

George Town Council
COUNCIL MEETING – 15TH AUGUST 2018
AGENDA

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Meeting Commencing at 5.00pm

AUDIO RECORDING OF COUNCIL MEETINGS

The public is advised that it is **Council Policy** to record the proceedings of meetings of Council on digital media to assist in the preparation of minutes, and to clarify any queries relating to the Minutes that is raised during a subsequent meeting under the section “Confirmation of Minutes”.

The recording does not replace the written minutes and a transcript of the recording will not be prepared.

All meetings of the Council shall be digitally recorded as provided for by Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015 except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).

In accordance with the requirements of Council’s Audio Recording of Council Meetings Policy No. 40, members of the public are not permitted to make audio recordings of Council meetings.

1. PRESENT

1.1 APOLOGIES

1.2 IN ATTENDANCE

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2. CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 18TH JULY 2018

DECISION

Moved:
Seconded:

That the Minutes of Council's Ordinary meeting held on the 18th July 2018 numbered 087/18 to 102/18 and 104/18 as circulated to Elected Members be received and confirmed as a true record of proceedings.

VOTING

For:

Against:

2.2 SPECIAL COUNCIL MEETING HELD 1ST AUGUST 2018

DECISION

Moved:
Seconded:

That the Minutes of Council's Special meeting held on the 1st August 2018 numbered 105/18 as circulated to Elected Members be received and confirmed as a true record of proceedings.

VOTING

For:

Against:

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3. PUBLIC QUESTION TIME

3.1 PUBLIC QUESTION TIME PROCEDURE

[Refer to Minute No. 243/16. The period set aside for public question time will be at least 15 minutes. Questions given on notice will be addressed first. Once questions on notice have been addressed, persons who have registered their interest to ask a question will be called to do so in the order in which they have registered. Persons attending Council meetings will have the opportunity to register their interest to ask a question without notice prior to the commencement of the meeting. Council staff will be on hand to assist with this process.

Participants cannot ask more than 2 questions in a row with a maximum of 2 minutes per question. If a person has more than (2) questions, they will be placed at the 'end of the queue' and may, if time permits, ask their further questions once all other persons have had an opportunity to ask questions. Persons who have not registered their interest to ask a question will be given an opportunity to do so following all those who have registered. All questions must be directed to the Chairperson.

For further information on Council's Public Question Time Rules and Procedure, please refer to George Town Council Public Question Time Policy No. 18.]

Questions asked and answers provided may be summarised in the minutes of the meeting.

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3.2 PUBLIC QUESTIONS ON NOTICE

Nil.

3.3 PUBLIC QUESTION TIME

3.4 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil.

3.5 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME

(Refer to Minute No. 425/00, which states in part, “that a copy of all written replies to questions from the Public Gallery be included in the following Council Agenda.”)

Mr Graeme Neilsen
GEORGE TOWN TAS 7253

Dear Mr Neilsen

RE: PUBLIC QUESTION TIME – 16TH DECEMBER 2015

I refer to your question asked during public question time at the ordinary Council meeting held on the 16th December 2015, where you asked:

”Q1 Will Council insist on an immediate resolution to doubts over council’s rights over Regent Square for the betterment of the community.

As advised to both yourself and Mrs Wootton at that meeting the matter of the lease arrangements had been under review with the State Government and upon completion of that review a formal response would be provided.

I can now advise that this matter has recently progressed, the details of which will be presented to the 1st August 2018 Council workshop for the information of Elected Members.

Accordingly, Council will provide a further response following the August 2018 Council workshop.

Yours sincerely

Justine Brooks
GENERAL MANAGER

Note: Further to the above response provided to Mr Neilsen, the matter of the lease over Regent Square was not presented to the August 2018 workshop and will now be presented to the September 2018 Council workshop. A further response will be provided to Mr Neilsen at that time.

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3.5 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME (CONT.)

Mr Graeme Neilsen
GEORGE TOWN TAS 7253

Dear Mr Neilsen

RE: PUBLIC QUESTION TIME – 20TH DECEMBER 2017

I refer to your question asked during public question time at the ordinary Council meeting held on the 20th December 2017, being:

"Q2. Why did Council take over a road in Dune Place and Sandy Court when the whole complex was designed to be a private cobble stoned development, possibly not built to Council standards, no truncated corners and now we are going to see something that is going to impact on dangerous traffic management?"

As advised to you in January 2018 and more recently at the June 2018 Council meeting, Council officers were requested to investigate the matter and I can now provide you with the following further response.

An application was originally approved as a strata unit development with a private road however this road was never proposed to be cobblestoned. After the construction of some of the units and the garage in Dune Place the development ceased and Council management who at that time was keen to see development continue along Dune Place, agreed that Council would take over the private road as a Council road.

I trust the above information responds satisfactorily to your question.

Yours sincerely

Justine Brooks
GENERAL MANAGER

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4. DECLARATIONS OF INTEREST

5. GENERAL MANAGER'S DECLARATION

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

- 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
- where any advice is given directly to Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.



**Justine Brooks
GENERAL MANAGER**

LOCAL GOVERNMENT ACT 1993 – SECTION 65

65. Qualified persons

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
 - (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
 - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

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6. PLANNING AUTHORITY

Nil.

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7. PLANNING AND DEVELOPMENT

7.1 PETITION TO AMEND SEALED PLAN 106571

AUTHOR:	Statutory Town Planner
ADDRESS:	1 Davis Street, Beechford
ATTACHMENTS:	(A) Petition to amend sealed plan (B) Folio text CT 106571/7 (C) Folio plan for SP106571 (D) Schedule of Easements for SP106571

PROPERTY DETAILS

The property being impacted by the proposed amendment is CT 106571/7. The address of the property is 1 Davis Street, Beechford PID 3467108.

DETAILS OF THE AMENDMENT

Application to amend a sealed plan is made in accordance with section 103 of the *Local Government Building and Miscellaneous Provisions Act 1993*.

The proposed amendment is as follows:

1. Deleting from the Plan of Survey for Sealed Plan 106571-
 - a) Right of Way (Private) 5.00 wide, and
 - b) The words “Set apart for Public Recreation Space”

2. Deleting from the Schedule of Easements thereof the following notations –
 - a) Lot 1 shown on the Plan is subject to a right of carriageway (appurtenant to Lot 7) over the Right of Way (Private) 5.00 wide on the plan.
 - b) Lot 7 on the plan is together with a right of carriageway over the Right of Way (Private) 5.00 wide shown on the plan.

BACKGROUND

The current owners of 1 Davis Street had a permit for an 18 lot subdivision approved on the 17th February 1993. Stage 1 of the subdivision was to develop lots 1-6. The final condition of the permit stated that:

In addition to the above conditions, Council has determined that it requires a public open space contribution in the form of land equal to approximately 5% (approx. 1625 square metres) of the total area of the subdivision.

An updated final plan of survey was provided to Council showing a portion of land which could be set aside for public open space.

Council accepted this plan and signed and sealed the final plan of subdivision with the assumption that the area set aside for public open space would be transferred to Council.

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7.1 PETITION TO AMEND SEALED PLAN 106571 (CONT.)

Only the first stage of the subdivision of 18 lots has proceeded. These being, lots 1 (balance), 2, 3, 4, 5, 6 and 7 (public open space lot).



Figure 1 - Proposed Public Open Space lot approved as part of 18 Lot Subdivision in 1993.

In 2005, Councils Manager of Development and Infrastructure noted that lot 7 (public open space) had never been transferred to the Council and remained in the ownership of the developer. With the owners having never commenced additional stages, Council deemed that the 18 lot subdivision permit had expired and that any further development would require additional Council approval. Despite it being noted that the public open space land had not been transferred to Council, there appears to be no further discussion regarding this matter being rectified.

In 2010 the developer applied for a 3 lot subdivision and boundary adjustment (DA2010/120) of the same property. In a letter from Council to the developer, it was noted that

“In terms of the treatment of the parcel presently set aside for open space (but not transferred), we advise that Council is prepared to consider the consolidation of that land as part of this development.

In doing so, Council would as a condition of approval, apply a condition to the planning permit which requires that cash in lieu of open space be provided to Council, the terms for doing so are specified by the Local Government (Building and Miscellaneous) Provisions Act 1993.

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7.1 PETITION TO AMEND SEALED PLAN 106571 (CONT.)

A permit was granted for the 3 lot subdivision and boundary adjustment on October 20, 2011, with condition 6 on the permit stating.

Public Open Space

Prior to Council sealing the final plan of survey, the developer shall be required to contribute an amount in cash equivalent to 1620 square metres of the current unimproved valuation of the land in lieu of the provision of open space, being 5% of the total land area of the original title, CT.2279/16.

The developer never proceeded with the permit for the 3 lot subdivision and boundary adjustment (DA 2010/120) and the permit subsequently lapsed in October 2013.

A new application was lodged on the 14th of March 2018 for a 3 lot boundary adjustment (DA 2018/18). The application sought to adjust the boundaries of the 'Public Open Space Lot' shown on SP106571 so that it was incorporated into the balance lot. The application was approved with condition 2 on the permit being the same condition as was on the previous permit.

Condition 2 of permit DA 2018/18 read:

Public Open Space

Prior to Council sealing the final plan of survey, the developer shall be required to contribute an amount in cash equivalent to 1620 square metres of the current unimproved valuation of the land in lieu of the provision of open space, being 5% of the total land area of the original title, CT 2279/16.

The owners now wish to finalise the 3 lot boundary adjustment, however have been advised by the Land Titles Office that they must amend the Sealed Plan in order to remove the words "Set aside for Public Recreation Space". They are also seeking to remove the Right of Way which leads to the proposed public open space lot (lot 7).

STATUTORY REQUIREMENTS

Under section 103 of the *Local Government Building and Miscellaneous Provisions Act 1993*, the person undertaking the petition is to serve a copy of the petition on all persons appearing by the registers under the [Land Titles Act 1980](#) and the [Registration of Deeds Act 1935](#) to have an estate or interest at law affected by the proposed amendment.

A.E Roe of Ritchie and Parker Alfred Green & Co issued a copy of the petition on all persons with an interest at law affected by the proposed amendment. Copies of these notifications were provided to Council to demonstrate compliance with section 103. Council has accepted the petitions as being appropriately distributed to interested parties.

Section 103 (4) of the *Local Government Building and Miscellaneous Provisions Act 1993* states that any person who is effected by the proposed amendment may wish to be heard in support or opposition.

Notices were served on interested parties on the 19th June 2018. Council received no correspondence from interested parties within the 28 day period.

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7.1 PETITION TO AMEND SEALED PLAN 106571 (CONT.)

Section 104 (1) states that after 28 days of being served notice, Council may either make the amendment or appoint a day for a hearing to allow a petitioner to be heard.

ASSESSMENT

It is considered that the sealed plan amendment holds merit and should be supported. Reasoning for approval is as follows:

1. The area set aside for public open space was approved on the basis of the initial 18 lot subdivision proceeding and ultimately creating a residential area which would benefit from a public park or community area.
2. Given the approved 18 lot subdivision never went ahead, it is the author's view that there is little benefit in providing a public open space lot in its current location. Such a lot, should it be transferred into Council's name, would require maintenance and likely receive very little use given the nature of the area.
3. Considering that the land was never transferred over to Council, and that Council has previously agreed that they would take cash in lieu of land, it follows that the monetary contribution would be a positive outcome for Council. Money in lieu of land could be put towards improving existing community facilities already within the Beechford area.
4. As Council have now approved 2 permits which allow for the public open space lot to be dissolved, it follows that the amendment to remove the subsequent wording and ROW associated with the public open space lot be approved by Council also.

OFFICER'S RECOMMENDATION

That the Petition to amend Sealed Plan No 106571 associated with land located at Davis Street, Beechford, be granted pursuant to Section 104 (1) (a) of the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

DECISION

VOTING

For:

Against:

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8. WORKS AND INFRASTRUCTURE

Nil.

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9. CORPORATE AND FINANCE

Nil.

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10. COMMUNITY SERVICES

Nil.

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11. MAYOR

11.1 MATTERS OF INVOLVEMENT – MAYOR

FILE NO.: 14.11

REPORT DATE: 9th August 2018

Mayor Bridget Archer		
JULY	25-27	Attended LGAT Annual Conference, AGM & General Meeting
AUGUST	1	Attended Special Council meeting
		Attended Council Workshop
	2	Met with Director Portfolio & Supply Unit, Housing Disability and Community Services re: Availability of emergency housing and Housing Tasmania land in George Town
	6	Attended informal meeting with Tasmanian Labor Members – Council Chambers
	9	Attended TasWater Owners Representatives Quarterly Briefings – North
		Attended TasWater Regional Briefing – Memorandum of Understanding
14	Attended Destination Action Plan Workshop	
15	Attended Ordinary Council Meeting	

OFFICER'S RECOMMENDATION

That the information report from the Mayor on Matters of Involvement be received and the information noted.

DECISION

VOTING:

For:

Against:

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12. GENERAL MANAGER

12.1 COUNCIL WORKSHOPS – AUGUST 2018

REPORT AUTHOR: General Manager

REPORT DATE: 7th August 2018

FILE NO: 14.10

ATTACHMENT/S: Nil

SUMMARY

The purpose of this report is to provide a record of workshops held in accordance with the requirements of Section 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*.

DATE AND PURPOSE OF WORKSHOP HELD

WEDNESDAY 1ST AUGUST 2018

- Presentation – Tourism Northern Tasmania
- Gerzalia Drive
- Plant and Equipment Draft Policy and Program
- Draft School Immunisation Policy No. 41 (Review)
- SeaChange – Free Change – George Town Resident Attraction Proposal
- Draft Minutes – July 2018 Council meeting
- Legal Expenditure – April to June 2018
- Governance Matters

Present: Cr Archer, Cr Harris, Cr Burt, Cr Dawson, Cr Parish, Cr Parkes

Apologies: Cr Ashley, Cr Barwick

In Attendance: General Manager, Team Leader Corporate & Finance, Procurement Risk & Compliance Officer, Governance Support Officer

Guests: CEO, Tourism Northern Tasmania, Mr & Mrs Colgraves

OFFICER'S RECOMMENDATION

That Council receives the report from the General Manager and notes the information.

DECISION

VOTING

For:

Against:

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13. PETITIONS

Nil.

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14. NOTICES OF MOTIONS

Nil.

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15. COUNCILLORS QUESTIONS WITHOUT NOTICE TAKEN ON NOTICE FROM PREVIOUS ORDINARY COUNCIL MEETING

[Refer to Minute No. 362/15 which states "At any Ordinary Meeting of Council when a 'without notice' question from a councillor is accepted, and when this question is taken on notice',

- a) The General Manager is to record in the minutes of that meeting the 'question', and that the question was 'taken on notice'.*
- b) Provide the answer to the question 'taken on notice, at the next Ordinary Meeting of Council, in writing.']*

Nil.

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16. COUNCIL COMMITTEE REPORTS

16.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE MEETING

REPORT AUTHOR: General Manager

REPORT DATE: 7th August, 2018

FILE NO: 22.24

ATTACHMENT/S: George Town Community Safety Group Committee Confirmed Minutes –3rd July, 2018

Moved:

Seconded:

That the confirmed minutes of the George Town Community Safety Committee meeting held on the 3rd July 2018 as attached to this report be received.

DECISION

VOTING

For:

Against:

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17. CLOSED MEETING

17.1 INTO CLOSED MEETING

DECISION

Moved: Cr
Seconded: Cr

That Council move into closed meeting at to discuss the following items:

Item 1 Closed Meeting Minutes – Ordinary Council Meeting 18th July 2018

As per the provisions of regulation 34(6) of the Local Government (Meeting Procedures) Regulations 2015.

Item 2 Closed Meeting Minutes – Special Council Meeting 1st August 2018

As per the provisions of regulation 34(6) of the Local Government (Meeting Procedures) Regulations 2015.

Item 3 Soldiers Settlement Road Upgrade

As per the provisions of regulation 15(2)(d) of the Local Government (Meeting Procedures) Regulations 2015.

Item 4 General Manager Recruitment

As per the provisions of regulation 15(2)(a) and (b) of the Local Government (Meeting Procedures) Regulations 2015.

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

VOTING

For:

Against:

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17.6 OUT OF CLOSED MEETING

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2015 regulation 15(8) while in a closed meeting the Council is to consider whether any discussions, decisions, reports or documents relating to that closed meeting are to be kept confidential or released to the public, taking into account privacy and confidentiality issues.

DECISION

Moved:

Seconded:

That council moves out of Closed Meeting at and endorse those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For:

Against:

There being no further business, the meeting closed at

**Cr Bridget Archer
MAYOR**