

**George Town Council**  
**COUNCIL MEETING – 22<sup>ND</sup> JANUARY 2019**  
**AGENDA**

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**Meeting Commencing at 1.00pm**

**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 & LEAVE OF ABSENCE**

**1.2 IN ATTENDANCE**

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**2. CONFIRMATION OF MINUTES**

**2.1 ORDINARY COUNCIL MEETING HELD 12<sup>TH</sup> DECEMBER 2018**

**DECISION**

Moved:

Seconded:

That the Minutes of Council's Ordinary meeting held on the 12<sup>th</sup> December 2018 numbered 203/18 to 211/18 and 216/18 as circulated to Councillors be received and confirmed as a true record of proceedings.

**VOTING**

For:

Against:

**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.*

**3.2 PUBLIC QUESTIONS ON NOTICE**

Nil.

**3.3 PUBLIC QUESTION TIME**

Commenced at:

Concluded at:

**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.”)*

Nil.

**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 of experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.



Harry Galea  
**ACTING 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.

**6. PLANNING AUTHORITY**

***Local Government (Meeting Procedures) Regulations 2015***

25. *Acting as a planning authority*

- (1) *If a council or council committee intends to act at a meeting as a planning authority under the Land Use Planning and Approvals Act 1993, the chairperson is to advise the meeting accordingly.*
- (2) *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

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**6.1 SECTION 39 REPORT ON REPRESENTATIONS – REZONE 356 LEAM ROAD, HILLWOOD, FROM RURAL RESOURCE ZONE TO RURAL LIVING ZONE AND ORDINANCE CHANGES WITHIN CLAUSE 13.4.2 ‘SUBDIVISION’ OF THE SCHEME TO ALLOW MINIMUM LOT SIZE PROVISIONS OF THE SUBJECT SITE**

**REPORT AUTHOR:** Statutory Town Planner

**ATTACHMENTS:**

1. Title Documents
2. Copy of certified Draft Amendment
3. Copy of Representations (2)
4. Response to Representations by 6ty (applicant).

**FILE NO:** GTC – A2/2018

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**DECISION STATEMENT**

To provide a statement to the Tasmanian Planning Commission subsequent to the public exhibition period for an application for a Planning Scheme Amendment under s33 from a local provision of the *George Town Interim Planning Scheme 2013* under section 39 of the *Land Use Planning and Approvals Act 1993* to:

1. Rezone two lots (C/T 149337/1 & C/T 9778/1) from the Rural Resource Zone to the Rural Living Zone.
2. Ordinance changes within clause 13.4.2 ‘Subdivision’ of the Scheme to extend the application of specific minimum lot size provisions to the subject site

**APPLICATION INFORMATION**

**Applicant:** 6ty Pty Ltd

**Property ID:** 2781699

**Title Number:** 149337/1 & 9778/1

**Address:** 356 Leam Road, Hillwood

**Zone:** Rural Resource

**Received:** 27/08/2018

**PREVIOUS COUNCIL CONSIDERATION**

A planning report prepared in accordance with section 33 of the *Land Use Planning and Approvals Act 1993* was presented to the Planning Authority on the 17<sup>th</sup> October 2018 at the Council meeting to consider the application for a rezone and alteration of minimum lot size of subject land located at 356 Leam Road, Hillwood.

The application sought to set aside the provision of the Rural Resource zone which applied to the subject site and instead apply the provisions of the Rural Living Zone. The applicant also seeks to set aside the lot size provisions within the acceptable solutions and performance criteria, and proposes a new acceptable solution to allow a minimum lot size of 8000m<sup>2</sup> in relation to the subject land only.



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At the conclusion of that report, the following recommendation was made for the consideration of the Planning authority:

- a) *That in accordance with Section 34 (1)(a) of the Land use Planning and Approvals Act 1993, the Planning Authority consider the merits of this report and resolve to initiate the amendment;*

The Planning Authority determined to initiate the draft amendment application which was subsequently exhibited for a four week period, from the 20/10/2018 to the 20/11/2018.

**SUMMARY OF REPRESENTATIONS**

Two representations were received within the four week advertising period. The matters raised within these representations are summarised within this report.

A complete copy of each representation is also provided as an attachment to this report. Each issue raised is listed below and is accompanied by a response and a statement of merits by the planner. The applicant has also provided a response to the matters raised. A copy of this response is provided as attachment 4.

In relation to matters raised by the Department of State Growth, Council officers will meet with the Department to discuss traffic concerns for the East Tamar Highway. A meeting has been scheduled for the 17<sup>th</sup> January 2019, during which time the proposed draft amendment and the Hillwood Structure Plan as a whole will be discussed in detail.

<b>Representation</b>	<b>Planners Comment</b>
<b>Bob Moutney</b>	
<i>Concerns regarding the Hillwood Road and East Tamar Highway Intersection. The length of the turning lane on the west (when travelling north) is insufficient for vehicles travelling at 100km/h. Potential for increased residential use will intensify the traffic use of the intersection and increase risk of an accident.</i>	<p>The proposed scheme amendment seeks to rezone and alter the lot size provisions under the George Town Interim Planning Scheme. At this stage there is no subdivision or development proposed. With that being said, it is acknowledged that the rezone and reduced lot size will facilitate future residential development.</p> <p>The East Tamar Highway is a Department of State Growth maintained road. It is noted that the Department have also submitted a representation relating to traffic concerns. Council officers will be meeting with the Department of State Growth (DSG) to discuss access arrangements on the 17<sup>th</sup> January.</p> <p>After this meeting has occurred, Council will be in a better position to understand DSG issues, whilst also looking at possible improvements and/or alterations.</p>

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	<p>No change is recommended to the amendment at this stage acknowledging that these conversations regarding the Highway will be occurring in the near future.</p> <p>It is also noted that Council conducted its own Traffic Study as part of the Hillwood Structure Plan preparation. This study stated that the existing junction between Hillwood Road and the East Tamar Highway was considered acceptable.</p> <p>Should Council elect to progress with the draft amendment, Mr Mountney is encouraged to attend any subsequent Tasmanian Planning Commission Hearings to discuss his concerns further.</p>
<p><i>Land has poor drainage for onsite wastewater systems. Tamar River and Macquarie Rivulet will be impacted by effluent.</i></p>	<p>As noted above, the applicant has only sought to rezone the land and alter the existing ordinance. There is no development proposed.</p> <p>A future application for subdivision would require an onsite wastewater report to demonstrate that each lot could adequately provide for an onsite wastewater system.</p> <p>The report may make recommendations that due to poor drainage, septic systems should be avoided in favour of an above ground system (i.e. AWTS), however at this stage it is not something which the planning authority are required to assess.</p> <p>Given lots could have a minimum size of 8000m<sup>2</sup>, it would be expected that lots could be provided with a system that meets building requirements.</p> <p>At the building stage for future dwellings, all systems would be subject to a Council plumbing permit to ensure development was appropriately undertaken and onsite wastewater systems were installed correctly as per the design.</p> <p>No change is recommended to the amendment.</p>
<b>Department of State Growth (DSG)</b>	
<p><i>The draft amendments proposed rezoning of land and reduction in minimum lot size will result in considerably higher volumes of residential traffic along a key freight transport link, which could negatively impact on road safety and efficiency.</i></p>	<p>The draft amendment is considered to be consistent with the Hillwood Structure Plan, which was endorsed by Council in 2016.</p> <p>As part of the preparation of that plan, advice from a Traffic Engineer was sought and utilised in informing how the settlement would</p>

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	<p>grow.</p> <p>Advice relating to the Hillwood Road and East Tamar Highway Junction was as follows:</p> <p><i>“East Tamar Highway/Hillwood Road junction: based on traffic growth for the East Tamar Highway at some 1.5% per annum seen as consistent with the growth trends suggests a 20 year volume of some 6,200 vehicles per day. Considering the peak hour at 12% ADT suggests peak hour volumes of some 750 vehicles for the East Tamar Highway and some 180 vehicles for Hillwood Road.</i></p> <p><i>Assessment based on a worst case of all vehicles exiting Hillwood Road travelling to the East Tamar Highway indicates a 20 year peak hour volume of some 180 vehicles requiring gaps in a through volume of some 750 vehicles. Analysis based on a conservative cap acceptance time of 6 seconds with 3 second move up time indicates a practical absorption capacity of 350 vehicles, utilisation ratio 0.4 and average delay 10 seconds.</i></p> <p><i>The average delay suggests level of service “A” – good operation.</i></p> <p><i>These volumes are seen as likely morning peak hour values such that the increased southbound traffic lane flow for the East Tamar Highway is estimated to be in the order of some 630 vehicles per hour, indicative of level of service “C” – considered as an acceptable peak hour flow, particularly due to the high standard of the right turn auxiliary lane as provided”.</i></p> <p>Based on Councils obtained advice, the intersection was deemed acceptable to accommodate increased traffic numbers as a result of rezoning.</p> <p>It is further noted that Council has arranged a meeting with the Department of State Growth on January 17, to discuss the matters raised in the DSG representation as well as the Structure Plan as a whole.</p> <p>Should Council proceed with the Draft Amendment, the Department of State Growth would have opportunity to discuss these</p>
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	<p>matters at a Tasmanian Planning Commission Hearing.</p> <p>No change is recommended to the draft amendment.</p>
<p><i>The draft amendment seeks to not only rezone land, but to adjust the minimum lot size to the extent that the total lot yield of the property will be more than double what would usually be allowed under the Rural Living Zone as outlined in the Hillwood Structure Plan, which specifically states that the areas identified for rezoning to Rural Living will facilitate a lot density with a minimum area of two hectares.</i></p>	<p>The draft amendment seeks to reduce the minimum lot size to 8000m<sup>2</sup> under performance criteria, whilst allowing a lot size of 8000m<sup>2</sup> with an average size of 1ha per lot over the subject site as an acceptable solution.</p> <p>Page 29 of the Hillwood Structure Plan examines lot density within the study area. The plan states that:</p> <p><i>“Rural Living with a lot density of 2ha should be facilitated on land above Burton Street extension and the northern area of Johnston’s Road. Smaller lot sizes where appropriate separation between residential and agricultural uses can be achieved”.</i></p> <p>In this instance the subject site has a minimum separation of approximately 150m to an agricultural use. This separation is provided in the form of Leam Road and established residential dwellings. Taking these factors into consideration, whilst also noting that the subject site is not above Burton Street or within the northern section of Johnston’s Road, the reduced lot size is viewed as being appropriate.</p> <p>The 8000m<sup>2</sup> proposed lot size is viewed as being consistent with the Regional Land Use Strategy whilst also being consistent with previous Tasmanian Planning Commission decisions for subdivision provisions for Hillwood.</p> <p>No change is recommended to the draft amendment.</p>
<p><i>The area is not directly serviced by public transport. Hillwood is highly car dependent. The draft amendment could be considered inconsistent with elements of the Regional Settlement Networks Policy of the NTRLUS which states:</i></p> <p><i>RSN A6 – Encourage urban residential expansion in-and-around the region’s activity centre network to maximise proximity to employment, services and the use of existing infrastructure, including supporting greater</i></p>	<p>The settlement of Hillwood is serviced via public transport, with the Launceston to George Town bus providing a service running 2-4 times per day.</p> <p>Notwithstanding, RSN-A6 and P6 relate to urban areas such as General Residential Zone, Inner Residential Zone etc within the Urban Growth Boundaries of settlements. The Rural Living zone is not classified as being within the Urban Growth Boundaries of George Town and therefore not deemed a</p>

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<p><i>public transport use and services.</i></p> <p><i>RSN P6 - Focus higher density residential and mixed-use development in and around regional activity centres and public transport nodes and corridors.</i></p>	<p>relevant consideration for this draft amendment.</p> <p>Higher density residential development will always be focused in and around the main George Town centre and within serviced areas. The proposed draft amendment is therefore not considered to be in conflict with the relevant clauses of the NTRLUS.</p> <p>No change is recommended to the draft amendment.</p>
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### **CONCLUSION**

All of the matters raised within the two representations have been examined by Council officers. Council officers believe that despite the issues raised, the proposed zone and ordinance change of land at 356 Leam Road, Hillwood, is consistent with the relevant provisions of the Act and should be supported by Council.

It is therefore recommended that the Council, in its capacity as the Planning Authority, continue to support the draft amendment with no modifications made. It is however acknowledged that the Tasmanian Planning Commission can modify, or direct Council to modify the amendment subject to their own assessment of the proposal and subject site.

Representors to the application would be provided with further opportunity for comments at a Tasmanian Planning Commission hearing into the application.

### **OFFICER'S RECOMMENDATION**

That Council resolves:

1. That a copy of the two (2) representations be forwarded to the Tasmanian Planning Commission in accordance with section 39(2)(a) of the *Land Use Planning and Approvals Act 1993*; and
2. A copy of this report, being the Council's assessment of the merits of the representation, is forwarded to the Tasmanian Planning Commission, in order to satisfy Section 39(2)(b); and
3. The Tasmanian Planning Commission be advised that Council recommends that no modification to draft planning scheme amendment A2/2018 is required.

### **DECISION**

#### **VOTING**

For:

Against:

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**7. PLANNING AND DEVELOPMENT**

Nil.

**8. WORKS AND INFRASTRUCTURE**

Nil.

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**9. CORPORATE AND FINANCE**

**9.1 COUNCILLORS REIMBURSEMENTS**

**REPORT AUTHORS:** Acting General Manager & Team Leader – Corporate and Finance

**REPORT DATE:** 10 January 2019

**ATTACHMENT:** Councillor Allowances Policy

**FILE NO:** 14.13

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**SUMMARY**

To seek the Council's adoption of a Policy on Councillor Reimbursements.

**BACKGROUND**

The Councillor Allowances Policy and suggested changes were workshopped on 14<sup>th</sup> and 23<sup>rd</sup> November 2018.

The workshop discussions generated numerous options to identify a clear definition of "reasonableness" to assess applications for reimbursement of cost for both travel and dependent care. However it is believed there was a convergence of opinion on both travel and dependent care reimbursements.

Following the meeting the following concepts were distributed seeking feedback on their potential to meet the individual expectations of Councillors:

**Travel Reimbursements**

The proposed option is that travel reimbursements would be payable for attendance by an elected member to the following:

1. Council Meetings and Workshops
2. Council Committees within the municipality
3. Meetings where directly appointed as a Council delegate
4. Constituted meetings of Incorporated community or sporting groups within the municipality
5. Seminars, conference and professional development opportunities hosted by LGAT specifically for elected members and
6. Notwithstanding the above any other claim for reimbursement where Council formally approve attendance to any event, meeting or function.

Claim for reimbursements will be accompanied by a copy of the minutes or attendance register recording attendance of the elected member, except where minutes are held by Council.



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**9.1 COUNCILLORS REIMBURSEMENTS (CONT.)**

*Dependent Care Reimbursement*

It is considered that “reasonableness” is any claim for dependent care by a Councillor supported by documentation from a registered dependent-care service provider.

Conditions of claims relevant are:

1. All claims are net of subsidy
2. Supporting receipts must be supplied
3. The claim period is the minimum period required for the care of the dependent; or the minimum reservation period as determined by the service provider
4. Provide a duly completed claims form that contains statements specifying and certifying
  - a. the specific council business being undertaken when care was required and/or
  - b. where no Council business was undertaken, the care claim period was required in anticipation of the undertaking of Council business.

Expense reimbursements paid to elected members will be reported within the Travel and Expenses sub-categories within the Financial Statements of the Council’s Annual Report.

**STATUTORY REQUIREMENTS**

Section 340A of the Local Government Act 1993 Allowances

- (1) A councillor is entitled to prescribed allowances.
- (2) A mayor or deputy mayor are entitled to prescribed allowances in addition to any allowances referred to in subsection 1.  
  
(2A) Allowances are to be paid in arrears.
- (3) A councillor, mayor or deputy mayor may decide not to receive part or all of an allowance.
- (4) A decision under subsection (3) is to be by written notice to the general manager of the relevant council.
- (5) Councillors who are suspended under section 215 (5) are not entitled to any allowances during the period of suspension.
- (6) A person who must not perform any function or exercise any power of a councillor under section 339C is not entitled to any allowances.

Section 42 of the Local Government (General) Regulations 2005 – Allowances for elected members:

- (1) For the purposes of subsections 340A(1) and (2) of the Act, the allowances for councillors and the additional allowances for mayors and deputy mayors for the period of 12 months starting on the 1 November.
- (2) The allowances for councillors and the additional allowances for deputy mayors and mayors payable in each subsequent period of 12 months starting on the 1 November.

## **9.1 COUNCILLORS REIMBURSEMENTS (CONT.)**

- (2a) take effect from that date each year
- (2b) are calculated by multiplying the allowances for the previous year by the inflationary factor for the current year and rounding the resulting amount to the nearest whole dollar
- (3) The allowances referred to in this regulation are to be paid in monthly or fortnightly instalments

Section 43 of the Local Government (General) Regulations 2005 – Expenses for Councillors. A councillor is entitled to be reimbursed for reasonable expenses in accordance with the policy adopted under schedule 5 to the Act in relation to

- (a) Telephone rental and telephone calls;
- (b) Travelling; and
- (c) Care of any dependent of the councillor.

## **STRATEGIC PLAN**

### **Key Area 1 - Organisational Accountability**

*Aim: to be a responsible, accountable local government by – maintaining financial viability, transparency and accountability in budgeting and administration*

## **OFFICER'S COMMENT**

As mentioned in 'Background', options were distributed to Councillors seeking feedback on the potential that the options meet the individual expectations of Councillors. The majority of responses supported the options provided – the following comments were also provided:

- For the month of December Allowances should be paid mid-month rather than in arrears.  
**Officer Comment** – *this is supported.*
- Provision of minutes may not be practical where the approved event does not record attendance.  
**Officer Comment** – *the concern is noted and a minor change is justified.*
- Travel allowance should apply where staff or management seeks Councillors to volunteer to assist in a Council sponsored event.  
**Officer Comment** – *if allowed then this is not consistent with the intent of the travel policy where travel is reimbursed only for attendance to meetings or LGAT sponsored professional development. If supported then a corresponding allowance should be available for community volunteers.*
- Item 4b (Dependent Care) is not supported as too vague and hard for officers to manage.  
**Officer Comment** – *the fundamental issue concerning Dependent Care was the inability to acquire casual care (without booking) and hence the need to pre-book time whether or not it is used. The policy recognises this problem and places the obligation on the claimant to sign a statement that the time was booked in anticipation of Council business even though it was not used. It is not difficult for officer as there will be direct reliance on the signed statement.*
- Booking options should best meet the period of care needed. Evidence of booking options to be made available by the provider.

**9.1 COUNCILLORS REIMBURSEMENTS (CONT.)**

***Officer Comment** – agree. There is an assumption that the current providers will never change their booking options and that a new provider may better suit the needs of the Councillor and be more suitable to minimise cost. Changes have been made to include a statement from the provider to this effect on each 6 month period.*

A revised policy has been prepared reflecting the options listed in 'Background' and including further changes as recommended under 'Officer Comment'. The revised policy is attached.

**FINANCIAL IMPLICATIONS (ADDITIONAL INFORMATION)**

Council budgets for Councillor Allowances.

**STRATEGIC PLAN**

**Key Area 1 – Organisational Accountability**

*Aim: To be a responsible, accountable local government*

*Objective: Maintaining financial viability, transparency and accountability in budgeting and administration*

**RISK CONSIDERATIONS**

The policy developed provides measurable criteria for reimbursements for telephone and travel. However, given the operating regime of the majority of Child Care Centres, the policy implementation requires good-will from the elected members to ensure pre-determined bookings matches need.

**OFFICER'S RECOMMENDATION**

That the Council adopts policy number 5 'Councillor Allowances' as enclosed with the report.

**DECISION**

**VOTING**

For:

Against:

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**10. COMMUNITY SERVICES**

**10.1 MINOR COMMUNITY EVENTS PROGRAM & PROJECTS SPONSORSHIP FUND**

**REPORT AUTHOR:** Community Development Officer

**REPORT DATE:** 11 January 2019

**FILE NO:** 23.2

**ATTACHMENT:**

1. Cycling Tasmania - Let's Ride School Holiday Program
2. Rotary Club of George Town – 2019 Wings and Things Event

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**SUMMARY**

This report provides a summary and recommendations related to requests for sponsorship under Council's Minor Community Events Program & Projects Sponsorship Fund.

**STRATEGIC PLAN**

**Goal 02:**

Support an active, vibrant and culturally diverse community life that enjoys liveable and amenity rich neighbourhoods

**Key objective 2**

Promote events and festivals that showcase George Town's community

**FINANCES**

The 2018/2019 budget allocation for Sponsorship is \$19,564.

*This allocation was inclusive of \$7,564 for the 2019 Tamar Valley Folk Festival.*

The following allocations for the financial year 2018/2019 have been made:

<b>Organisation</b>	<b>Amount \$</b>
GTR Events – 2018 Spirit of Tasmania Tour of Tasmania	5,500
George Town Steampunk Festival	825.20
Launceston Triathlon Club	1,500
	<b>7,825.20</b>

**1. Cycling Tasmania**

Council has received a community sponsorship application from Cycling Tasmania to run their Let's Ride School Holiday Program.

**10.1 MINOR COMMUNITY EVENTS PROGRAM & PROJECTS SPONSORSHIP FUND (CONT.)**

**OFFICER'S COMMENT**

The completed Minor Community Events Programs and Projects Sponsorship Fund Application Form and GTR Events Background documentation, are an attachment to this report.

Let's Ride is Cycling Australia's National participation program. Its aim is to increase participating in cycling for primary and early secondary school students. The program aims to help children develop basic skills, safety awareness, and to become more active.

The program will be held in Regent Square during the Term 1 holiday period, being mid April 2019. Previous programs have been highly successful in giving children the confidence to ride a bike, and be safe in doing so. Each session is of three hours duration with 30 participants per session. Both sessions will be held on the one day.

An additional advantage of the program is to seed a love of the sport of cycling into our young community members. Whilst George Town's Cycling Club is currently in recession, the Launceston Cycling Club have an annual carnival in George Town each November. Young people are encouraged to participate in an invitation race during the Carnival. In addition, the Launceston Cycling Club is currently investigating options for additional cycling programs in George Town.

**Sponsorship Proposal**

Sponsorship of \$2,000 to assist with the costs of delivering the program to 60 young people in the George Town community. Interested persons will be invited to register for the program.

**RISK ASSESSMENT**

Risk in relation to this item is considered minimal.

**2. Rotary Club of George Town**

**OFFICER'S COMMENT**

The completed Minor Community Events Programs and Projects Sponsorship Fund Application Form is an attachment to this report.

The Rotary Club of George Town is a community organisation which aims to raise funds that are re-invested in Rotary Youth, school programs and sports programs which meet Rotary's ideals

Rotary held the inaugural Wings and Things event in 2014. This is now an annual event held each February, and one which has grown in both event elements and number of attendees.

The 2019 event will be held on Sunday 24<sup>th</sup> February 2019 at the George Town Aerodrome.

**10.1 MINOR COMMUNITY EVENTS PROGRAM & PROJECTS SPONSORSHIP FUND (CONT.)**

This event provides the opportunity for both local residents and visitors to our municipality to view a large collection of vintage and veteran vehicles, aircraft and historic machinery, in a safe and friendly family environment. In addition to the various displays, the event will offer live music, children's entertainment, and food & refreshment stalls.

Council sponsorship will offset a portion of the expenditure required for the Rotary Club to hold this event. Profits from the event are redistributed to community organisations.

Rotary Club has provided a comprehensive risk management plan, along with detailed traffic management plans.

**RISK ASSESSMENT**

Risk in relation to this item is considered minimal as the event has been held successfully on previous occasions.

**OFFICER'S RECOMMENDATION**

That Council resolves to:

1. Provide sponsorship of \$2,000 to Cycling Tasmania to run their Let's Ride School Holiday Program in George Town during April 2019.
2. Provide sponsorship of \$1,000.00 (exclusive of GST) to the Rotary Club of George Town to assist with the costs associated with hosting the 2019 Wings and Things event. This sponsorship will provide \$600 cash for costs associated with hosting the event, and \$400 for Council Services.

**DECISION**

**VOTING**

For:

Against:

**George Town Council**  
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**11. MAYOR**

**11.1 MATTERS OF INVOLVEMENT – MAYOR**

**FILE NO.:** 14.11

**REPORT DATE:** 15 January 2019

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<b>Mayor Bridget Archer</b>		
<b>December</b>	13	Attended South George Town Primary School annual presentation evening
	14	Attended Star of the Sea Catholic College end of year presentation
	18	Attended Port Dalrymple School presentation evening
	20	Attended George Town Christmas Parade
	21	Attended Council's Staff & Councillor Christmas function
<b>January</b>	8	Attended internal training session for Elected Members re: Meeting Procedures
	16	Attended Mt George Bike Trail Reference Group meeting
	17	Attended farewell afternoon tea for Mr Harry Galea
	22	Attended Council workshop 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:

**George Town Council**  
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**AGENDA**

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**12. GENERAL MANAGER**

**12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND**

**REPORT AUTHOR:** Acting General Manager

**REPORT DATE:** 10 January 2019

**FILE NO:** PID1890690

**ATTACHMENT:**

1. Plan – 119 Soldier Settlement Road – George Town Air Strip (and adjacent lands)
2. George Town Ordinary Meeting Council Resolutions - George Town Airport
3. 10 Year Summary of Income and Expenditure
4. Copies of Objections to 'Intention to Sell'

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**SUMMARY**

The purpose of this report is to inform the Council of the replies to the Public Notice of the Intention to Sell the George Town Airstrip, 119 Soldier Settlement Road.

**BACKGROUND**

***Brief History***

The construction of the George Town Airstrip was originated by the George Town Airport Association, an organisation formed by the local Chamber of Commerce in 1970.

The site was purchased with funds donated and loaned by citizens and business. The initial grass runway was built with donations from various sources together with some State government funding. It was 671 metres long and was officially opened in February 1974.

The runway was extended by 244 metres to an overall length of 915 metres and other upgrading works completed in February 1987.

In 1992, the Council became involved in investigating the further upgrading of the airport. The proposal involved lengthening and sealing the runway, drainage works and the installation of lighting and safety markers. These works were funded by a local capital works grant and a Council contribution.

As part of the process of assessing the upgrading proposal, the management and control of the airport was also reviewed. As a result, the George Town Airport Association transferred by way of gift, the ownership of the airport to the Council.

The upgrading works were completed in May of 1993 and it was at that time that the Council became aware through the Civil Aviation Authority that the airport did not comply with a number of regulatory requirements that seriously restricting its commercial viability.

A plan of the 16.65Ha land is provided as an Attachment together showing ownership and arrangement of adjacent lands. It should be noted that the George Town Airport Association purchased a 7.4ha parcel of land from Moana Management Pty Ltd in 1998 to provide a north/south cross strip. The cross strip land has a 20m wide right-of-way access easement at the northern most end connecting with Aerodrome Road.

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**12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND (CONT.)**

Titles for both the Airstrip (Owner: George Town Council) and Cross Strip (Owner: George Town Airport Association) are provided as an Attachment.

Since ownership the Council have considered 38 Council reports and 18 Workshop reports on the airport ranging various matters. The 3 Council reports and 2 Workshop reports during 2018 related to discussion on the sale of the airport. A listing of the Council and Workshop reports are provided as an Attachment.

Recent Considerations

In the most recent period the following occurred:

- Council 18<sup>th</sup> July 2018 Meeting - It was resolved to consider any potential or future sale as 'public land' (section 178).
- Council's 17<sup>th</sup> October Meeting - A Notice of Motion was listed by Councillor Heather Barwick that the matter of the proposed sale of the George Town Airstrip be referred to the November workshop for further discussion with a report submitted to the November Council meeting; and that Council make a determination based on the report to commence the sale process.
- Councillor Workshop 14<sup>th</sup> November - Consider a report on the history, current tenure and financial considerations on the airstrip.
- Council's 21 November Meeting – Council resolved its intention to sell the land known as the George Town Airstrip at 119 Soldier Settlement Road (PID1890690) in accordance with Section 178 (sale, exchange and disposal of land) in accordance with the Local Government Act 1993.

**STRATEGIC PLAN**

**Goal 4:** Strengthen the vibrancy of our towns and enhance the benefits of living in a rural setting and living close to the river and coast.

**Key Priority:** Review and manage the assets and infrastructure Council currently owns in line with Community needs.

**Goal 5:** Ensure Council listens to and understands community needs and continues to make responsible decisions on behalf of the community.

**Key Priority:** Consistently achieve a high standard of internal financial and governance arrangements

**STATUTORY CONSIDERATIONS**

The powers to purchase, acquisition, sale and lease of property is provided within Part 12 Division 1 of the Local Government Act 1993.

S177A relates to identification of Public Land. S178 facilitates sale, exchange and disposal of public land. And S178A & B on appeals by objectors to a Council decision to dispose of public land – all appeal are determined in accordance with the Resource Management and Planning Appeal Tribunal Act 1993. A council cannot action its decision until any appeal lodged with the Appeals Tribunal is finalised.

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**12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND (CONT.)**

**FINANCIAL IMPLICATIONS**

A 10 year summary of income, recurrent and capital expenditure is provided as an Attachment.

The recurrent expenditure and annual income (lease payments and Council service charges) are both fairly consistent at an average of \$9,000pa and \$11,000pa respectively. The capital expenditure is cyclic proportional to the asset lives but a long-term forecast indicates an annualised capital expenditure of \$10,500. In short the income off-sets expenditure (recurrent and capital) by less than 60% or an annual deficit of \$8,500.

**OFFICER’S COMMENTS**

Public Objection Process

The Council’s intention to sell the land was advertised in The Examiner newspaper on Wednesdays 28<sup>th</sup> November and 5<sup>th</sup> December 2018 and a Notice displayed on-site allowing a period of 21 days to receive objections.

During the period 13 written objections were received - a full copy of the objections are provided as an Attachment.

Below is a table summarising the principal elements of the objections to selling the land and office comments where appropriate.

#	Principal Comments Objecting to intention to dispose of land	Acting General Manager Comments
1	Importance to the community	Noted
2	Base for emergency services and training	The airport will continue to provide an aeronautical function.
3	Airport used by army, air force, RFDS and cargo for Bell Bay	See comment #3 above
4	Supports tourism ventures in district (including Barnbogle Golf Course)	See comment #3 above
5	Commercial Owners charge higher rent/fees than local government organisations	This comment is reflective that the current operations are subsidised by the general rate income.
6	Airport Association owes land towards the northeast	Noted. This is a separate title with formal access onto Aerodrome Road. No change of use is proposed (by virtue of the sale) and hence the cross strip will continue to function and be important to the functionality of landing aircraft.
7	Income via lease and rates equals maintenance	This statement is not accurate. See comments in <i>Financial Implications</i> .
8	Original transfer agreement on basis that Council custodians obo Airport Association	A search was made of the original transfer document and such an arrangement was not specified. An agreement that should the airstrip ceased to function then land revert back to the original owner or to the Airport Association is NOT identified on the title, nor within the Council’s Legal Documents register, nor listed in the original Memorandum of Transfer. It appears the Council owns the land ‘with no strings attached’.

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**12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND (CONT.)**

#	Principal Comments Objecting to intention to dispose of land	Acting General Manager Comments
9	Council has no authority to sell land without consent of Airport Association	See comment #8 above
10	Timeframe and advertising for submissions too short	The statutory periods and public notification was strictly adhered to. Dates for submissions opened 28 November and closed 18 December.
11	If sold then ownership by local organisation	Noted
12	Airport provides air evacuation and emergency services access in the event of a catastrophe at Bell Bay	See comment #3 above
13	Council should transfer land to Airport Association	Noted
14	Land serves other recreational purposes not just an airport	Alternative recreation activities for the land are not obvious. Alternative public open spaces are available for alternative recreational uses.
15	Losing the airport will drive away businesses	See comment #3 above
16	Synergies with Devonport and George Town airports	See comment #3 above
17	Important training base for pilots	See comment #3 above
18	Current hangars are lease until 2028	Noted. A sale now may in fact provide more certainty to hanger lessees to secure more permanent tenure.

**General Manager Summary of Objections**

The essence of the main argument is that the land was transferred to the Council at no cost and hence it should be transferred back at equal remuneration or a nominal fee. The statement may be strictly true but with transfer of the asset the Council have had maintenance and capital renewal responsibilities with no or very little external funding. The lease (and Council services) income is \$11,000pa and expenditure of \$9,000pa for maintenance and \$10,500pa for capital renewal. In addition the current the lessee pays rates on the property (at a 'Commercial Rate' classification) of \$4,400pa – however all rate income is accumulated as General Income to fund core community services and public infrastructure provided by the Council.

The Council's motive is to remove the ongoing financial burden from the broader rate payers. Some arguments for the Council to retain the airport relate to a possibility that landing/lease fees may rise under private ownership – this could be a reflection of the true cost to run an airport (as opposed to the current situation where the gap is subsidised by the ratepayers).

The sale of the land is not intended to discontinue the use as an airport. Under private ownership there is also the distinct possibility of investment and growth of the facility given the claim by many of the objectors of its commercial and strategic importance. In any event the existence of the lease will require any new owner to continue to honour the lease at the current terms and rates for the duration of the lease period (11 May 2028).

It is considered that the issues raised by the objectors are not compelling to abandon sale of the property should the Council resolve to pursue disposal. Should a competitive process be preferred there are three (3) options available to sell the land – public auction, private sale or tender process. The last option is preferred as the Council is not bound to accept the highest offer but may accept any offer it considers to be in the best interest of the municipality.

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**12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND (CONT.)**

Land Value

The current value of the property on the open market is likely to be influenced by the existence of the last phase of the lease period (due to expire 11 May 2028). To maximise potential to achieve the higher value it may be desirable to defer sale of the property until one or 2 years from the expiry date of the lease (11 May 2028).

The possibility of major works are negligible given major drainage was undertaken in 2016 and the air strip sealed in 2017. Unknown future costs relate mainly to requirements imposed by the Aviation Authority.

Alternatively the sale of the property 8 years from expiry of the lease will provide current sub-lease holders sufficient time to negotiate permanent or long-term tenure with a new owner or even collectively acquire the property under a trust/committee arrangement.

**OFFICER’S RECOMMENDATION**

That the Council, in respect to its intention declared at the 21 November 2018 Council meeting to sell Public land known as George Town Airstrip at 119 Soldier Settlement Road (PID1890690) in accordance with Section 178 Local Government Act 1993 and having considered all objections lodged during the 21 day public notification period, resolves to:

1. Sell the land by public auction OR
2. Sell the land by a closed public tender process that is open for a period not less than 21 days from the first public notification of the tender process and such results tabled at a Council meeting to resolve the preferred purchaser OR
3. By private sale for a price determined by the General Manager but not less than the value determined by a qualified valuer.

but such sale to be delayed until objectors are informed of the decision and appeal process and any appeal resolved in accordance with S178A Local Government Act 1993.

**DECISION**

**VOTING**

For:

Against:

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**12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK**

**REPORT AUTHOR:** Acting General Manager, Team Leader Community & Development Services

**REPORT DATE:** 10 January 2019

**FILE NO:** 43.1

**ATTACHMENT/S:** Letter from Parks and Wildlife (20 December 2018)

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**SUMMARY**

To seek the Council's direction and/or involvement on development and implementation of actions to minimise the risk of Penguin attacks at the Low Heads rookeries.

**BACKGROUND**

On the evening of 15 October a total of 75 penguins died after being attacked at the Low Head rookeries.

The Parks and Wildlife Service have been undertaking an investigation into the events and outcomes of the attacks and have provided a report. A letter detailing recommendations from the report is tabled as an Attachment. Leading to production of the report onsite meetings were held with the Parks and Wildlife Service, the operators of the Low Head Penguin tours and the George Town Acting General Manager, Harry Galea.

**STRATEGIC PLAN**

**Goal 03**

Conserve our natural environment and heritage and ensure it is enjoyed by our community, visitors and future generations.

**Key objective**

Commit to enhance the conservation and protection of our natural environment.

**RISK CONSIDERATIONS**

The creditability of the region becomes questioned every time a major penguin attack occurs raising concerns about the ability to management domestic animals in conjunction with the environmental qualities associated with George Town and Low Head.

Without intervention the Council could receive criticism and may receive a reputation of 'don't care' or ambivalence about environmental management.

**FINANCIAL IMPLICATIONS**

Not considered relevant to this report.

**OFFICER'S COMMENTS**

As mentioned, the PWS Compliance Unit (PWSCU) carried out an investigation onto the cause of approx. 75 Little Penguins deaths discovered on the 16 October 2018. The Low Head rookeries are located on a combination of private freehold and land managed by the PWS.

**12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK (CONT.)**

The Department of Primary Industries, Parks, Water and Environment (DPIPWE) pathologists confirmed the cause of death to be consistent with a dog/s attack although there was no evidence that identifies any particular dog/s responsible for the attack, or any dog owner.

The PWSCU have listed recommendations for consideration by council – these being:

- *In periods of high visitation e.g. summer, or where information of roaming dogs has been received, PWS authorised officers and council dog control officers to undertake irregular patrols of the area, targeting the time penguins tend to leave in morning for food (at dawn or returning at dusk).*
- *Education of community by way of distributed information material e.g. letterbox flyer, community newsletter notice educating local residents on their responsibilities regarding pet ownership and dog access restrictions in PWS reserves.*
- *Continued support between PWS and local council in the implementation of their Dog Management Policy, as per PWS letter of support to the council dated 23 August 2018.*
- *A supported line of communication between PWS and local council of information received in relation to any offences concerning wildlife and interactions with other animals (dogs, cats) or persons. This would require a memorandum of understanding (MoU) as sharing of sensitive information may be required including personal details of suspects/offenders.*
- *A joint approach in any investigations that are required in the future for similar events (also be included as part of the above mentioned MoU).*
- *Investigate and replace poor and non-existence fencing on the Eastern side of Low Head between freehold land owned by the Low Head Company and the Low Head Historic Site.*
- *Establishment of a local ‘Friends of Low Head Penguins’ group consisting of local community and PWS.*
- *Funding of permanent cameras, positioned at various areas of the Low Head Historic Site and Conservation areas. Camera’s would need to be hard wired into a remotely accessed system and able to be used at night (this will not stop further dog attacks but may assist in identifying any offending animal, it also comes with ongoing costs and maintenance issues that would also need to be funded.)*

The recommendations suggested by the PWSCU are considered essentially as a first step to promote more responsible domestic animal ownership and to assist the apprehension of offenders. In the event of irresponsible animal surveillance or when an animal escapes their premises, the risk of a similar attack (to that of 15 October) is not substantially abated.

**12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK (CONT.)**

While the above recommendations are sound, the following comments are provided on two of the points:

1. Dot point 1 – it will require changes to Council Ranger’s existing normal working hours to implement this. The “irregular and dawn and dusk” patrols would be at a cost to Council, be of higher risk due to poor light and likely very difficult to see offending dogs in this light, while fencing off the area would help provide round the clock protection.
2. Dot point 8 (last dot point) – the installation of cameras would need a lot of work put into locations, systems and costings to determine if any benefits.

In addition to the above recommendations the following additional recommendations are offered for discussion:

- Via a Section 19 declaration under Council’s Dog Management Policy, declare the area north of Gunns Parade as a ‘Little Penguins Rookery Protected Area’.

*Officer Comment: The purpose of this step is to provide the Council with a vehicle to enforce more stringent controls on domestic animals in the high risk area.*

- Upgrade/replace fencing, gates and other openings in the fences along between the streets and the main rookery area, and into the lighthouse precinct, as well as the fences within this precinct separating the parking/access road and balance of site.

*Officer Comment: The aim of this is to provide 24/7 restriction on dog access to the area.*

- Investigate new fencing from above fencing at Southern end to low water between the pilot station precinct and beach immediately to the North.

*Officer Comment: The aim of this is to provide 24/7 restriction on dog access to the area but includes the separate colony at the beach adjacent to the pilot station precinct (the location of the first of the two attacks).*

- That signage be erected at Low Head Road and Lagoon Beach Road and along Gunns Parade (nearer to the East Beach Tourist Park) at a gate-way to inform visitors they are entering a protected area containing penguin rookeries and that domestic animals must be on a leash outside of a vehicle. Such signs to inform readers of more dog friendly beach locations.

*Officer Comment: The gate-way signage provides vital information to tourists who may be oblivious to the existence of the rookeries. As importantly it signals to, and keeps reminding residents (who know of the rookery) of the high value of the area and importance to be ever vigilant. This signage could also be an artistic welcoming sign that also advises of the restrictions as above. If it was correctly designed, it would have the potential to be an attraction in its own right, becoming a selfie opportunity that would promote our Low Head penguins while being shared on social media. Discussions with Parks and Wildlife quickly arrives to the view that the dog attacks are highly likely to be existing animals living in the area and not strange animals of visitors.*

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**12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK (CONT.)**

- Seek to appointed an elected Councillor on the proposed 'Friends of Low Head Penguins' group.

*Officer Comment: To ensure the group has a voice back at the Council table.*

- Seek the group's input on the workability of more radical steps to protect penguins. Especially table an option to prohibit domestic animals within the declared 'Little Penguins Rookery Protected Area' – both from roads and private property transitioning from accepting existing pets on private property to full exclusion within 10 years. Consider exemptions for registered assistance dogs and residence certified by Council inspectors to be secure.

*Officer Comment: It is reasonably evident that the attacks over time have been from dog(s) living in the area. The dogs escape (or are under poor control) at night and are on the scent. The dogs can scent the penguins either because they are walked through the area (and hence remember where to go) or live close enough that they pick up the scent when within a few hundred metres. Ideally complete exclusion will likely result in the penguins remaining invisible to domestic animals living outside the exclusion zone. A theory but worthy of testing with technical experts and with the community on acceptability (in the long-term.)*

**OFFICER'S RECOMMENDATION**

That the Council, in respect to the 20 December letter and recommendations tabled by the Parks and Wildlife Services on the Little Penguins attack at the Low Head Rookeries on 15 October 2018, resolves to:

1. Work collaboratively with Parks and Wildlife on the implementation of the recommendations with their letter.
2. In the establishment of the 'Friends of Low Head Penguins' group that a member be an elected Councillor.
3. That the 'Friends of Low Head Penguins' group be requested to input into the following suggestions:
  - a. Declaration of an area protected by a Section 19 (Dog Management Policy) Declaration.
  - b. The desirability of gate-way signage at the start of the peninsula
  - c. Any radical approach to reduce risk to Penguins including exclusion of domestic pets from the protected areas.

**DECISION**

**VOTING**

For:

Against:



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**12.3 92-96 MAIN ROAD, GEORGE TOWN - AGREEMENT TO LEASE LAND TO CMCA**

**REPORT AUTHOR:** Harry Galea (Acting General Manager)

**REPORT DATE:** 10 January 2019

**FILE NO:** 13.7, 28.5

**ATTACHMENT/S:**

1. Council Report and Decision on “318/16 - 10.2 Request from CMCA for agreement to lease land subject to a successful development application”
2. CMCA Letter – withdrawing from the project

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**SUMMARY**

The Council are requested to consider rescinding a motion to lease land at 92-96 Main Road, George Town to the CMCA for the development of a motor home park.

**BACKGROUND**

The Council at its 13 December 2016 meeting resolved to lease 1 hectare of land at 92-96 Main Rd George Town (adjacent to the Visitor Information Centre) to the CMCA, subject to a development application from the CMCA being successful. A copy of the Council report and Decision is included as an Attachment.

A planning permit for the development was approved by the Council dated 22 May 2017. In August 2017 the CMCA had sought an amendment to the permit to reduce the size which resulted a reply that no amendment to the permit was required. The CMCA later canvassed another amendment for alternative access arrangements directly from the Visitor Information Centre car park. This was resolved in October 2018 with advice provided that Victoria Street was a more appropriate access location. The last component to allow the CMCA to complete their due diligence was the cost of a lease for the site.

In November 2019 information was provided to the CMCA on the value of a commercial lease. A reply was received from the CMCA (copy in Attachments) that for ‘a variety of reasons’ they were withdrawing its Development Application and abandoning the creation of a RV Park in the town. Although not mentioned in the letter I understand that the cost of developing the site (located within a residential area) was far more than CMCA expected when compared with other RV Parks located more remotely.

**LEGISLATIVE REQUIREMENTS**

Any motion to rescind or overturn a previous decision requires an absolute majority vote (R18(2)(a) *Local Government (Meeting Procedures) Regulations 2015*).

A report by the General Manager shall include (R18(3)(d)) whether the action has been wholly or substantially carried out. In this regard a lease has not been drafted and hence not entered into with the CMCA given the organisation were completing their due diligence into the project.

**STRATEGIC PLAN**

**Goal 04**

Ensure Council listens to and understands community needs and continues to make responsible decisions on behalf of the community.

**12.3 92-96 MAIN ROAD, GEORGE TOWN - AGREEMENT TO LEASE LAND TO CMCA**  
**(CONT.)**

**Key objective**

Consistently achieve a high standard of internal financial and governance arrangements.

**OFFICER'S COMMENTS**

As a result of the CMCA abandoning the creation of a RV Park at 92-96 Main Road, it is appropriate for the Council to rescind the previous motion to unencumber the land should another joint or Council venture be proposed in the future.

**OFFICER'S RECOMMENDATION**

That the Council, in respect to the Decision 318/16 proposing to enter into a lease with the CMCA at 92-95 Main Road George Town, resolves to rescind the decision.

**DECISION**

**VOTING**

For:

Against:

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**12.4 CODE OF CONDUCT**

**REPORT AUTHOR:** Acting General Manager

**REPORT DATE:** 9 January 2019

**FILE NO:** 14.25

**ATTACHMENT/S:**

1. Revised Code of Conduct
2. Existing Code of Conduct (adopted May 2016)
3. Local Government Division – Information Sheet

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**SUMMARY**

To submit to Council the revised Code of Conduct for review, consideration and adoption.

**BACKGROUND**

Following the introduction of the Local Government (Model Code of Conduct) Order 2016, Council adopted its current Code of Conduct in May 2016. In accordance with section 28T of the Local Government Act after the day on which an order takes effect, each council must adopt the model code within three months of that order taking effect. Otherwise a Code of Conduct must be reviewed within 3 months of an ordinary election.

Shortly after the 2018 election the Director of Local Government advised that the Local Government (Model Code of Conduct) Amendment order 2018 was in progress and suggested that Council defer reviewing its Code until after the gazettal of the amendment.

**RISK CONSIDERATIONS**

In adopting the revised Code of Conduct, Councillors in addition to adhering to the requirements of the Local Government Act 1993, acknowledge and agree to the importance of high standards of behaviour in maintaining good governance thereby minimising risk to the Council.

**FINANCIAL IMPLICATIONS**

Nil recognised.

**OFFICER'S COMMENTS**

Following a review of the model code of conduct framework, there have been changes made to both the Local Government Act 1993 (the Act) and the Local Government (Model Code of Conduct) Order 2016 (the Code). A copy of the Department of Local Government's Information sheet which provides a summary of the changes is attached. Please refer to Attachment (3.).

The Local Government (Model Code of Conduct) Amendment order 2018 was signed by the Minister for Local Government on 7 December 2018 and came into effect upon Gazettal on the 26 December 2018.

Accordingly, Council's Code of Conduct has been amended to reflect these changes and is submitted to Council for adoption.

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**12.4 CODE OF CONDUCT (CONT.)**

Council's existing Code will continue to apply until Council resolves to adopt the amended Code.

At the time of the introduction of the Code of Conduct Model in 2016, the then Director of Local Government provided and suggested that Councils also incorporate an Accompaniment to the Code of Conduct (the Accompaniment) which Council adopted and incorporated into its existing Code of Conduct.

Following recent discussion with the Department of Local Government advice from departmental officers has suggested that it is no longer necessary to incorporate the Accompaniment with Council's Code of Conduct. Further information in respect to Code of conduct framework for Tasmanian Councillors and lodging a complaint is available via the Department of Local Government's website.

**OFFICER'S RECOMMENDATION**

That Council adopts the revised Code of Conduct as attached to this report effective 22<sup>nd</sup> January 2019.

**DECISION**

**VOTING**

For:

Against:

**George Town Council**  
**COUNCIL MEETING – 22<sup>ND</sup> JANUARY 2019**  
**AGENDA**

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**13. PETITIONS**

Nil.

**George Town Council**  
**COUNCIL MEETING – 22<sup>ND</sup> JANUARY 2019**  
**AGENDA**

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**14. NOTICES OF MOTIONS**

Nil.

**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.

**George Town Council**  
**COUNCIL MEETING – 22<sup>ND</sup> JANUARY 2019**  
**AGENDA**

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**16. COUNCIL COMMITTEE REPORTS**

Nil.



**George Town Council  
COUNCIL MEETING – 22<sup>ND</sup> JANUARY 2019  
AGENDA**

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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 12<sup>th</sup> December 2018**

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

**Item 2 Recruitment of General Manager**

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

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

**VOTING**

For:

Against:

**17.4 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**