoned area of Stanley over the past 10 years has not resulted in structures or uses inept to Stanley. The commercial zone provides continuity with the existing zoning pattern of Stanley. There is no other Village zoning on the Stanley Peninsular.

Submission Two raises some issues that reflect the broader community views. It is considered that the amendment needs to be altered through the insertion of a notation to the Commercial zone table of uses to the effect, that on the Commercial zoned portion of CT 36739/1 off Main Road, Stanley, land use and development is to be restricted to uses ancillary to the principle use of the site tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant) and that development on the site shall be set back 4.5 metres from all boundaries unless a variation is sought pursuant to the Village zone variation provisions.

1 Submission Three

1. Commercial zoning is contrary to the Commercial zone intent to identify the primacy of the Smithton township as an area for the concentration of commercial Civic, cultural and entertainment functions.

2. Commercial zoning cannot be justified where a more suitable zoning option exists. The most appropriate zoning for the subject land is “Village”.

3. Ireninc,s report fails to separate the impacts of the rezoning from Tall Timbers possible future development.

4. Insufficient information has been provided on the capacity of the local infrastructure.

5. Council needs to fully assess the impact of the proposed zoning on adjacent land and within the context of the town and in particular those permitted developments and uses.

6. The proponents supporting documentation is misleading as there are no other commercial uses in the area and the purpose of the Commercial zoning is to avoid public involvement from development approval process. Commercial activity is least environmental responsive.

7. Despite the proponents statement that the rezoning seeks to protect and maintain the historic and aesthetic values of Stanley, the Commercial zone development standards do not provide for the consideration of historic or aesthetic values.

8. Does the Council support the proponents statement that the lands suitability for residential development is compromised by the proximity at the southern end to public activities including showgrounds and golfcourse.

1) The Commercial zone intent is to identify the primacy of the Smithton township as an area for the concentration of commercial Civic, cultural and entertainment functions. Smithton has a commercial zoned area of approximately 28.77ha while Stanley currently has a commercial zoned area of approximately 4.4ha. The rezoning is not inconsistent with this intent as the area zoned commercial at Stanley will increase to 6.6ha representing 18% of commercial zoned land in the municipality with
Smithton having the balance 82% of land zoned commercial in the municipality. The land area to be rezoned commercial represents approximately 6.6% of the commercial zoned land area in the municipality. It is not likely to alter the primacy of Smithton.

The current Commercial zoning within Stanley is seen as complimenting rather than undermining Smithton as the commercial centre of the municipality. The proposed rezoning will further compliment the commercial centre of Smithton through providing opportunities for commercial activity at an alternative location with an emphasis on visitor services.

2) While the Village zone is suggested as a more suitable zoning option, no analysis of the zoning options has been submitted demonstrating that zoning the land “Village” is more desirable than “Commercial”.

A stated issue with the commercial zone is that it removes the ability for public comment and is not suited to the long term historical plan for Stanley. It needs to be noted that in both the commercial and the Village zones there are developments and land uses that are “permitted” or “discretionary”. Further to this where a development seeks a variation from the zone’s development standards, Council discretion is applied. The commercial zone development standards and table of uses would seem to provide for greater variety of uses and less restrictive development standards. This does not mean that land uses will be established or that development will necessarily be to the minimum standards required. Development and uses will more than likely be undertaken and established to take advantage of the existing character of Stanley. Development and use in the current Commercial zoned area of Stanley over the past 10 years has not resulted in structures or uses inept to Stanley.

The commercial zoning may result in creation of a dominant commercial centre that detracts from the historical commercial centre. This could also happen with village zoning. It is also recognised that the land to be rezoned does not have appropriate or suitable access to provide for a broad spectrum of commercial activity.

It is therefore considered that a notation to the Commercial zone table of uses be inserted to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant).

3) The documentation supporting the amendment does concentrate on the development intent of Tall Timbers and to this end the rezoning is primarily to enable development and operation of a tourist facility. However the range of landuses that are discretionary, or permitted were part of Councils consideration in respect of the Residential, Commercial and Village zones.

There is some broad community perceptions that the scheme amendment should relate more to the type of tourist facility of Tall Timbers preconceived form than general commercial activity. For this reason the insertion of a notation to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant), should ensure the rezoning and subsequent development is in keeping with the Stanley character while placing emphasis on the purpose of the rezoning request.

4) The Council report on 17 September 2004 stated “Zoning land which provides for a range of intensive land uses as “P” permitted, should only be considered where there is suitable reticulated service capacity and suitable access provision for such uses, or council has a strategy to achieve appropriate service levels.”

The amendment’s supporting documentation states:
Roads
The Circular Head Council manages the road network within Stanley's urban area apart from the Stanley Main Road which is a State responsibility. The roads have capacity for commercial development. It will be necessary for the developer to provide road access to any development located within the proposed Commercial rezoning from Stanley Main Road. In the long term it will be advantageous for a road link to be established between Marine Esplanade and Stanley Main Road through the proposed Commercial rezoning.

Sewer
Stanley is serviced by a sewerage system with a treatment plant located adjacent to Godfreys Beach. There is adequate capacity at this sewerage treatment plant. The proposed rezoning is not expected to have any significant impact on the sewerage system.

Water
Cradle Coast Water provides treated water for reticulation by the Circular Head Council for the residents of Stanley. The proposed rezoning is not expected to have any significant impact on the water supply scheme.

Drainage
The whole property contains specific poorly drained areas. The natural drainage pattern means surface waters drain towards an open drain that dissects the property in approximately half, draining north-east, from pasture above the site, through the urban area below the site, towards a beach outfall at Tatlows Beach. The Title indicates a Drainage Easement, leading from Lots 6 & 7, through the property, towards the drain, in a straight line. The property fronts the Stanley Highway, there is no formal curbing and channeling insitu. Land to the west of the Stanley Highway, slopes to form part of the Green Hills.

Stormwater services are already insitu (delineating the southwest boundary of the area to be rezoned) draining to the north. There will be a need for developers to determine the capacity of this drain and any need for an alternative drain or upgrading of the existing along with any treatment of stormwater before being discharged from the site. The State Policy is best applied at the time of proposed development.

5) The area to be zoned commercial is a 50% increase on the current commercial zoned land in Stanley. The current commercial zoning in Stanley is spread over 5 separate areas. The proposed rezoning while not consolidating the current commercial zoning, it will not detract from the core commercial area. Because the land subject to rezoning does not have built heritage issues on site or adjacent to it, it will provide for development opportunities not currently available within the principle commercial area of Stanley. The rezoning could compliment the current commercial areas of Stanley.

Unfortunately the commercial zoning may result in creation of a dominant commercial centre that detracts from the historical commercial centre. It is also recognised that the land to be rezoned does not have appropriate or suitable access to provide for a broad spectrum of commercial activity.

It is therefore considered that a notation to the table of uses be inserted to the effect, that on this site, land use and development is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant).

It is understood that, in the event the current property owners sell before development takes place or even after, there is a potential for development or land uses to establish that may be detrimental to the surrounding amenity and character or have an undesirable impact on the land use pattern of Stanley.
The insertion of a notation as noted above, particularly a site development plan detailing setback distances from boundaries, should ensure the rezoning and subsequent development is in keeping with the Stanley Character.

6) There is existing commercial zoning in Stanley; however there is no Village zone within Stanley. The proposed area to be zoned commercial is a 50% increase on the current commercial zoned land in Stanley. The current commercial zoning in Stanley is spread over 5 separate areas. The proposed rezoning while not consolidating the current commercial zoning, it will not detract from the core commercial area. Because the land subject to rezoning does not have built heritage issues on site or adjacent to it, will provide for development opportunities not currently available within the principle commercial area of Stanley. The rezoning could compliment the current commercial areas of Stanley.

7) The Circular Head s46 Planning Scheme No.1, 1995 identifies the prime historical area of Stanley and contains provisions for development and use of land within the Stanley historic area. There is commercial zoned land adjacent to the area to which the historic area provisions apply. To date the intent or development standards of the Commercial zone have not be cited as compromising or contradicting the heritage values of Stanley.

8) The public open space and recreational facilities located to the north and east of the land to be rezoned is an asset to the whole community and compliments all forms of residential and commercial development and activity. Council has no issue with the existing residential development abutting the recreation ground and experience indicates further residential development should compliment and be complimented by the open space activities. Similarly commercial activity should compliment the leisure and recreational activities undertaken on land to the north and east of the area to be rezoned and visa versa. However the type and scale of activity on the recreation ground may cause detriment to residential amenity.

Submission Three raises issues over the commercial zoning of the land that appear to be based on the assumption that a “Village” zoning of the land would be more suited to the surrounding amenity and land uses. It is considered that the amendment needs to be altered through the insertion of a notation to the Commercial zone table of uses restricting land use and development to uses ancillary to the principle use of the site tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant) and that development on the site shall be set back 4.5 metres from all boundaries unless a variation is sought pursuant to the Village zone variation provisions.

Proponents response to submissions
Discussions have been held with the rezoning proponent and their planning consultant over the most appropriate response to the submissions. The planning consultant has provided a report on the Tall Timber’s submissions response (Copy attached).

This report outlines the proponents agreement to have a notation (footnote) inserted into the Commercial zone table of uses. It also outlines an alternative to have inserted into the planning scheme a site development plan for the area to be zoned commercial, outlining the restrictions on uses that can be established and building setback requirements.

After some consideration on the logistics of inserting a site development plan into the Planning Scheme ordinance as opposed to a notation only. The insertion of a site development plan would require a notation referring to the plan. It would also mean inserting an additional page, to provide 7 lines of information. The planning scheme currently contains notations at the bottom of the Table of Uses and developments of most zones. It is therefore recommended that only a notation be inserted into the planning scheme ordinance.
The proponents recommended land use and development restriction is generally supported subject to changes to the wording and the terminology used. There is however exception to the inclusion of “Service Industry”. It is considered the terminology should refer back to the planning scheme definition of “licensed establishment” and “Shop” to ensure appropriate cross reference.

Service industry is a prohibited use within the Commercial zone. Council should not provide for the establishment and operation of prohibited land uses. “Shop” provides for the provision of a range of personal service industry activities. For service industries that may be established and operated to support a tourist activity, there is the ability to do so as a subservient and integral component of that activity.

CONCLUSION

The submissions raise issues over the commercial zoning of the land that appear to be based on the assumption that a “Village” zoning of the land would be more suited to the surrounding amenity and land uses. No documentation has been submitted that provides sufficient argument to abandon the Commercial zoning. It is however considered that the amendment needs to be altered through the insertion of a notation to the Commercial zone table of uses restricting land use and development to uses ancillary to the principle use for tourism development and a set back requirement.

The submissions are not sufficient to justify abandoning the amendment.

It is recommended that the Council, in respect of the three (3) submissions received over the draft amendment of the Circular Head s46 Planning Scheme 1995 to rezone Part of CT 36739/1 off Main Road, Stanley, forward the following recommendations in respect of each submission and comments as contained in the Council minutes, to the Resource Planning and Development Commission.

Submission One

It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission One does not provide sufficient evidence on the benefits of a Village zoning over a Commercial zoning to warrant altering the zoning or abandoning the amendment.

Submission Two

It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission Two is not sufficient to justify altering the zoning or abandoning the amendment.

Submission Three

It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission Three is not sufficient to justify altering the zoning or abandoning the amendment.

Notation

The notation to be inserted at the bottom of Clause 4.6.2 Table of Uses & Developments - Commercial zone) to read,

“that land use and development of land within the Commercial zoned area of Stanley having map centroid 0355430E 5486070S (projection GDA 94), is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant) and that development on the site shall be set back 4.5 metres from all boundaries unless a variation is sought pursuant to the Village zone variation provisions.”
MOVED: CR WELLS  
SECONDED: CR BUCKBY

That the Council, in respect of the three (3) submissions received over the draft amendment of the Circular Head s46 Planning Scheme 1995 to rezone Part of CT 36739/1 off Main Road, Stanley, forward the following recommendations in respect of each submission and comments as contained in the Council minutes, to the Resource Planning and Development Commission.

Submission One
It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission One does not provide sufficient evidence on the benefits of a Village zoning over a Commercial zoning to warrant altering the zoning or abandoning the amendment.

Submission Two
It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission Two is not sufficient to justify altering the zoning or abandoning the amendment.

Submission Three
It is recommended that the amendment as publicly exhibited be altered by including the insertion of the below notation. Submission Three is not sufficient to justify altering the zoning or abandoning the amendment.

Notation
The notation to be inserted at the bottom of Clause 4.6.2 Table of Uses & Developments - Commercial zone) to read,

“that land use and development of land within the Commercial zoned area of Stanley having map centroid 0355430E 5486070S (projection GDA 94), is to be restricted to uses ancillary to the principle use of the site for tourist accommodation and tourist operation development (these would include licensed establishment, shop and restaurant) and that development on the site shall be set back 4.5 metres from all boundaries unless a variation is sought pursuant to the Village zone variation provisions.”

CARRIED.

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<td>01/001/40</td>
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<td>Appendices:</td>
<td>Financial Statements</td>
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SUMMARY /PURPOSE

To provide an overview, summarising the financial position of the organisation on a monthly basis.
MINUTES OF AN ORDINARY MEETING OF THE CIRCULAR HEAD COUNCIL HELD AT THE COUNCIL CHAMBERS, 33 GOLDIE STREET, SMITHTON ON THURSDAY, 20 JANUARY 2005

BACKGROUND

The financial reports presented incorporate:

- Profit and Loss Statement
- Balance Sheet
- Bank Reconciliation
- Receivables
- Cash Flow Statement
- Capital Projects Report
- Special Projects Report
- Cash & Investments – Comparison.

STATUTORY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

FINANCIAL/RISK IMPLICATIONS

Nil.

It is recommended that the Council notes the Financial Reports for the period ended 31 December 2004.

MOVED:  CR WELLS  SECONDED:  CR QUILLIAM

That Council notes the Financial Reports for the period ended 31 December 2004.  CARRIED.
SUMMARY /PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operation.

BACKGROUND

Human Resources

Project Officer

Following assessment of the applications received and subsequent interview, an offer was made to a prospective applicant who later accepted another position in Circular Head.

Applications will now be re-assessed with interviews to be held as early as possible.

Traineeships

The current trainees, Misses Melissa House and Lisa Grey were offered permanent positions with Council at the conclusion of their traineeships in February 2005, however they are seeking alternative careers and declined the offer. Two traineeship positions in Office Administration were advertised with applications closing on Friday 7 January 2005. Seven applications were received and interviews will be conducted in the near future. It is anticipated the successful applicants will commence their traineeships in February/March 2005.

Staffing – Infrastructure and Development services

Commencing 13th January, Peter Stronach will be providing support to development assessment functions of Council. The position is of a temporary (contract) nature for a minimum period of three months – with options to extend to 12 months maximum.

The need arises from Ms Leanne Rabjohns leaving late January to start their family.

Other

Swimming Pool Monthly Report

Attendance at the pool for the 31 day period commencing 8th December is detailed in the table below:
Daily entry for:

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<td>Adult</td>
<td>120</td>
</tr>
<tr>
<td>Family</td>
<td>11</td>
</tr>
<tr>
<td>Child season</td>
<td>232</td>
</tr>
<tr>
<td>Adult season</td>
<td>279</td>
</tr>
</tbody>
</table>

Total Attendance: 959 people.

The attendance at the pool has significantly decreased due to various possible reasons. The beginning of the holiday period may have contributed as many families tend to be away from normal routine in the lead up to Christmas, or are holidaying away from Smithton.

A noteworthy factor to the drop in attendance is the fact that the pool heating system suffered a major breakdown. Preliminary investigations into the breakdown have revealed a leak in the heat exchange unit, whereby expensive refrigeration gas has been leaking into pool water due to massive corrosion inside the heat exchanger. Initial estimates suggest that a replacement heat exchange will cost around $20 000.

The problem was discovered on the 16th of December, and since then the pool temperature has dropped from 29C down to 19C at the lowest. We have had Commercial and Rural Refrigeration at the pool assessing the extent of the damage and providing solutions for the problem. In early January the original electric heater for the pool was re-installed and is expected to bring the temperature back up to 26C.

The pool was closed to the public on Christmas Day, Boxing Day, and New Years Day. On the 20th of December it was decided to close the pool due to the lack of numbers, however after further discussion it was decided that it is in the best interest to the community if the pool remained open to allow season ticket holders the option of swimming.

All of the pool staff attended training in Manual and Chemical handling, and 3 of the staff obtained Workplace Level 2 First Aid, with Advanced Resuscitation Techniques included also. This month, all staff will be trained to Royal Life Saving Society, Pool Lifeguard certification. With all staff trained to this standard we will be in line with every other pool in the state.

Local Government Association of Tasmania – Development Program Committee
The LGAT General Management Committee has determined to establish an advisory committee for the future management of a development program for Local Government elected members. The purpose of the committee is to assist LGAT officers to structure appropriate responses to the learning and information needs of Local Government elected members, and for committee members to advocate within their regions to encourage increased attendance at development activities.

The Association is seeking two elected members from each of the three regions to join the committee. The committee will meet quarterly, alternating between the north and south.

Due to the first meeting being held in Hobart at 2.00 pm on Thursday 17 February 2005, nominations will need to reach the LGAT by no later than Monday 31 January 2005.
Local Government Association of Tasmania – Local Government Representative Nomination – Aged Care Planning Advisory Committee

Aged Care Planning Advisory Committees (ACPAC) exist in each State and Territory to advise the Secretary of the Department of Health and Ageing on an appropriate distribution of aged car places within care planning regions.

There is an opportunity for a Local Government representative to be appointed to the ACPAC as a government member. ACPAC members are appointed for a term of no more than 2 years. At the end of their term of appointment, committee members are eligible to re-apply. The committee meets twice a year but additional meetings may be called. Applicants must be able to travel to meetings.

Applications for consideration for ACPAC including at least one referee report and a completed Statement in Support of Nomination, must reach LGAT no later than January 21.

Australia Day Celebrations

Australia Day will be celebrated with a free Family Brunch at the Circular Head Community & Recreation Centre on Wednesday 26th January 2005.

Children can enjoy a jumping castle and other fun activities and displays, while some of the area’s most talented young singers will entertain.

The Australia Day Awards will be presented and eight local residents have chosen Australia Day to mark their citizenship.

The celebrations will commence at 10am and conclude at 1pm.

Summer Holiday Vacation Program

The Summer Holiday Program commenced on January 11th under the guidance of Cameron Blight.

Activities include: sports sessions, music and cooking workshops, beach fun day, movies and ten pin bowling outing, Dismal Swamp visit and windup disco evening.

Cameron surveyed High School students prior to Christmas and developed the program. He has previously been involved with Activity Programs in conjunction with the Glamorgan/Springbay Council and has expertise in this field.

If the program is successful it is hoped it will be expanded in the future.

CBD Upgrade

An overview of Emmett Street Upgrade will be on display at Rural Health Services (Emmett Street) until the end of January for public comment.

This is an artistic view of ideas that were discussed at the focus groups held prior to Christmas.

Oxidised Asphalt in conjunction with pavers has been used for the footpaths. The colours utilised depict the area’s colours of soil, grass/crops, sand and sea.

Learning Leading Into 2005

Lifelong learning projects for 2005 will see the Change Leader busy with a continuation of community forums and celebrations. Before the school year commences, tours of C.H. industry and
agriculture for new teachers will be conducted, the first being with St. Peter Chanel School on 31 January, is seen as an opportunity to educate the educators and give them an appreciation of the wealth creators and the workload of a rural community both young and old.

The Mayor will host a celebratory “Onwards & Upwards” afternoon tea on February 4 at 2pm at the Community & Recreation Centre to which the Councillors and Management are invited to acknowledge the graduates, scholarship and bursary recipients and honour the sponsors of education February 7th is Open Day Every Day invitation to the CH Community to travel to Burnie Uni for a personalised tour with lunch provided by the Uni. A carpool is being co-ordinated to assist families to visit en masse.

A Circular Head Graduates Database is being collated to assist students who may need support or mentoring. The information gathered is needed for the Lifelong Learning Project statistics and can be sourced on the Council website under Education.

Planning Appeal – Quarry off Boys Road
Orders have been received regarding the above. Further clarification is being sought regarding detail of the order to remove any ambiguity that might arise.

Major rulings were:-
- Deletion of “this condition shall be considered breached if there are visible airborne dust emissions from the land” from condition 6;
- Amended condition 10 to read “Prior to quarry operations commencing, but after the section of road in question is sealed, the quarry operator shall make a road maintenance and reconstruction contribution to council of the value of $3,000 including GST”

(Condition 10 was amended by the Tribunal 18th January 2005, and now reads “In the financial year after the section of road in question is sealed, the quarry operator shall make a road maintenance and reconstruction contribution to council of the value of $3,000 including GST)

Ombudsman enquiry – Monitoring of quarry operations
The Ombudsman undertook an administrative enquiry into Council actions related to the above. This is complete and recommendations included:-
1. Council recognise monitoring for Level 1 activities falls within their jurisdiction and responsibility;
2. If a Permit for Level 2 extraction is granted, Council ensure conditions such as road sealing are applied and enforced and that the proper community consultative process is undertaken;
3. Council ensure relevant information about quarry restrictions is circulated to all relevant Departments/sections and that extraction information be provided from Works Plus to administrative areas;
4. Council utilise other avenues to obtain information in areas they have no specialty.

Prior to the investigation, the issues of 1,3 and 4 were recognised by current staff and have been addressed. In relation to 2 above, the content is understood and in line with officer’s opinion, however the full control over these matters does not rest with Council – planning conditions can be appealed and then over-ruled by the Tribunal.

Planning Reform
The State Government are seeking comment on the planning system with a view to update the system and prioritise resourcing of the planning support systems over the next 5 years and are seeking responses from Planning Authorities regarding the adequacy or shortcomings of the planning processes as they exist.
Councillors are encouraged to discuss this matter with Planning staff before February 18th to enable preparation and submission of an appropriate response.

It is recommended that the monthly Senior Management Report be noted.

**MOVED: CR WELDON \ SECONDED: CR WILSON**

**That the monthly Senior Management Report be noted.**

CARRIED.

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**No. 8.18**

**Title:** Road Naming – Coventry Meadows

**Proponent:** Senior Planner

**Location:** Scotchtown

**Reporting Officer:** Manager Infrastructure & Development Services

**Date:** 12 January 2005

**File:** 04/006/03

**Appendices:** Nil.

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**SUMMARY /PURPOSE**

The purpose of this report is to seek Council determination of naming for a newly created road asset in the Municipal area.

**BACKGROUND**

In March 2004, Council approved the subdivision off Scotchtown Road. A condition of that approval required the Developer propose (at least) two road names to Council for consideration.

No supporting information was provided to the proposals.

**STATUTORY IMPLICATIONS**

In accordance with the Survey Co-Ordination Act 1944, the Nomenclature Board has authority to name or correct or alter roads and the like within the State.

**STRATEGIC IMPLICATIONS**

A proud and responsible community with enhanced facilities. Naming of the road provides a sense of place, community and security.

Names proposed by the Developer are Not So Close and Tall Gum Close.
POLICY IMPLICATIONS

Council has no current Policy related to this matter.

FINANCIAL/RISK IMPLICATIONS

Significant risk is associated with emergency service operators not familiar with the area. If confusion occurs in relation to un-named roads/streets, subsequent delays may give rise to catastrophic outcomes.

COMMENT

On preliminary investigation, it seems the road names submitted do not exist elsewhere and generally conform to the guidelines provided by the Board. General reasoning for the first proposal (Not So) reflects the proximity of the subdivision and the nature of the lots – not so close to town, not so close to neighbours, etc. Obviously the second proposal (Tall Gum) is reflective of the fauna of the local area.

In order to expedite the process, it is considered appropriate for Council to consider the submitted names prior to submission to the Board for review and adoption.

Sections of a Road Naming Guideline provided by the Board have been extracted below for further information:

After the Board has assigned the name, the Secretary will either ask the Council for confirmation of some detail or simply proceed to gazette the "Notice of Intention to Assign/Alter" the proposed name and as well, advertise in the major daily press. There is a public objection period of one calendar month following the gazettel, during which any person or party may lodge a written objection. Any objections need to be dealt with, usually over several months at least, the conclusion to the objection process being a published "Decision of the Minister" which is final.

Applicants should in each case advise the Board of the proposed names in order of priority, and include

- any background such as derivation or any historic information, such as for example if named after an early land grantee,
- if the road name is already in use, for how long it has been road-signed, for how long it has been known by that name and by whom eg Council and/or residents,
- whether the road or name appears on existing local maps, and in particular
- whether the issue is contentious — foreshadowing any objections may save delays of many months. There is frequently strong local feeling exhibited in relation to road names.

When no previous names exist, primary consideration will be given to a name in keeping with the character and tradition of the locality; with historical or local significance; being suggestive of any peculiarity of a topographical feature; or being of aboriginal derivation, and having an appropriate meaning. Descriptors (eg "Back Road") are generally not suitable names.

On the basis of relevant information, it seems appropriate to forward the road names as proposed to the Board for consideration.
It is recommended that Council endorse the names “Not So” and “Tall Gum” Close for the newly developed road off Scotchtown Road, servicing the ‘Coventry Meadows’ subdivision, and The Nomenclature Board be advised of Council’s decision.

MOVED: CR CHARLES SECONDED: CR WELDON

That Council endorse the names “Not So” and “Tall Gum” Close for the newly developed road off Scotchtown Road, servicing the ‘Coventry Meadows’ subdivision, and The Nomenclature Board be advised of Council’s decision, and

That the Board be notified of Council’s preference for the term Court rather than Close.

CARRIED.

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**No. 8.19**

**Title:** Works Plus Annual Report 2003/2004

**Proponent:** Works Plus Manager

**Location:** General

**Reporting Officer:** Manager Infrastructure and Development Services

**Date:** 20 January 2005

**File:** 00/018/06


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**SUMMARY /PURPOSE**

The purpose of this report is to present the Works Plus Annual Report 2003/2004 as prepared by the Works Plus Manager.

**BACKGROUND**

Works Plus is Council’s service delivery unit. The enclosed Annual Report provides an overview of the organisation and how it performed duties and functions during the past financial year.

**STATUTORY IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

To efficiently and effectively maintain and manage Council’s existing infrastructure assets.

Council has renewed service Contracts with Works Plus to 2010.
POLICY IMPLICATIONS


The policy states:-

“The Maintenance and Construction Unit will produce an Annual Report in an approved format no later than the 30 September of each year.

The Annual Report will include the following:-

~ Profit and Loss Statement
~ Statement of Financial Position
~ Capital Expenditure, Disposal and Accumulated Proceeds
~ Personnel Report.”

FINANCIAL/RISK IMPLICATIONS

External work continues to provide additional revenue streams to Works Plus, and Council.

Returns to Council continue to be delivered by Works Plus with almost $500,000 returned this year.

Plant replacement continues to be fully funded.

COMMENT

Works Plus continues to demonstrate continued competitiveness and cost efficiency whilst delivering construction and maintenance services to Council and the wider community.

The eighth Works Plus Annual Report is tabled for endorsement by Council.

It is recommended that the Council endorse the Works Plus Annual Report 2003/2004.

MOVED: CR CHARLES SECONDED: CR FLOWERS

That the Works Plus Annual Report be resubmitted to the February General Meeting of Council following discussion, in conjunction with intervention levels, at the February workshop of Council.

Motion was LOST

MOVED: CR BUCKBY SECONDED: CR WELDON

9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

10.0 URGENT BUSINESS – BY APPROVAL OF THE CHAIR OR A MAJORITY OF COUNCILLORS PRESENT

10.11 Cr Buckby – Tsunami Disaster, Sister City relationship

Cr Buckby requested permission of the meeting to introduce an item of Urgent Business in relation to the possible establishment of a Sister City relationship in a Tsunami affected area.

Permission was granted by absolute majority.

MOVED: CR BUCKBY SECONDED: CR QUILLIAM

That Council liaise with our neighbouring councils with a view to holding a joint meeting including council and community representatives to discuss the possibility of establishing a Sister City relationship with an area effected by the Tsunami disaster.

CARRIED.

Such a relationship could include:
1) Professional tradespeople donating their time to help with the reconstruction effort.
2) Cultural exchanges which could substantially increase the knowledge to the citizens of both areas of the others’ life and culture.
3) Schools exchanges and education programs which would increase knowledge and break down barriers between differing cultures.
4) Long term, an opportunity would exist to promote trade between the Sister City areas.

10.12 Buckby re Contribution to Tsunami Appeal

Cr Buckby requested permission of the meeting to introduce an item of Urgent Business in relation to a contribution to the Tsunami Appeal.

Permission was granted by absolute majority.

MOVED: CR BUCKBY SECONDED: CR QUILLIAM

That Council contribute, through World Vision, $5,000 towards short-term remedial work of the Tsunami Appeal.

CARRIED.
10.13  Cr Weldon re South Australia Fire Tragedy

Cr Weldon requested permission of the meeting to introduce an item of Urgent Business in relation to a contribution to the South Australia Bush Fire Appeal.

Permission was granted by absolute majority.

**MOVED: CR WELDON  SECONDED: CR BUCKBY**

1. That Council, in response to the fire tragedy in South Australia, support the Mayor in contacting his counterpart, Mayor Peter Davies, Port Lincoln Shire, to determine details and best contributions towards supporting their community, and

2. That Council approve a contribution to this cause up to $5,000 at the Mayor’s discretion.

**CARRIED.**

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11.0  PUBLIC QUESTION TIME

Public Question Time was taken at 8.04 pm

11.11  Ms Mandy Waller re Sealing of Plummers Road

Ms Waller enquired of the Mayor, given that there is reserve funds available from current projects, and from Council Reserves, why will Council not commit to sealing more of Plummers Road to overcome dust problems?

*The Mayor advised that such works are subject to annual budget allocation and approval, and works duly approved in annual budgets will proceed.*

11.12  Mrs Romea Johnston re Road Sealing Boys Road

Mrs Johnston enquired of the Mayor, is Council going to prioritise the sealing of 650m of Boys Road, or should seek an order of the Supreme Court?

*The Mayor advised that such issues are considered during budget deliberations and determined subject to priorities across all services and municipal areas.*
12.0 CONFIDENTIAL ITEMS IN CLOSED AGENDA

12.11 Cradle Coast Authority – Cradle Coast Pulp Mill Ready Campaign

MOVED: CR WELDON  SECONDED: CR BUCKBY

That Council move into Closed Agenda.  

CARRIED.

Council moved into Closed Agenda at 8.17 pm.
Council moved out of Closed Agenda at 8.25 pm.

There being no further business, the Chairman declared the meeting closed at 8.26 p.m.

CONFIRMED: ...........................................

CHAIRMAN: ............................................