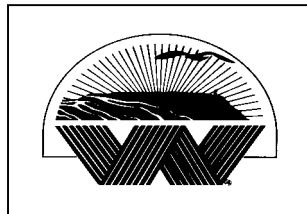


**SPECIAL MEETING  
OF COUNCIL**

**MINUTES**

**28 OCTOBER 2003**



**Waratah-Wynyard  
Council**



“I certify that with respect to all advice, information or recommendations provided to Council with this agenda:-

- 1, the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and
2. where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that persons general advice the advice from an appropriately qualified or experienced person.

**Note:** Section 65 (1) of the *Local Government Act 1993*, requires the General Manager to ensure that any advice, information or recommendation given to the Council is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. Section 65 (2) forbids Council from deciding any matter which requires the advice of a qualified person without considering that advice.”



Paul West  
GENERAL MANAGER

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**WARATAH-WYNYARD COUNCIL**

**SPECIAL COUNCIL MEETING**

**28 OCTOBER 2003**

**MINUTES**

**VENUE:** Council Chambers, 21 Saunders Street, Wynyard

**HOOR:** 7:35 p.m.

**TIME OCCUPIED:** 5 minutes

**909. PRESENT:**

***Councillors***

Mayor R. Chalk AM, Crs. G. Bramich, D. Calvert, D. Fairbrother, M. Fenton, W. French, A. Friedersdorff, K. Hyland and A. Ransley OAM.

***In Attendance***

General Manager – Paul West  
Director Corporate Services – John Stretton  
Director Development Services – Paddy Kennedy  
Director Engineering Services – Evan Pardon  
Town Planner – David Derrick

**910. APOLOGIES:**

Cr D Moore

**CRS:- FENTON/FRENCH**

*That the apology be received.*

CARRIED

**911. DECLARATIONS OF PECUNIARY INTEREST**

Nil.

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## **912. PUBLIC QUESTIONS AND STATEMENTS**

Nil.

## **913. GENERAL MANAGER'S REPORTS**

### **913.1 PURCHASE OF LAND – EAST WYNYARD**

<b>To:</b>	<b>Council</b>
<b>Reporting Officer:</b>	<b>General Manager</b>
<b>File Reference:</b>	<b>7078310</b>
<b>Date:</b>	<b>24 October 2003</b>

---

#### **1. Recommendation**

*That Council purchase the land identified within this report for the sum of \$10,000 providing that the subdivision of the land is approved and that the approval is appropriately acted upon and the area of land is consolidated with Council's current title reference 126429/1 into one (1) single lot.*

#### **2. Summary**

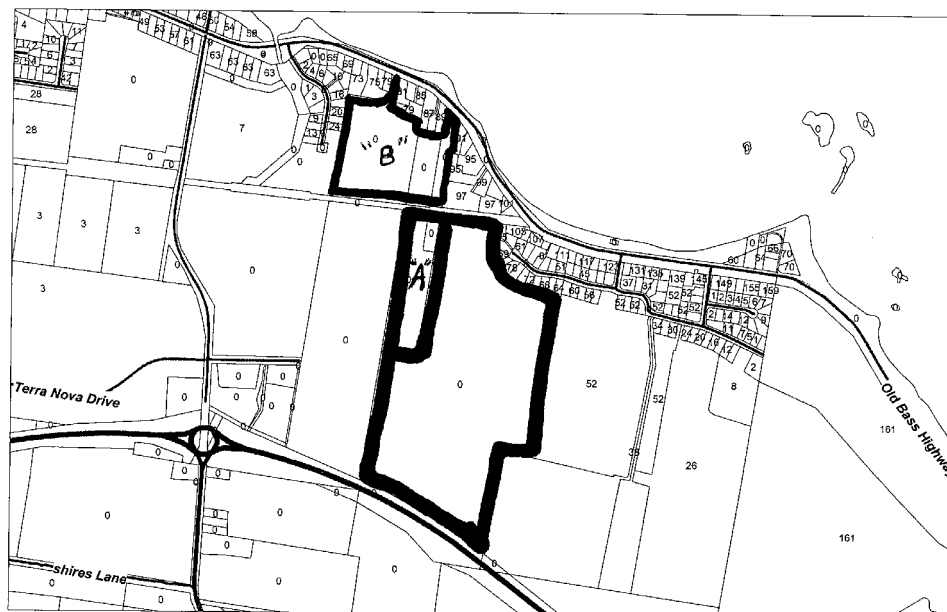
This report has been prepared to allow Council to consider purchasing a piece of land, which adjoins property already owned by Council at Walker Street, East Wynyard.

#### **3. Background**

The Wynyard Waste Water Treatment Plant is located on the land to which the acquired land would be amalgamated with. The planning report provided to this meeting deals with the formal subdivision proposal relating to this piece of land.

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The following plan identifies the current area owned by Council and the proposed area to be purchased.



#### **4. Statutory Requirements**

The *Local Government Act 1993* states:

##### ***Purchase of land***

- 175.** *A council may purchase land for any purpose which it considers to be of benefit to the council or the community.*

#### **5. Finances**

It is proposed that Council agree to purchase the area of land south of the railway line as identified on the plan (refer “A”) for the sum of \$10,000.

It is recommended that the purchase should be funded from contributions for public open space provided by developers.

It is expected that when the residential subdivision is progressed (refer “B” on plan) that a request for public open space cash contribution will be \$10,000.

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## **6. Discussion**

The purchase of the land will be a positive response by Council and will assist in ensuring that an appropriate buffer is maintained between Council's Waste Water Treatment Plant and any planned residential subdivision. The area is currently zoned primary industry under the Waratah-Wynyard Planning Scheme.

## **7. Risk**

There are no apparent risks to Council in acquiring the land.

## **8. Conclusion**

The report is presented for Council determination.

### **CRS:- FRENCH/RANSLEY**

*That Council purchase the land identified within this report for the sum of \$10,000 providing that the subdivision of the land is approved and that the approval is appropriately acted upon and the area of land is consolidated with Council's current title reference 126429/1 into one (1) single lot.*

CARRIED

## **914. DEVELOPMENT SERVICES REPORTS**

### **914.1 K.R. MICHELL & ASSOCIATES PTY. LTD. - 1 LOT SUBDIVISION AND ADHESION - WALKER STREET AND OLD BASS HIGHWAY, WYNYARD**

<b>To:</b>	<b>Council</b>
<b>Reporting Officer:</b>	<b>Town Planner Report</b>
<b>Responsible Manager:</b>	<b>Director Development Services</b>
<b>File Reference:</b>	<b>SD 1674 &amp; 7078310</b>
<b>Date:</b>	<b>21 October 2003</b>

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## **1. Recommendation**

*That Council approve*



- 
- 
- (a) *subdivision to sever all that land physically separated by the existing railway reserve forming the northern part of Certificate of Title 229450/1, to create a lot of approximately 8200 square metres; and*
- (b) *consolidation of the subdivided southern part of Certificate of Title 229450/1 with both adjoining Certificate of Title 227610/1 and Certificate of Title 126429/1, to create a lot with a combined total area of approximately 26.1 hectares as shown on the Proposed Subdivision Drawing Number 203115/1 dated 10/10/03 prepared by K.R. Michell & Assoc. P/Land subject to the following conditions:*
- (i) ***Final Plan***  
*A Final Plan shall be submitted to the Waratah Wynyard Council for sealing. The plan shall be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and shall form part of this permit when sealed. The Final Plan shall be substantially the same as the endorsed Plan of Survey.*
- (ii) ***Compliance with Permit***  
*This permit remains valid only while the conditions of approval contained within this permit are complied with.*
- (iii) ***Sealing of Plans***  
*The final plan of survey will not be sealed until all conditions have been complied with.*

## **2. Summary**

This proposal comprises an awkward arrangement of titles (*Refer “Existing” plan*).

Lot “1” — is a long narrow lot fronting the Old Bass Highway, of about one hectare (slightly more than 2½ acres). Approximately one-third is effectively cut off from the balance by the railway reserve — virtually undevelopable because it is zoned Primary Industries (in contrast to the other portion north of the railway which is zoned Residential).

Lot “2” is in the same ownership as Lot “1”, but all of it is south of the railway with no legal access and zoned Primary Industries.

Lot “3” is Council land, the site of the wastewater treatment plant for Wynyard.

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### **3. Background**

A private developer is interested in subdividing residential land in this vicinity, north of the railway. To facilitate this project, it would be desirable to subdivide the Primary Industries zoned portion of Lot “1” from its Residential zoned northern portion. The railway reserve divides this lot between zones.

Land south of the railway reserve is contiguous with Council’s wastewater treatment works. Acquiring the subdivided Primary Industries part of this subject property, as well as a neighbouring lot, would provide better buffering with developed and future residential subdivision to the north.

### **4. Statutory Requirements**

RESIDENTIAL ZONE:- Subclause 6.4.1 — Issue 3.0 Subdivision  
(Scheme pages 56-59)

The proposed subdivision meets all relevant objectives

Subdivision of the northern portion into one lot would comply with the Acceptable Solutions for the Residential zone in the Planning Scheme.

#### **Acceptable Solutions**

- |         |   |
|---------|---|
| 3.1     | The Residential Development Schedule is not applicable at this stage. |
| 3.2     | The land is capable of being serviced.                                |
| 3.3     | Not applicable.   |
| 3.4     | Not applicable at this stage.   |
| 3.5-3.6 | Balance lot meets minimum requirements                                |
| 3.7-3.9 | Not applicable at this stage  |

The Residential portion of the lot to be subdivided therefore is considered to enjoy “permitted” status.

PRIMARY INDUSTRIES ZONE:- Subclause 9.4.1 — Issue 1.0 Subdivision  
(Scheme pages 85-87)

The remainder of the land is within Primary Industries zone and, even when titles are consolidated, would not meet the minimum Acceptable Solutions requirement of 40 hectares. This portion of the proposed subdivision therefore must demonstrate compliance with Performance Criteria and falls into the “discretionary” status, requiring advertising.

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### Performance Criteria

- 1.1 (a) Better management of the land.
- 1.1 (b) Not “prime” agricultural land.
- 1.2 Not relevant.
- 1.3 Not a residential use.
- 1.4 Strata titles will not be involved.

### **5. Finances**

Any financial consideration for acquisition of land is not relevant to this application.

### **6. Discussion**

This will a logical subdivision that can legitimately accommodate a severance circumstance as well as foster a win-win situation for the parties involved and the community. (*Refer “Proposed” plan*)

In the latter instance, the Planning Scheme is improved with the removal of dual zoning over a single lot “B”. More land will be available to enhance flexibility of lot layout in future residential subdivision. A lot without legal access to a public road will be consolidated with another parcel which has existing access. Council will be able to gain a broader expanse of buffer area to the wastewater treatment works in lot “A”. (Consolidation of titles in the Primary Industries zone is an inherent objective to the better management — and protection — of agricultural land, though not particularly germane to this case.)

No additional accesses will be created. The Residential section retains existing access to the Old Bass Highway. And the larger Primary Industries section will continue to be served by the existing access from Walker Street.

Although no access will be onto the Bass Highway, it was nevertheless necessary to advise the DIER Transport Division of this subdivision proposal. No objection was raised.

The application was duly advertised for the requisite two weeks, but no representations were submitted at the time of preparation of this report. (If any are received at the close of the exhibition period (27/10/03), they will be assessed and distributed to Councillors at the meeting.

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## **7. Risk**

No risks are envisaged from implementation of this proposed subdivision and consolidation of titles.

## **8. Conclusion**

There appears no argument against approval of this proposed subdivision, and this report is presented for Council's determination.

### **CRS:- FENTON/BRAMICH**

*That Council approve*

- (a) *subdivision to sever all that land physically separated by the existing railway reserve forming the northern part of Certificate of Title 229450/1, to create a lot of approximately 8200 square metres; and*
- (b) *consolidation of the subdivided southern part of Certificate of Title 229450/1 with both adjoining Certificate of Title 227610/1 and Certificate of Title 126429/1, to create a lot with a combined total area of approximately 26.1 hectares as shown on the Proposed Subdivision Drawing Number 203115/1 dated 10/10/03 prepared by K.R. Michell & Assoc. P/Land subject to the following conditions:*
  - (i) *Final Plan*  
*A Final Plan shall be submitted to the Waratah Wynyard Council for sealing. The plan shall be drawn to scale and prepared in accordance with the requirements of the Recorder of Titles and shall form part of this permit when sealed. The Final Plan shall be substantially the same as the endorsed Plan of Survey.*
  - (ii) *Compliance with Permit*  
*This permit remains valid only while the conditions of approval contained within this permit are complied with.*
  - (iii) *Sealing of Plans*  
*The final plan of survey will not be sealed until all conditions have been complied with.*

CARRIED

### ***Enclosures:-***

*Drawing No 203115/1 – proposed*

*Drawing No 203115/1 – existing*

*Letter – KR Michell – 10 October 2003*

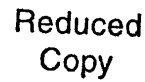
*Drawing No 203115/1 – proposed subdivision*

**A.C.N. 009 526 907**

P.O. Box 712 , Devonport 7310  
AUSDOC DX 70346 , Devonport

E.Mail : kmichell@tassie.net.au

Old Bass Highway - Walker Street, Wynyard  
Waratah-Wynyard Council  
R.L. & B.J. Leary Pension Fund



Drawing No.

K.R. Michell M.I.S.

# K.R.MICHELL & ASSOC. P/L

A.C.N. 009 526 907

AUTHORISED SURVEYORS DEVONPORT – SMITHTON

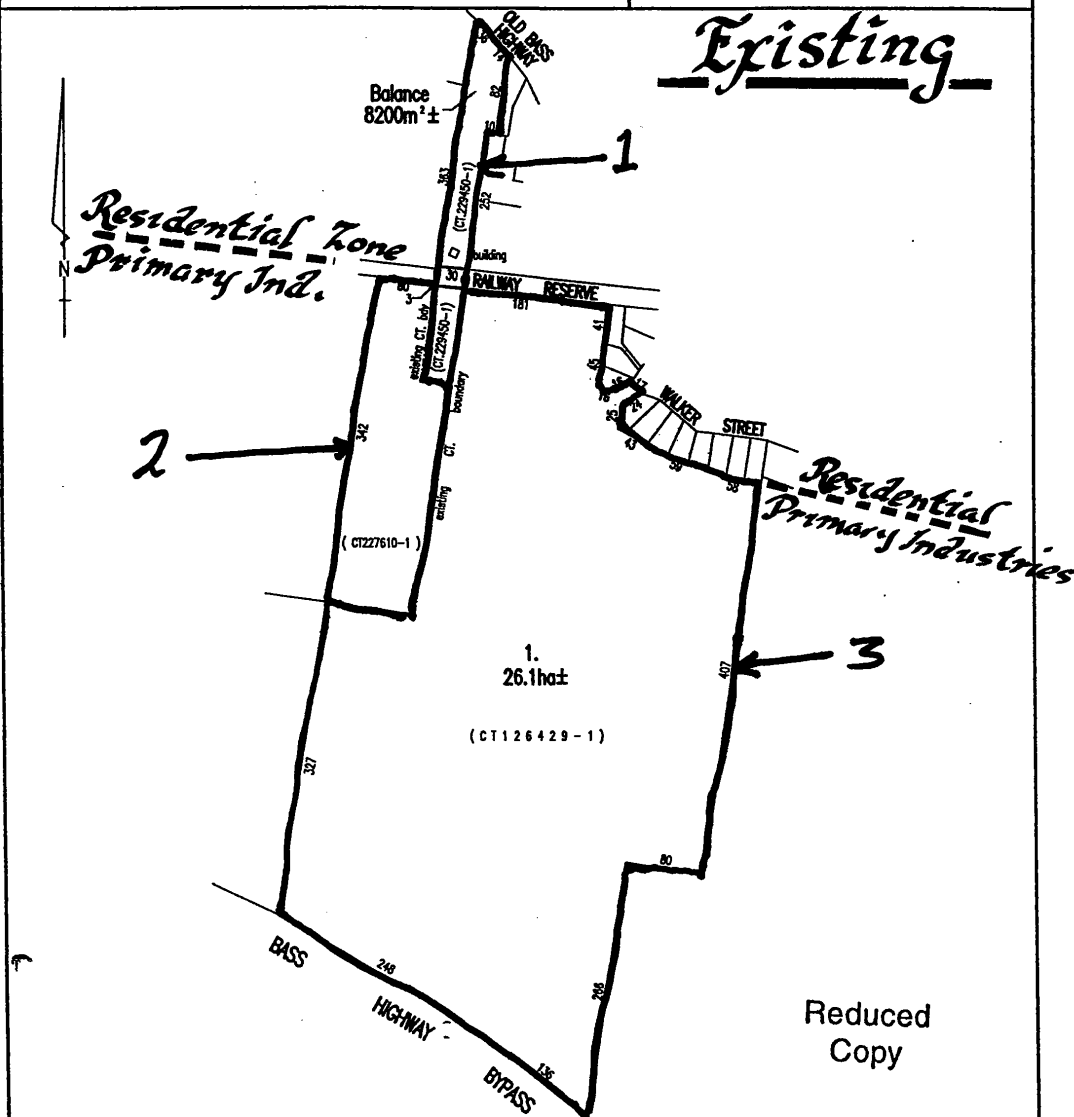
P.O. Box 712 , Devonport 7310  
AUSDOC DX 70346 , Devonport

Telephone (03) 6424 5144  
Fax (03) 6423 4090

E-Mail : kmichell@tassie.net.au

## PROPOSED SUBDIVISION

Old Bass Highway – Walker Street, Wynyard  
Waratah-Wynyard Council  
R.L. & B.J. Leary Pension Fund



This plan has been prepared only for the purpose of obtaining subdivision approval from the local planning authority & the information shown hereon should be used for no other purpose.

All dimensions & areas subject to final survey .  
All measurements are in metres .

Drawing No.

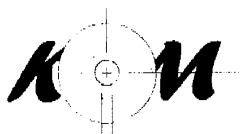
203115/1

*[Signature]*  
K.R. Michell M.I.S.

Drawn : J.A.T

Scale : 1:6000

Date : 10/10/03



TOWN AND DEVELOPMENT PLANNING  
LAND AND ENGINEERING SURVEYS  
BUILDING ESTATES AND SUBDIVISIONS

*Kenneth R. Michell, M.S.*

Ref. No. 203115

**K. R. MICHELL & ASSOCIATES PTY. LTD.**

ACN 009 526 937

**AUTHORISED SURVEYORS**

Address all Correspondence to:  
P.O. Box 712, DEVONPORT 7310  
AUSDOC: DX 70346, DEVONPORT  
TELEPHONE (03) 6424 5144  
FAX (03) 6423 4090  
EMAIL kmichell@kassie.net.au

24 SMITH STREET, SMITHTON  
TELEPHONE (03) 6452 1659

10<sup>th</sup> October, 2003

**Mr P West**  
**General Manager**  
**Waratah-Wynyard Council**  
**DX 70479 WYNYARD**

Dear Sir,

**RE: Subdivision Proposal**  
**RL & BJ Leary Pension Fund & Waratah-Wynyard Council**

Submitted herewith, in quadruplicate on behalf of JD & BJ Young (under contract to RL & BJ Leary Pension Fund) for approval by Waratah Wynyard Council is a Proposal Plan for the subdivision of one lot and adhesion, Walker Street, Old Bass Highway, East Wynyard being land within CT 229450/1, CT 227610/1 and CT 126429/1.

The purpose of the subdivision is to sever all that land which forms part of the severed land south of the existing railway reserve and forming part of CT 229450/1 and to adhere it to CT 227610/1 and CT 126429/1.

No new services are required, no new accesses are required.

Enclosed also, our cheque covering subdivision proposal fees due together with development application form, and copy of the relevant Certificates of Title.

Yours faithfully,

**K.R. MICHELL,**  
**AUTHORISED SURVEYOR.**

Enc.  
KRM:sam

<b>K.R.MICHELL &amp; ASSOC. P/L</b> <small>A.C.N. 009 526 907</small> <b>AUTHORISED SURVEYORS      DEVONPORT – SMITHTON</b>		<b>PROPOSED SUBDIVISION</b>	
P.O. Box 712 , Devonport 7310      Telephone (03) 6424 5144 AUSDOC DX 70346 , Devonport      Fax (03) 6423 4090 E.Mail : kmichell@tassie.net.au		<i>Old Bass Highway – Walker Street, Wynyard          Waratah-Wynyard Council          R.L. &amp; B.J. Leary Pension Fund</i>	
This plan has been prepared only for the purpose of obtaining subdivision approval from the local planning authority & the information shown hereon should be used for no other purpose. All dimensions & areas subject to final survey . All measurements are in metres .		Drawing No. <b>203115/1</b>  K.R. Michell    M.I.S.	
Drawn : J.A.T	Scale : 1:6000	Date : 10/10/03	



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**THERE BEING NO FURTHER BUSINESS THE MEETING WAS CLOSED  
AT 7:40 P.M.**

Confirmed,

MAYOR

17 November 2003