



GEORGE TOWN COUNCIL

Public Copy

Notice is hereby given
that the next Ordinary meeting of Council
will be held on

Tuesday 24th August 2021

in the Council Chambers
16-18 Anne Street, George Town

commencing at **1.00pm.**

In accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, Part 4, Section 18, and as given notice by the Premier of Tasmania, Peter Gutwein, under the same act and published in the Tasmanian Government Gazette No. 21 963, 3 April 2020, this meeting is being held face to face with limitation on public attendance to maintain social distancing.

Council will be allowing a maximum of 10 persons into the Ordinary Council meeting. You must pre-register to attend this meeting of Council.

All documents presented, and recordings (audio) of this meeting are made available to the public in accordance with the above act and notice, and the standard applicable provisions of the Local Government Act 1993, and Local Government (Meeting Procedures) Regulations 2015.

Cheryl Hyde
ACTING GENERAL MANAGER

George Town Council
COUNCIL MEETING – 24TH AUGUST 2021
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Meeting Commencing at 1.00 pm

Acknowledgement of Country

The George Town Council pays its respect to the traditional and original owners of the land in which we meet, their elders past, present and emerging and we pay respect to those that have passed before us and acknowledge today's Tasmanian Aboriginal people who are the custodians of this land.

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.

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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 27TH JULY 2021

RECOMMENDATION

That the Minutes of Council's Ordinary meeting held on the 27th July 2021 numbered 097/21 to 109/21 and 112/21 as provided to Councillors be received and confirmed as a true record of proceedings (attached).

DECISION

Moved:
Seconded:

VOTING

For:

Against:

3. LATE ITEMS

Nil.

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4. PUBLIC QUESTION TIME

4.1 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.

Due to restrictions in place during the COVID-19 pandemic as enabled through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, public question time will be conducted in the following manner.

George Town Council will be allowing members of the public that have submitted an objection to a planning matter (priority attendance) and questions from the public to a maximum of 10 persons (to maintain social distancing) into the Ordinary meeting of Council.

Council will accept all other written questions which will be asked and responded to at the meeting. These questions will be recorded in Council's minutes and will be available on the audio recording.

You must pre-register to attend this meeting of Council.

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4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

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4.3 PUBLIC QUESTION TIME

Commenced at:

Concluded at:

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4.4 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.

5. DECLARATIONS OF INTEREST

6. ACTING 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.



Cheryl Hyde
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.

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7. PLANNING AUTHORITY

7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD

REPORT AUTHOR: Statutory Town Planner – Mr J. Simons
Manager – Development and Environment – Mr R. Cassidy

REPORT DATE: 13th August 2021

FILE NO: DA 2021/65

ATTACHMENT: (A) Title documents
(B) Site Plan and Elevations
(C) Traffic Impact Assessment
(D) Representations (x2)

APPLICATION INFORMATION

Applicant: S Dornauf

Site Address: 191 Hillwood Road, Hillwood

Titles details: CT 200918/1

Property ID: 7541889

Zone: Rural Resource

Use: Resource Development – Controlled Environment Agriculture

Proposed Development: Polytunnels

Application Received: 28th June 2021

1. SUMMARY

Application is made to erect a total of 4.978 ha of polytunnels for summer berry production. The polytunnels will each have a height of 4m and a maximum span of 10m. Production is primarily for raspberries and strawberries. Strawberries, which will be grown hydroponically on tables.

The subject site is not identified as prime agricultural land and, as such, controlled climate agriculture is a *no permit required use* in the zone. A portion of the polytunnels, which meet the setbacks of the Rural Resource Zone do not require any planning approvals. However, those that extend within 50m of the title boundaries require planning permits under the *George Town Interim Planning Scheme 2013*.

Two representations were submitted during the advertising period. The representations largely related to the visual impacts of the proposed development, potential impacts on water quality and traffic management. In this instance the polytunnels are not within a scenic protection area or scenic management area, and visual impacts and residential amenity are not a consideration in the Rural Resource Zone. The subject site is not within 50m of a watercourse and the water quality code is not applicable. Impacts on water quality have been further considered in the assessment below, but are better managed through the

7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

Environmental Management and Pollution Control Act 1994. A soil and water management plan is recommended to be required as a condition of the permit to manage overland flows.

A Traffic Impact Assessment has been submitted with the application demonstrating that the proposal will not impact the safety and efficiency of the existing road network.

The proposal is for an intensive agricultural use and will not constrain resource development on adjoining land. As such, it is consistent with the intent of the Rural Resource Zone. The proposal complies with the applicable Acceptable Solutions and Performance Criteria of the planning scheme and has been recommended for approval subject to a number of conditions.

2. STRATEGIC PLAN 2020-2030

Future Direction (2) Prosperity for all in all aspects of life

1/ Employment prospects for all ages

- I. Continuing to transition the local economy from heavy industries to advanced manufacturing, renewable energies, area branded produce and niche products

2/ Planning and regulatory responsibilities are undertaken fairly and openly

- I. Building knowledge and understanding of planning and regulatory responsibilities and processes

3. CONSULTATION

In accordance with section 57(5) of *The Land Use Planning and Approvals Act 1993*, the application was advertised for public comment for the period of 14 days.

4. RISK IMPLICATIONS

Risk is managed through the decision and conditioning of any permit issued.

5. FINANCIAL IMPLICATIONS

In the case of an appeal there are costs associated with the defence of Council's decision.

6. SITE AND LOCATION

The subject site is an 11.92ha agricultural title located to the south of Hillwood Road, Hillwood. The title is located in the Rural Resource Zone and approximately 1/4 of the title has been developed as a vineyard. The lot is otherwise cleared of vegetation. A dwelling in the northern corner of the title has previously been excised from the title.

Access to the title is taken via an existing driveway on Hillwood Road.

An area of polytunnels proposed for the title, those that are more than 50m from the boundaries, comply with the Acceptable Solutions of the Rural Resource Zone and do not require an application for a planning permit.

Properties adjacent to the site comprise a mix of large rural holdings with varying levels of agricultural, and residential lifestyle lots developed with dwellings.

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HILLWOOD (CONT.)**

While a dam is evident on the aerial photos, in the vicinity of the proposed development, this dam has since been filled with the approval of the Water Management Branch of the Department of Primary Industries, Parks, Water and the Environment.



Figure 1: Aerial view of subject site, outlined in red, and surrounding land.

7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

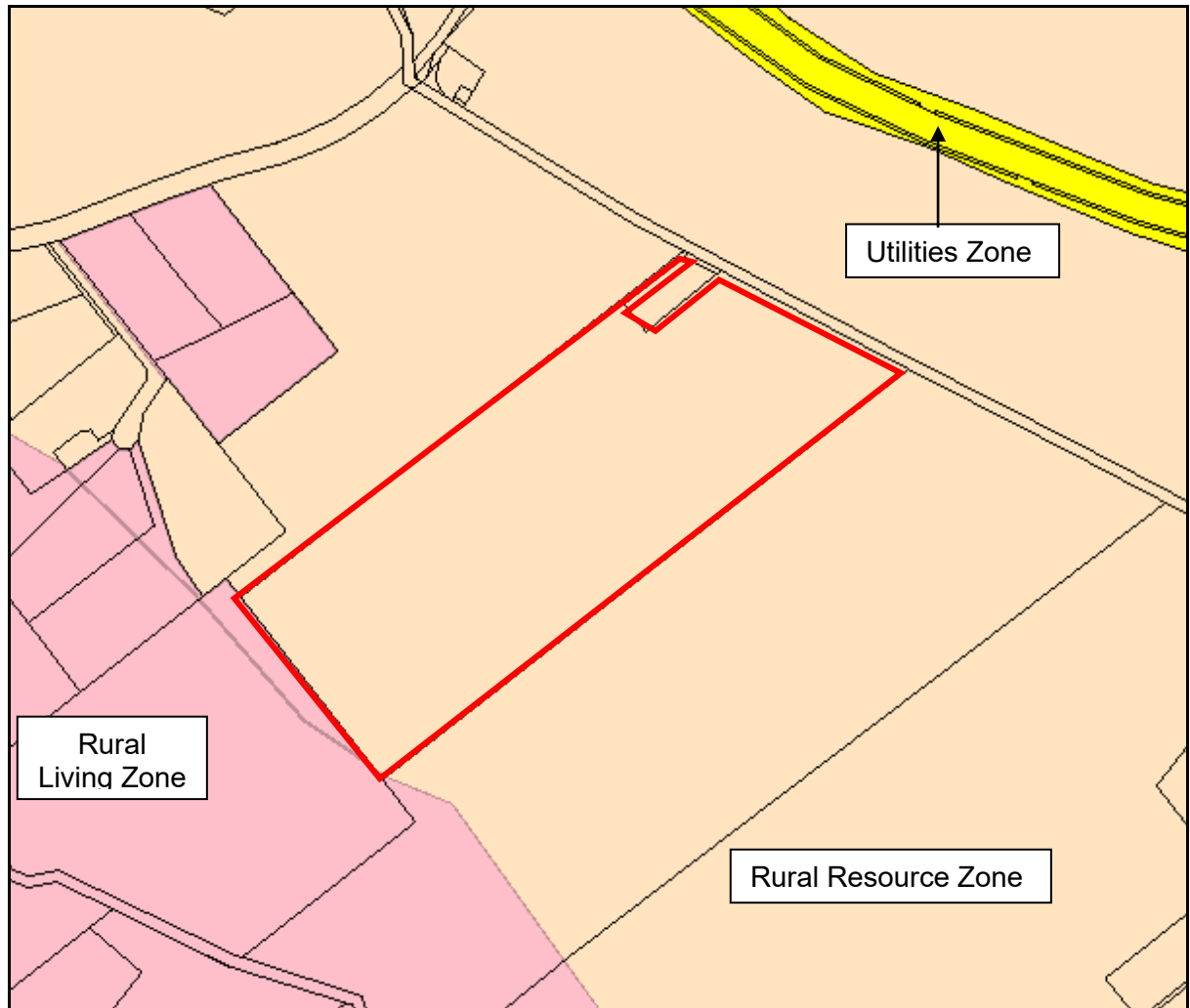


Figure 2 - Zoning of subject site (outlined in Red) and surrounds.

7. DEVELOPMENT AND USE DESCRIPTION

Application is made to erect a total of 4.978 Ha of polytunnels for summer berry production. The polytunnels will each have a height of 4m and a maximum span 10m. The visual appearance of the tunnels will be consistent with that of the existing polytunnels located at 139 Hillwood Road and Lot 1 East Tamar Highway. The strawberries will be grown hydroponically on tables, while the raspberries will be ground based.

The tunnels will be covered with a translucent plastic membrane and will have an appearance consistent with the other tunnels already erected in the area.

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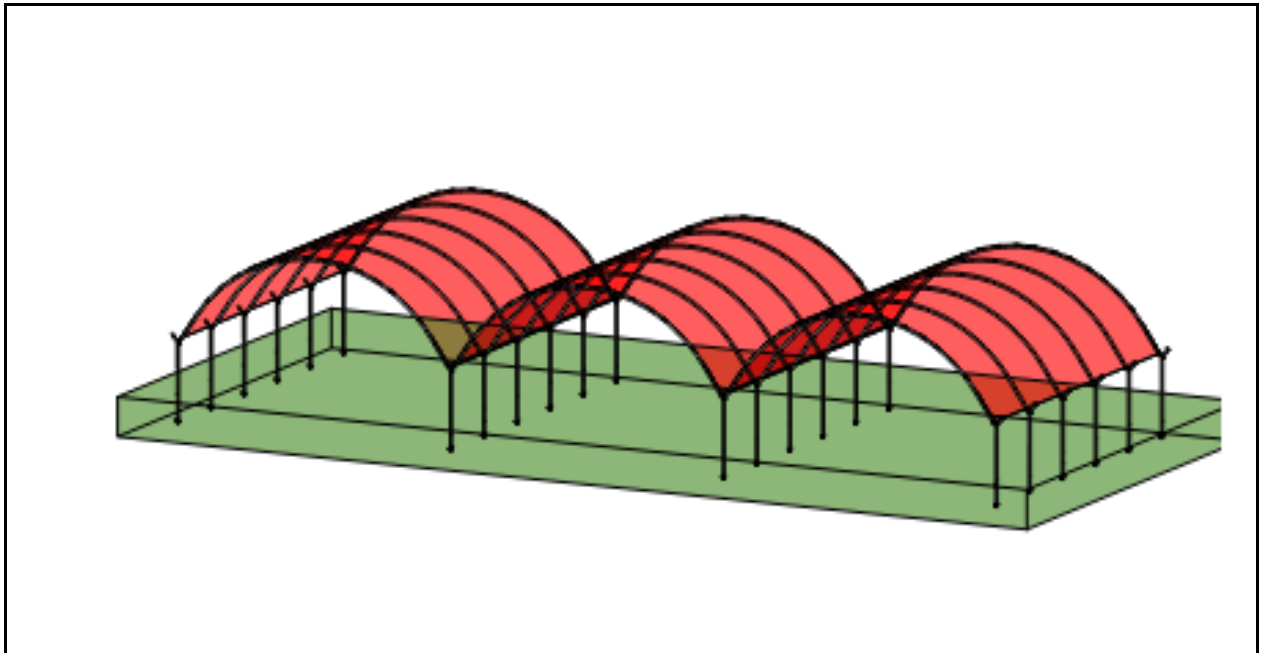


Figure 3: Proposed tunnel elevations (Haygrove Limited, 2021).

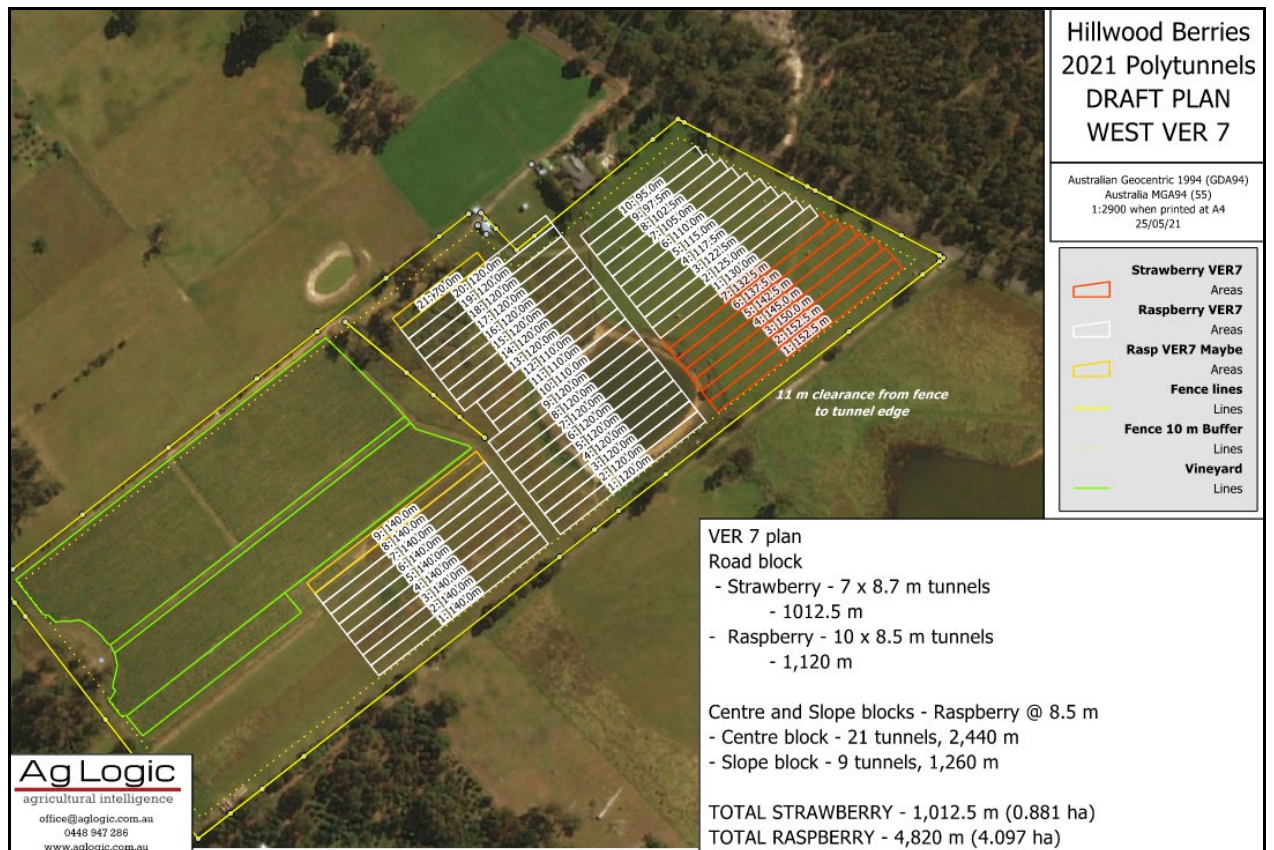


Figure 4: Proposed floor plan (David Denman and Associates, 2021).

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Figure 5: Photo of subject site looking South/South West from Hillwood Road



Figure 6: Photo of subject site looking West from Hillwood Road

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7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

8. REPRESENTATIONS

The application was advertised for community consultation from the 10/07/2021 – 26/07/2021. Two (2) representations were received and are summarised below.

A full copy of the representation has also been included as an attachment to this report.

Issues raised in representations	Council response
<p>Traffic management. Illegal driveways. Near misses with pedestrians.</p>	<p>The application includes a traffic impact assessment prepared by a suitably qualified person. The traffic impact assessment has also been reviewed by Council's Infrastructure Department, which has advised the assessment is adequate.</p> <p>The traffic impacts are further discussed in relation to the Road and Rail Assets Code below and are considered to be acceptable.</p>
<p>Concerns regarding works without permits. Filling of dam on adjoining property.</p>	<p>Council is aware that some works have been undertaken without the appropriate permits being issued.</p> <p>The applicant has ceased work on any development which requires a planning assessment under the scheme at the request of Council and has submitted this application.</p> <p>It is noted that a portion of the tunnels are fully compliant and can be erected without the need for permits. It is also noted that some works, such as farm tracks, irrigation, setting out and the like are works that do not in themselves require planning approval.</p> <p>The Department of Primary Industries, Parks, Water and the Environment (Water Management and Assessment Branch) has provided approval for the filling of the dam. An additional planning permit is not required in accordance with Section 60A (1) of LUPAA.</p>

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<p>Hours of operation.</p>	<p>No hours of operation are provided in the application.</p> <p>The land is zoned Rural Resource. This is a dedicated zone for agriculture and primary industry activities and primacy is given to these activities over residential uses and visual amenity. This approach is guided and legislated by the State Policy for the Protection of Agricultural Land, which prioritises food security and the agricultural productivity. There are no standards within the Rural Resource Zone designed to protect residential amenity.</p> <p>Unreasonable noise impacts can be managed through the <i>Environmental Management and Pollution Control Act 1994</i>, however, guided by the State Policy for the Protection of Agricultural Land, it is acknowledged that there are leniencies in this act for Primary Industry Activities.</p>
<p>Visual pollution.</p>	<p>The land is zoned Rural Resource. This is a dedicated zone for agriculture and primary industry activities and primacy is given to these activities over residential uses and visual amenity. This approach is guided and legislated by the State Policy for the Protection of Agricultural Land, which prioritises food security and the agricultural productivity. There are no standards within the Rural Resource Zone designed to protect residential or visual amenity.</p> <p>The subject title is not adjacent a Scenic Tourist Corridor and is not within a scenic management area.</p>
<p>High usage of pesticides and fungicides. Potential to pollute the Tamar River.</p>	<p>The applicant has previously provided additional information in relation to the targeted use of pesticides and fungicides and onsite reuse of nutrient rich water. It is anticipated that the controlled nature of the activity will allow for greater control over the use of these chemicals. It is also noted that the production relies on living insects for a large portion of pest control and as such use of insecticides is limited.</p> <p>The risks associated with agricultural chemicals are considered to be the same as for the existing tunnels in the area and</p>

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	<p>with any other agricultural use which uses similar chemicals. The use of agricultural chemicals is not a matter that is regulated by the planning scheme.</p> <p>As with all other businesses and individuals, the proponent has a general duty of care legislated through the <i>Environmental Management and Pollution Control Act 1994</i>. This act also provides the mechanisms to regulate environmental pollution or nuisance.</p> <p>It is also noted that in this case, the majority of the tunnels will be used for raspberry production, which does not utilise a hydroponic system but standard delivery of water and chemicals similar to other agricultural activities.</p>
<p>Stormwater Impacts.</p>	<p>While the tunnels will largely allow for dispersal of stormwater across the site and mimic natural filtration and overland flows, seven of the tunnels subject to slope will include gutters.</p> <p>The management of stormwater is generally a matter addressed via the <i>Building Act 2016</i>, however, the polytunnel structures are Low Risk Works.</p> <p>As the site does not have access to a clearly defined watercourse and lacks public stormwater infrastructure, it is reasonable to seek some clarity regarding management of stormwater.</p> <p>As such, as with previous applications, it is recommended that a soil and water management plan be submitted to the satisfaction of Council, demonstrating that any concentrated stormwater from guttered tunnels is directed to a legal discharge point or managed within the site. It is noted that there is ample land within the site and a number of options available for the management of stormwater within the site.</p> <p>It is also noted that concentrated stormwater will be collected from rooftops and will be largely free of contaminants.</p>

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7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

9. STATUTORY REQUIREMENTS

The assessment of the development is dealt with under the following sections of the George Town Interim Planning Scheme 2013:

- 26.0 Rural Resource Zone
- E4.0 Road and Rail Assets Code
- E6.0 Car Parking and Sustainable Transport Code

This is an application which is to be determined under section 57 of the *Land Use Planning and Approval Act 1993* (the Act) as discretionary.

8.1 Use Class

The application is classified as a Resource Development (Controlled Environment Agriculture). The following definitions of Resource Development and Controlled Environment Agriculture, as outlined in the *George Town Interim Planning Scheme 2013*, are applicable:

Resource development	use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fishstock. If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. Examples include agricultural use, aquaculture, bee keeping, controlled environment agriculture, crop production, horse stud, intensive animal husbandry, plantation forestry and turf growing.
controlled environment agriculture	means an agricultural use carried out within some form of built structure, whether temporary or permanent, which mitigates the effect of the natural environment and climate. Such agricultural uses include production techniques that may or may not use imported growth medium. Examples include greenhouses, polythene covered structures, and hydroponic facilities.

Resource Development is classified as a **No Permit Required** use within the Rural Resource Zone when it is on non-prime agricultural land. However, in this instance, the proposal also relies on Performance Criteria and is subject to a discretionary application process.

7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

8.2 Planning Assessment

Planning Scheme Zone Assessment

26.0 Rural Resource Zone

26.1 Zone Purpose

26.1.1	Zone Purpose Statements
26.1.1.1	To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
26.1.1.2	To provide for other use or development that does not constrain or conflict with resource development uses.
26.1.1.3	To provide for economic development that is compatible with primary industry, environmental and landscape values.
26.1.1.4	To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.
Planners Response:	
<p>The proposal is for an agricultural use and is consistent with the Zone Purpose. The proposal allows for the maximum utility of marginalised land and does not restrict the ability of any adjoining land to undertake resource development activities.</p> <p>The application is not for tourism.</p>	
26.1.2	Local Area Objectives
a)	<p>Primary Industries:</p> <p>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</p> <p>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</p> <p>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</p>
b)	<p>Tourism</p> <p>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</p>

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The rural zone provides for important regional and local tourist routes and destinations such as through the promotion of environmental features and values, cultural heritage and landscape. The continued enhancement of tourism facilities that capitalise on these attributes is supported where the long-term sustainability of primary industry resources is not unduly compromised.

c) Rural Communities

Services to the rural locality through provision for home-based business can enhance the sustainability of rural communities. Professional and other business services that meet the needs of rural populations are supported where they accompany a residential or other established use and are located appropriately in relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.

Planners Response:

The proposal is consistent with the objective for primary industries. The proposed development adds to the diversity of primary industry activities in the region and does not compromise the long term viability of the land.

26.1.3 Desired Future Character Statements

The visual impacts of use and development within the rural landscape are to be minimised such that the effect is not obtrusive.

- a) Except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2); and
- b) To provide for a wind farm and associated utilities infrastructure at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) which requires a rural location for operational, security, management and proximity to transmission network reasons; and
- c) To ensure that the wind farm and associated utilities infrastructure at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) is of a scale and intensity that is appropriate having regard to the adjoining rural area.

Planners Response:

The visual impact of the proposed development is consistent with the appearance of the existing polytunnels in the area.

Council can consider the addition of vegetation screening on Hillwood Road if it is considered that the proposal would better meet the Desired Future Character Statement. However, it is unlikely that vegetation within the scope of a planning condition would be effective at screening the development and polytunnels are already a dominant feature of Hillwood Road. Further vegetation on Hillwood Road is not considered necessary to comply with the planning scheme.

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26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Objective	
<p>a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.</p> <p>b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.</p> <p>c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.</p> <p>d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.</p> <p>e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</p> <p>f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</p>	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m² over the site.</p>
Planners Response:	
Complies with the Acceptable Solution. The application is for a Resource Development use for Controlled Environment Agriculture. As the land is not identified as Prime Agricultural Land, this is a “no permit required” use.	
A2 If for permitted or no permit required uses	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <p>i) amount of land alienated/converted is minimised; and</p> <p>ii) location is reasonably required for operational efficiency; and</p> <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime</p>

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	<p>agricultural land, must demonstrate that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.</p>
<p>Planners Response: Complies with the Acceptable Solution. The application is for a “no permit required” use.</p>	
<p>A3 If for permitted or no permit required uses.</p>	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <ul style="list-style-type: none"> a) the amount of land converted is minimised having regard to: <ul style="list-style-type: none"> i) existing use and development on the land; and ii) surrounding use and development; and iii) topographical constraints; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: <ul style="list-style-type: none"> i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry; or c) the location of the use on the site is reasonably required for operational efficiency.
<p>Planners Response: Complies with the Acceptable Solution. The application is for a “no permit required” use.</p>	
<p>A4 If for permitted or no permit required uses.</p>	<p>P4 It must demonstrated that:</p> <ul style="list-style-type: none"> a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.

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Planners Response: Complies with the Acceptable Solution. The application is for a “no permit required” use.	
<p>A5 The use must:</p> <p>a) be permitted or no permit required; or</p> <p>b) be located in an existing building.</p>	<p>P5 Except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) it must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <p>a) the impacts on skylines and ridgelines; and</p> <p>b) visibility from public roads; and</p> <p>c) the visual impacts of storage of materials or equipment; and</p> <p>d) the visual impacts of vegetation clearance or retention; and</p> <p>e) the desired future character statements.</p>
Planners Response: Complies with the Acceptable Solution. The application is for a “no permit required” use.	

26.3.2 Dwellings

Not applicable. The application is not for a dwelling.

26.3.3 Irrigation Districts

Objective To ensure that land within irrigation districts proclaimed under Part 9 of the <i>Water Management Act 1999</i> is not converted to uses that will compromise the utilisation of water resources.	
Acceptable Solutions	Performance Criteria
A1 Non-agricultural uses are not located within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> .	P1 Non-agricultural uses within an irrigation district proclaimed under Part 9 of the <i>Water Management Act 1999</i> must demonstrate that the current and future irrigation potential of the land is not unreasonably reduced having regard to: a) the location and amount of land to be used; and

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	<ul style="list-style-type: none"> b) the operational practicalities of irrigation systems as they relate to the land; and c) any management or conservation plans for the land.
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Planners Response:
Not applicable. There are no proclaimed irrigation districts in the Local Government Area. It is noted that the applicant is an advocate of the Tamar Irrigation Scheme currently in development.

26.4 Development Standards

26.4.1 Building Location and Appearance

<p>Objective To ensure that the:</p> <ul style="list-style-type: none"> a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and b) development of buildings is unobtrusive and complements the character of the landscape except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2); and c) the wind turbine height at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) is; <ul style="list-style-type: none"> (i) necessary for the operation of the use; and (ii) minimises adverse impacts on neighbouring properties. 	
Acceptable Solutions	Performance Criteria
<p>A1 Building height must not exceed:</p> <ul style="list-style-type: none"> a) 8m for dwellings; or b) 12m for other purposes; or c) 180 metres blade tip height for wind turbines located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) provided that the turbines are setback: <ul style="list-style-type: none"> (i) in accordance with A2.1; and (ii) a minimum of 100m from Five Mile Bluff Conservation area; and (iii) a minimum of 165m from a public road. 	<p>P1 Building height must:</p> <ul style="list-style-type: none"> a) be unobtrusive and complement the character of the surrounding landscape except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2); and b) protect the amenity of adjoining uses from adverse impacts as a result of the proposal; and c) wind turbine height at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) must not have a significant impact on

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	<p>neighbouring properties having regard to:</p> <ul style="list-style-type: none"> (i) the height, bulk and form of existing utilities and buildings; (ii) the topography of the site; (iii) separation from residential uses on neighbouring properties; (iv) any buffers created by natural or other features; (v) visibility when viewed from public roads; and (vi) the landscape character of the surrounding rural area.
<p>Planners Response: Complies with Acceptable Solution. The proposed tunnels have a maximum height of 4m.</p>	
<p>A2.1 Buildings must be set back a minimum of:</p> <ul style="list-style-type: none"> a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling. 	<p>P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:</p> <ul style="list-style-type: none"> a) the topography of the land; and b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: <ul style="list-style-type: none"> i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
<p>Planners Response: Relies on Performance Criteria. The proposed tunnels are setback less than 50m from the title boundaries. A minimum setback of 11m is proposed in relation to Hillwood Road and the south-east side boundary. A setback of 20m is proposed from the excised dwelling at 197 Hillwood Road and a setback of 22m is proposed from the property to the west. The Performance Criteria requires that buildings are setback so that the use is not likely to constrain adjoining primary industry operations. The proposed development complies with the Performance Criteria. The buildings proposed are for crop protection and do not involve any sensitive use, nor any other use or activity, that will have a detrimental impact</p>	

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on adjoining agricultural land.

Agricultural activities on the adjoining titles primarily involve grazing and there are no agricultural uses of a nature that will be compromised as a result of the proximity of the buildings to the boundary.

The Performance Criteria do not require consideration of impacts on residential amenity.

The proposed development complies with the Performance Criteria and will not constrain primary industry operations on adjoining land.

Codes:

Code	Applicability
E1 Bushfire-Prone Areas Code	Not applicable - No subdivision, vulnerable use or hazardous use.
E2 Potentially Contaminated Land Code	Not applicable – Application is not for a sensitive use and has not identified as having been used for any contaminating activities.
E3 Landslip Code	Not applicable – The proposed dwelling is not located in an area identified as being prone to landslide hazard.
E4 Road and Railway Assets Code	Applicable – Use will result in an increase in the use of an access.
E5 Flood Prone Areas Code	Not applicable – Land not identified as being prone to flood.
E6 Car Parking and Sustainable Transport Code	Applicable – Code is applicable to all use and development.
E7 Scenic Management Code	Not applicable – Development is not within 100m of a Scenic Tourist Corridor and is not in a scenic management area.
E8 Biodiversity Code	Not applicable – Site has already been cleared in accordance with a Certified Forest Practices Plan and planning permit.
E9 Water Quality Code	Not applicable – Proposal does not include works within 50m of a watercourse.
E10 Recreation & Open Space Code	Not applicable – Application is not for subdivision.
E11 Environmental Impacts and Attenuation Code	Not applicable – The proposal is not for an attenuated use or within the Attenuation area of any existing activities.
E12 Airports Impact Management Code	Not applicable.
E13 Coastal Code	Not applicable – Development is not adjacent the dune system or on vulnerable land.
E14 Signs Code	Not applicable. The proposal does not include any signage.

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E4.0 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

<p>Objective</p> <p>To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solution	Performance Criteria
<p>A1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway, must not result in an increase to the annual average daily traffic (AADT) movements to or from the site by more than 10%.</p>	<p>P1 Sensitive use on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must demonstrate that the safe and efficient operation of the infrastructure will not be detrimentally affected.</p>
<p>Planners Response:</p> <p>Complies with the Acceptable Solution. The proposal is not for a sensitive use and will not result in an increase of more than 10% onto a State Road.</p>	
<p>A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day</p>	<p>P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
<p>Planners Response:</p> <p>Not applicable. The road has a speed limit greater than 60km/h.</p>	
<p>A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</p>	<p>P3 For limited access roads and roads with a speed limit of more than 60km/h:</p> <p>a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a</p>

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	<p>significant social and economic benefit to the State or region; and</p> <p>b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and</p> <p>c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.</p>
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Planners Response:

Relies on Performance Criteria. Hillwood Road has a speed limit of 70km/h and the proposal will result in a 10% increase in the use of the access onto Hillwood Road. The application includes a Traffic Impact Assessment (TIA) prepared by a suitably qualified Traffic Engineer.

The proposal will require farm vehicles and pedestrians to cross Hillwood Road, but otherwise vehicles will use internal farm tracks. Crossings will include a peak of approximately 60, two-way, pedestrian movements and some 60, two-way vehicle movements.

The Traffic Impact Assessment indicates that sight distances are greater than 200m to the east and 300m to the west; in excess of the 140m required for a 70km/h zone. This is adequate safe sight distance for the existing speed limit and will allow for a gap in excess of 10 seconds, which is sufficient for crossing by farm vehicles.

Similar to the previous application, it is proposed that a designated area be provided for crossing the road for pedestrians, to encourage crossing to occur in safe locations.

The TIA concludes that the proposed use of the access will not compromise the safety or efficiency of the road network.

It is recommended that a condition be included on any permit issued to ensure that the access and pedestrian works are carried out to the satisfaction of Council prior to the commencement of use.

E4.7 Development Standards

E4.7.1 Development on and adjacent to Existing and Future Arterial Roads and Railways

Objective
To ensure that development on or adjacent to class 1 or 2 roads (outside 60km/h),

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<p>railways and future roads and railways is managed to:</p> <ul style="list-style-type: none"> a) ensure the safe and efficient operation of roads and railways; and b) allow for future road and rail widening, realignment and upgrading; and c) avoid undesirable interaction between roads and railways and other use or development. 	
Acceptable Solution	Performance Criteria
<p>A1 The following must be at least 50m from a railway, a future road or railway, and a category 1 or 2 road in an area subject to a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> a) new road works, buildings, additions and extensions, earthworks and landscaping works; and b) building areas on new lots; and c) outdoor sitting, entertainment and children’s play areas 	<p>P1 Development including buildings, road works, earthworks, landscaping works and level crossings on or within 50m of a category 1 or 2 road, in an area subject to a speed limit of more than 60km/h, a railway or future road or railway must be sited, designed and landscaped to:</p> <ul style="list-style-type: none"> a) maintain or improve the safety and efficiency of the road or railway or future road or railway, including line of sight from trains; and b) mitigate significant transport-related environmental impacts, including noise, air pollution and vibrations in accordance with a report from a suitably qualified person; and c) ensure that additions or extensions of buildings will not reduce the existing setback to the road, railway or future road or railway; and d) ensure that temporary buildings and works are removed at the applicant’s expense within three years or as otherwise agreed by the road or rail authority.
<p>Planners Response:</p> <p>Not applicable. The property is not within 50m of a State Road or Railway.</p>	

E4.7.2 Management of Road Accesses and Junctions

<p>Objective</p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>
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Acceptable Solution	Performance Criteria
<p>A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</p>	<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
<p>Planners Response: Not applicable. The road has a speed limit greater than 60km/h.</p>	
<p>A2 For roads with a speed limit of more than 60km/h the development must not include a new access or junction.</p>	<p>P2 For limited access roads and roads with a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> a) access to a category 1 road or limited access road must only be via an existing access or junction or the development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
<p>Planners Response: Complies with the Acceptable Solution. The proposal makes use of an existing access.</p>	

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7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

E4.7.3 Management of Rail Level Crossings

<p>Objective</p> <p>To ensure that the safety and the efficiency of a railway is not unreasonably reduced by access across the railway.</p>	
Acceptable Solution	Performance Criteria
<p>A1 Where land has access across a railway:</p> <p>a) development does not include a level crossing; or</p> <p>b) development does not result in a material change onto an existing level crossing.</p>	<p>P1 Where land has access across a railway:</p> <p>a) the number, location, layout and design of level crossings maintain or improve the safety and efficiency of the railway; and</p> <p>b) the proposal is dependent upon the site due to unique resources, characteristics or location attributes and the use or development will have social and economic benefits that are of State or regional significance; or</p> <p>c) it is uneconomic to relocate an existing use to a site that does not require a level crossing; and</p> <p>d) an alternative access or junction is not practicable.</p>
<p>Planners Response:</p> <p>Not applicable. The railway is to the south of the existing access and the proposal does not require or include a level crossing.</p>	

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E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings

<p>Objective</p> <p>To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.</p>	
Acceptable Solution	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p>Planners Response:</p> <p>Complies with the Acceptable Solutions. The access and sight distances are existing. The TIA indicates that the proposed access complies with the safe sight distances in accordance with Table E4.7.4 and the Australian Standard.</p>	

E6.0 Car Parking and Sustainable Transport Code

E6.0 Use Standards

E6.6.1 Car Parking Numbers

<p>Objective</p> <p>To ensure that an appropriate level of car parking is provided to service use.</p>	
Acceptable Solution	Performance Criteria
<p>A1 The number of car parking spaces will not:</p> <p>a) If for dwellings in the General Residential Zone, be less than 100% of the requirements of Table E6.1; or</p> <p>b) be less than 90% of the requirements</p>	<p>P1 The number of car parking spaces provided must have regard to:</p> <p>a) the provisions of any relevant location specific car parking plan; and</p> <p>b) the availability of public car parking spaces within reasonable walking</p>

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<p>of Table E6.1 and not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone).</p>	<p>distance; and</p> <ul style="list-style-type: none"> c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and d) the availability and frequency of public transport within reasonable walking distance of the site; and e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and g) an empirical assessment of the car parking demand; and h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and i) the recommendations of a traffic impact assessment prepared for the proposal; and j) any heritage values of the site; and k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to: <ul style="list-style-type: none"> i) the size of the dwelling and the number of bedrooms; and ii) the pattern of parking in the locality; and iii) any existing structure on the land.
<p>Planners Response:</p> <p>Complies with the Acceptable Solutions. There are no requirements for parking for Resource Development. It is noted that there is ample space onsite for vehicle parking.</p>	

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E6.6.2 Bicycle Parking Numbers

<p>Objective</p> <p>To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.</p>	
Acceptable Solution	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p>Planners Response:</p> <p>Acceptable solution achieved. There are no requirements for bicycle parking associated with Resource Development. It is noted that there is ample room for informal bike parking on the site.</p>	

E6.6.3 Taxi Drop-off and Pickup

<p>Objective</p> <p>To ensure that taxis can adequately access developments.</p>	
Acceptable Solution	Performance Criteria
<p>A1 One dedicated taxi drop-off and pickup space must be provided for every 50 car spaces required by Table E6.1 or part thereof (except for dwellings in the General Residential Zone).</p>	<p>P1 No performance criteria.</p>
<p>Planners Response:</p> <p>Acceptable solution achieved. There is ample room for taxi parking on the site.</p>	

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E6.6.4 Motorbike Parking Provisions

Objective	
To ensure that motorbikes are adequately provided for in parking considerations.	
Acceptable Solution	Performance Criteria
A1 One motorbike parking space must be provided for each 20 car spaces required by Table E6.1 or part thereof.	P1 No performance criteria.
Planners Response:	
Complies with Acceptable Solutions. There are no car spaces required for Resource Development and as such no requirement for motorbike parking spaces. It is noted that there is adequate space for informal motorbike parking on the site.	

E6.7 Development Standards

Not applicable. The development of formal parking is not required or proposed.

10. REFERRALS

Internal Referrals

Infrastructure:

Council’s Acting Works & Infrastructure Manager advised that the Traffic Impact Assessment submitted with the application is suitable.

External Referrals

No external referrals were required for this application.

11. SERVICES

Road

The site is serviced by Hillwood Road. The application includes a Traffic Impact Assessment prepared by a suitably qualified person demonstrating that the road is adequate for the increased vehicle movements generated by the proposed development and the cross movement of vehicles between different areas of the farm will not impact the safety or efficiency of the road network.

Sewer

The land is not connected to sewer and does not propose any buildings requiring connection to a sewer.

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Water

The land is serviced by reticulated water.

Storm Water

The land is not serviced by reticulated stormwater. The proposed tunnels largely do not collect stormwater, but continue to allow for even dispersal across the development area. A portion of the tunnel will likely collect stormwater. It is recommended that a soil and water management plan be submitted to demonstrate how stormwater will be managed such that the water is managed within the site or connected to a legal discharge point.

12. STATE POLICIES

The State Policies are inculcated in the standards of the planning scheme. Compliance with the planning scheme ensures compliance with the State Policies.

13. CONCLUSION

The application for Resource Development (controlled environment agriculture) at land located at 191 Hillwood Road, Hillwood (CT 200918/1) has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable acceptable solutions and performance criteria of the scheme and is recommended for approval.

14. RECOMMENDATION

That the application for Resource Development (Controlled Environment Agriculture) - Polytunnels, for land located at 191 Hillwood Road, Hillwood (CT 200918/1), accessed off Hillwood Road, be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

The use and/or development must be carried out as shown on the endorsed plans and described in the endorsed documents:

- a) David Denman and Associates, Proposed Tunnel Layout, Sheet: DA-01-A, dated 26 June 2020;
- b) Ag Logic, Hillwood Berries 2021 Poly tunnels Draft Plan, dated 25/05/2021;
- c) Haygrove Limited, Tunnel Structure (elevations);
- d) Terry Eaton Consulting Engineer, Traffic Assessment, dated 10 June 2021

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council.

2. SOIL AND WATER MANAGEMENT

Prior to the roofing of any tunnels that include guttering and will result in concentration of stormwater a soil and water management plan is to be submitted to the satisfaction of Council. The soil and water management plan is to show how concentrated stormwater will be managed such that it is contained or dispersed within the site and will not give rise to a nuisance. Concentrated flows must not be directed onto adjoining properties. See Note 2.

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3.ACCESS WORKS

Prior to the commencement of use, all works recommended by the endorsed Traffic Impact Assessment must be undertaken to the satisfaction of Council's Acting Manager Works and Infrastructure. Prior to any construction within the Road Reserve, including proposed pedestrian infrastructure, the developer must make application to Council for a road opening permit using Council designated form and obtain Council's written approval. All this works must be at expense of the person responsible.

4.NO POLLUTED RUNOFF

No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Councils drains or watercourses during and after development.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2021/65. You should contact Council with any other use or development, as they may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. Condition 2 is not intended to prohibit natural overland flow or dispersed stormwater shed from tunnels that do not include guttering.
3. It is essential that the access and pedestrian works required by this planning permit and previous planning permits relating to Hillwood Berries properties on Hillwood Road are undertaken to the satisfaction of Council prior to substantial movement of people occurring across Hillwood Road. This aspect of the proposal should be made a priority.
4. While George Town Council does not have any plans to upgrade Hillwood Road at this time, the setback of the proposed tunnels may restrict future capacity to upgrade the road. Future potential widening of Hillwood Road may require acquisition of land for up to 5m either side of Hillwood Road to meet current standards. It is noted that the proposed polytunnels are setback 10m and would accommodate this. However, it is recommended that the developer consider if a greater setback is required for operational purposes.
5. This permit does not imply that any other approval required under any other by-law or legislation has been granted. The following additional approvals may be required before construction commences:
 - a) Plumbing approval
 - b) Building approvalAll enquiries should be directed to Council's Permit Authority.
6. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or.
 - c) Any other required approvals under this or any other Act are granted.

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7.1 DA 2021/65 – RESOURCE DEVELOPMENT – 191 HILLWOOD ROAD, HILLWOOD (CONT.)

7. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted if a request is received within 6 months of the expiration.
9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
10. If any Aboriginal relics are uncovered during works:
 - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c) The relevant approval processes will apply with state and federal government agencies.

DECISION

VOTING

For:

Against:

**George Town Council
COUNCIL MEETING – 24TH AUGUST 2021
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8. OFFICE OF GENERAL MANAGER

8.1 COUNCIL WORKSHOPS – JULY/AUGUST 2021

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 11th August, 2021

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

TUESDAY 27TH JULY 2021

- Launceston City Deal Presentation
- Update on Planning and Building
- Update on Capital Works
- LGAT General Meeting Motions
- Annual Plan Actions
- Submission to future of gaming
- Submission to Code of Conduct Framework
- Letter to the Hon. Michael Ferguson MP re TEMT
- NRM North Association 'Group A' Representative
- Governance Issues

Present: Mayor Kieser, Deputy Mayor Harris, Cr Barraclough, Cr Barwick, Cr Brooks, Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Apologies: Nil.

In Attendance: General Manager, Manager Corporate Services and Finance, Acting Manager Works & Infrastructure, Manager Liveable & Connected Communities, Manager People, Performance & Governance, Statutory Planner, Executive Support & Governance Officer

Guests: Representatives from Launceston City Deal Project – Launceston City Council

TUESDAY 10TH AUGUST 2021

- Health and Wellbeing Centre – Presentation
- Visit North Tas. Presentation
- Sale of land for unpaid rates
- Expression of Interest – Anzac Drive Building Bar and Restaurant – Presentation
- Swimming Pool Presentation

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8.1 COUNCIL WORKSHOPS – JULY/AUGUST 2021 (CONT.)

- Airport Master Plan
- George Town Community Safety Group Committee meeting – 1st June 2021
Confirmed Minutes
- Appointment of Council Representative – Communities for Children Council (CfC)
- Unconfirmed minutes of the 27th July 2021 Ordinary Council Meeting
- Delegations
- FILT Resourcing
- Governance Issues
 - Revised draft Housing Land Supply Amendment Bill 2021
 - Corporate uniform
 - Archers Road

Present: Mayor Kieser, Cr Barraclough, Cr Barwick, Cr Dawson, Cr Michieletto, Cr Parkes

Apologies: Deputy Mayor Harris, Cr Mason

In Attendance: General Manager, Manager Development Services & Environment, Acting Manager Works & Infrastructure, Manager Liveable & Connected Communities, Executive Support and Governance Officer

Guests: Consultants - @Leisure Planners
Consultant – to70
EOI Presentor

OFFICER'S RECOMMENDATION

That Council receives the report on the Council Workshops 27th July and 10th August 2021 from the General Manager.

DECISION

VOTING

For:

Against:

George Town Council
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8.2 APPOINTMENT OF COUNCIL REPRESENTATIVE – COMMUNITIES FOR CHILDREN COUNCIL (CFC)

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 11th August, 2021

FILE NO: 14.35

ATTACHMENT: Communities for Children Strategy Plan 2020-2025

SUMMARY

To consider the nomination of a Council representative on the Launceston Tamar Valley Communities for Children Council (*CfC Council*).

BACKGROUND

Anglicare Tasmania is responsible for delivering the Launceston Tamar Valley Communities for Children Program as funded by the Australian Department of Social Services.

This Program aims to deliver positive and sustainable early intervention for vulnerable children and families with children in the 0-12 age group by promoting collaboration and innovation within community service delivery, and through capacity building activities with community partners.

The Launceston Tamar Valley footprint covers Waverley, Ravenswood, St Leonards, Invermay, Mowbray, Beaconsfield, Mayfield, Newnham, Rocherlea, Lilydale and George Town. The CfC team engages with local 'community committees' in these areas to identify their priority needs and inform service delivery.

The program is committed to a regional agenda of 'Every Child Succeeds', working alongside the Tasmanian Government's Child and Youth Wellbeing Framework to ensure all children are loved and safe, have material basics, are healthy, participating, learning and growing up with a positive sense of culture and identity.

The role of the *CfC Council* is to provide strategic advice to Anglicare Tasmania. The primary purpose is to:

- Assist Anglicare Tasmania in developing, monitoring and reviewing a CfC Community Strategic Plan and Annual Activity Work Plan.
- Appoint a Funding Panel to assess applications for funding and make recommendations to the Council on proposed activities and initiatives.
- Draw upon and contribute to the evidence of good practice in early childhood and community development.
- Represent Launceston Tamar Valley communities in the development and evaluation of the program.
- Support collaboration across all levels of government, within the community sector as well as working with the whole of community for the betterment of children and families.
- Promote and advocate for the Program within the community.
- Inform the project regarding relevant issues facing young children and their families and identify gaps in service.
- Undertake the work of the Council within a strengths-based community development framework.

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8.2 APPOINTMENT OF COUNCIL REPRESENTATIVE – COMMUNITIES FOR CHILDREN COUNCIL (CfC)

CONSULTATION

Whilst no prior formal consultation has occurred with Councillors on the representation of George Town Council on the *CfC Council*, Cr Brooks has indicated that she will not seek re-appointment as George Town Council’s representative to the *CfC Council*.

STRATEGIC PLAN

Future Direction Three – Progress well-resourced communities

1. Social infrastructure meets community needs
 - i. Responding to the needs of young people

Future Direction Four – Leadership and accountable governance

1. A culture of engagement and participation
 - i. Engaging over things that matter to the community
2. Positive and productive working relationship with all levels of government and their agencies
 - i. Ensuring the area’s needs and priorities are understood

RISK MANAGEMENT

Appointment of a Council representative to the *CfC Council* is made by Council resolution.

Council’s representative to the *CfC Council* would also be required to consider any voting direction within their capacity as member of the *CfC Council* in accordance with George Town Council’s strategic direction, policy and Council resolutions.

FINANCIAL IMPLICATIONS

Reasonable out-of-pocket expenses would be reimbursed to the Council representative, subject to claim, in accordance with the George Town Council Councillors Allowances Policy.

OFFICER’S COMMENTS

Membership to the *CfC Council* consists of:

Representatives from the following	Role	Voting Right
Communities for Children Coordinator/Anglicare Tasmania (1)	Chair	No
Communities for Children – Anglicare project officers (3)	Secretariat	No
Australian Government (DSS) (1)	Funding Body	No
Representative from each community committee (6)		Yes
Child and Family Centres (3)		Yes
Local Government - Launceston (1) - West Tamar (1) - George Town (1)		Yes

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8.2 APPOINTMENT OF COUNCIL REPRESENTATIVE – COMMUNITIES FOR CHILDREN COUNCIL (CfC)

Representatives from the following	Role	Voting Right
Tasmanian Government (1)		Yes
Australian Government (1)		Yes
Aboriginal community (1)		Yes
Child health and Wellbeing sector (1)		Yes
Community sector (1)		Yes
Northern Early Years Group (1)		Yes
Culturally and Linguistically Diverse community (1)		Yes
Disability sector (1)		Yes
University of Tasmania – Academic research (1)		Yes
Youth Representative (1)		Yes

Meetings of the CfC Council will be held at least bi-monthly.

The appointment of a Council representative to the *CfC Council* aligns with Council's strategic direction therefore the nomination of a Councillor as the George Town Council representative is recommended to Council.

OFFICER'S RECOMMENDATION

That Council:

1. Appoints Councillor as the George Town Council representative on the Communities for Children Council (CfC).

DECISION

VOTING

For:

Against:

**8.3 LOCAL GOVERNMENT CODE OF CONDUCT – DETERMINATION REPORT
BARWICK V KIESER**

REPORT AUTHOR:	General Manager – Mr S. Power
REPORT DATE:	2 nd August, 2021
FILE NO:	14.25
ATTACHMENT/S:	Local Government Code of Conduct Determination Report – Barwick v Kieser

SUMMARY

The purpose of this report is to table the Local Government Code of Conduct Panel's Determination Report relating to a Code of Conduct complaint lodged by Cr Heather Barwick against Cr Greg Kieser.

BACKGROUND

A Code of Conduct complaint was lodged by Cr Heather Barwick against Cr Greg Kieser dated 7 April 2021 and provided to the General Manager of the George Town Council.

In accordance with s.28Z (1)(a) of the Local Government Act 1993 (the Act), the General Manager referred the complaint to the Code of Conduct Panel (the Panel) by providing it to the Executive Officer of the Panel.

The Panel met to consider the complaint and determined in accordance with s.28ZG (2)(a) and (b) that the complaint would be investigated by the Panel.

Council received advice from the Panel dated 26th July 2021 that in accordance with s.28ZK (2) of the Act the Panel had made its determination in relation to the complaint lodged by Cr Heather Barwick against Cr Greg Kieser, enclosing a copy of the Determination Report.

The Determination Report outlined:

1. Summary of the Complaint;
2. Initial assessment;
3. Investigation;
4. Hearing;
5. Determination;
6. Reasons for determination;
7. Direction regarding further complaints;
8. Right to review.

**8.3 LOCAL GOVERNMENT CODE OF CONDUCT - DETERMINATION REPORT –
BARWICK V KIESER (CONT.)**

LEGISLATION & POLICY

- Section 28 Local Government Act 1993
- George Town Council Code of Conduct (adopted 21 January 2019)

RISK CONSIDERATIONS

There are no risks recognised in Council receiving and noting the report.

FINANCIAL IMPLICATIONS

In accordance with s.28O of the Act, any remuneration and allowances payable to members of the Code of Conduct Panel in relation to a code of conduct complaint and its investigation and determination are payable by the relevant council.

OFFICER'S COMMENT

Under s.28ZK of the Act, if the General Manager receives a Determination Report but no addendum, the General Manager is to ensure that a copy of the Determination Report is tabled at the first meeting of the relevant Council at which it is practicable to do so and which is open to the public. No addendum was attached to the Determination Report.

OFFICER'S RECOMMENDATION

That Council:

- a) Receives and notes the Local Government Code of Conduct Panel's Determination Report attached to this report and relating to the Code of Conduct complaint from Councillor Heather Barwick against Councillor Greg Kieser; and
- b) Notes the tabling of the Determination Report in accordance with s.28ZK(4) of the Local Government Act 1993.

DECISION

VOTING

For:

Against:

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8.4 DELEGATIONS REGISTER

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 11th August, 2020

FILE NO: 14.2

ATTACHMENT/S: Delegations Register

SUMMARY

To present to Council for consideration of formal endorsement of the Delegations Register with additional delegations sought from Council to the General Manager (attachment).

BACKGROUND

Section 22 of the Local Government Act 1993 provides for a Council to delegate its powers and functions under any Act to the General Manager, apart from some express exceptions that are outlined in the section. It also provides that the Council may authorise the General Manager to further sub-delegate those powers and functions to other officers as necessary.

The review of Council's Delegation Register (to the General Manager) and the Instrument of Delegation from the General Manager is an ongoing process, necessitating amendments in response to legislative changes and operational requirements. Council last reviewed its Delegations Register (to the General Manager) in April 2020 (Council resolution 063/20). The General Manager last reviewed the Instrument of Delegation from the General Manager in April 2020.

STATUTORY REQUIREMENTS

The following Acts are relevant to this report.

Local Government Act 1993 Section 22. Delegation by council

- (1) *Subject to subsection (2), a council, in writing, may delegate with or without conditions to the general manager, controlling authority, a council committee or a special committee, any of its functions or powers under this or any other Act, other than–*
- (a) *this power of delegation, unless authorised by the council; and*
 - (b) *the powers referred to in subsection (3).*
- (2) *A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:*
- (a) *the collection of rates and charges under Part 9;*
 - (ab) *the postponement of rates and charges;*
 - (b) *the remission or rebate of rates and charges;*
 - (ba) *the writing off of any debts owed to the council;*
 - (c) *the making of grants or the provision of benefits.*
- (3) *A council must not delegate any of its powers relating to the following:*
- (a) *the borrowing of money or other financial accommodation;*
 - (b) *the determination of the categories of expenses payable to councillors and any member of any committee;*
 - (c) *the establishment of council committees, special committees, controlling authorities, single authorities or joint authorities;*
 - (d) *the revision of the budget or financial estimates of the council;*

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8.4 DELEGATIONS REGISTER (CONT.)

- (e) *the revision of the strategic plan and the annual plan of the council;*
 - (f) *the appointment of the general manager;*
 - (fa) *the sale, donation, exchange or other disposal of land or public land;*
 - (fb) *the decision to exercise any power under section 21(1);*
 - (g) *the making of by-laws;*
 - (h) *the making of rates and charges under Part 9;*
 - (i) *any other prescribed power.*
- (4) *The general manager is to –*
- (a) *keep a register of any delegation; and*
 - (b) *make the register available for inspection at a public office.*

Local Government Act 1993 Section 64. Delegation by general manager

The general manager, in writing, may delegate to an employee of the council-

- (a) *any functions or powers under this or any other Act, other than this power of delegation; and*
- (b) *any functions or powers delegated by the council which the council authorised by the general manager to delegate.*

Local Government (Highways) Act 1982 Section 124. Delegation of powers, &c., by corporations

- (1) *The corporation may, by special resolution, delegate to one or more officers of the corporation or to a committee consisting of members of the council the exercise or performance of such of its powers or functions under this Act (except this power of delegation) as are specified in the resolution and may, by resolution, revoke wholly or in part any such delegation.*
- (2) *A resolution for the purposes of [subsection \(1\)](#) , other than a resolution revoking a delegation, shall be passed by a majority of at least two-thirds of the members of the council present at the meeting at which it is moved.*
- (3) *A power or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.*
- (4) *A delegation under this section may be made subject to such conditions or limitations as to the exercise or performance of any of the powers or functions delegated, or as to time or circumstance, as are specified in the resolution.*
- (5) *Notwithstanding any delegation under this section, the corporation may continue to exercise or perform all or any of the powers or functions delegated.*
- (6) *Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the corporation and shall be deemed to have been done by or to the corporation.*
- (7) *An instrument purporting to be signed by a delegate of the corporation in his capacity as such a delegate shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the corporation under seal and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the corporation under this section.*

**Local Government (Building & Miscellaneous Provisions) Act 1993
Section 246 Advertising Hoardings**

- (1) *A person must not, within a municipal area, erect, put up, place or use or permit to be erected, put up, placed or used, any hoarding or similar structure for advertising purposes without a licence from the council.*
Penalty: Fine not exceeding 10 penalty units.
- (2) *An application for a licence is to be –*
 - (a) *in writing; and*
 - (b) *lodged with the council.*

8.4 DELEGATIONS REGISTER (CONT.)

- (3) The council may issue a licence to any person authorizing the person to erect, put up, place or use an advertising hoarding or similar structure in any place specified in the licence.
- (4) The council may refuse to issue a licence for an advertising hoarding or similar structure if, in the opinion of the council –
 - (a) the hoarding or similar structure may become dangerous, unsightly or unsuitable to the locality in which it is erected; or
 - (b) it is not desirable to issue the licence in respect of the place where the hoarding or structure is erected.
- (5) A licence may be subject to conditions as to the maintenance of the hoarding or similar structure.

Section 247 Removal of Hoardings

- (1) *The council, by notice in writing, may order the owner of any advertising hoarding or similar structure which has been erected or maintained in contravention of this section, to remove it by a specified date, at least 14 days after receipt of the notice.*
- (2) *The owner is taken to have received the notice if the notice is posted on or attached to the hoarding or similar structure within 7 days of the date of the notice.*
- (3) *An owner must comply with a notice.
Penalty: Fine not exceeding 10 penalty units.*
- (4) *A council may enter upon the land on which the hoarding or structure is erected and may destroy it or take the material for its use if –*
 - (a) *the hoarding or similar structure has been erected, put up or placed in contravention of [section 246](#) ; or*
 - (b) *an owner to whom a notice has been given has failed within 14 days to obey it.*
- (5) *The cost of any removal and destruction may be added to the amount of any penalty imposed under this section.*

Litter Act 2007

8. Power of councils to appoint employees as authorised officers

The general manager of a council may appoint an employee of the council to be an authorised officer for the purposes of this Act.

Land Use Planning & Approvals Act 1993

A planning authority may, by resolution, delegate any of its functions or powers under this Act other than this power of delegation to a person employed by the authority.

- (4) *A delegation may be made either generally or as otherwise provided by the instrument of delegation.*
- (5) *Notwithstanding any delegation, a planning authority may continue to perform or exercise all or any of the functions or powers delegated.*
- (6) *A function or power performed or exercised by a delegate has the same effect as if performed or exercised by a planning authority.*

Building Act 2016, Section 265. Failure to comply with emergency, building or plumbing order

- (1) *If a person fails to comply with a building order made by a building surveyor, the building surveyor is to refer the matter to the permit authority.*
- (2) *The permit authority is to take all reasonable steps to enforce a building order referred to in [subsection \(1\)](#) .*
- (3) *If a person fails to perform any work required by an emergency order, a building order or plumbing order, the work may be performed by the council.*

8.4 DELEGATIONS REGISTER (CONT.)

- (4) *In performing any work under [subsection \(3\)](#), the council may –*
- (a) *enter on the land where the work is to be done with the appropriate equipment; and*
 - (b) *exclude other persons from the place where the work is being done; and*
 - (c) *if anything is to be altered, determine the form of the alteration so far as it was not previously specified; and*
 - (d) *if anything is to be taken down, demolished or removed, determine in what condition the remainder is to be left; and*
 - (e) *carry away to some convenient place any materials removed; and*
 - (f) *sell any materials so carried away and deduct the proceeds from the cost of the work.*

Emergency Management Act 2006, Section 24 (2)

A Municipal Coordinator has the following powers:

- (a) *to utilise the resources of the municipal volunteer SES units in support of statutory services for emergency purposes within the municipal area;*
- (b) *to advise the council and councillors in the municipal area in respect of the facilities required for effective operation of the municipal volunteer SES units;*
- (c) *powers determined by the Regional Controller by notice provided to the Municipal Coordinator;*
- (d) *prescribed powers;*
- (e) *the power to do all other things necessary or convenient to perform his or her functions.*

Environmental Management and Pollution Control Act 1994

Section 21 Council Officers

A council may appoint an employee of the council to be a council officer for the purposes of this Act.

Public Health Act 1997

Section 11. Appointment of officers

- (1) *The general manager of a council may appoint –*
 - (a) *persons who are medical practitioners as medical officers of health; or*
 - (b) *persons with approved qualifications as environmental health officers.*
- (2) *The general manager of a council, if required by the Director, must appoint –*
 - (a) *persons who are medical practitioners as medical officers of health; or*
 - (b) *persons with approved qualifications as environmental health officers.*
- (3) *If the general manager of a council fails to appoint a person within 3 months after being required to do so under [subsection \(2\)](#), the Director may make the appointment on behalf of the general manager on any terms the Director considers appropriate.*
- (4) *If the Director is satisfied that the general manager of a council has reasonable grounds for not appointing a person with approved qualifications as an environmental health officer, the Director may –*
 - (a) *allow the general manager to appoint a person who does not have those approved qualifications; or*
 - (b) *allow the general manager to appoint a person on any terms and conditions the Director determines; or*
 - (c) *exempt the general manager from being required to appoint a person.*

8.4 DELEGATIONS REGISTER (CONT.)

Local Government Act 1993 Section 62. Functions and powers of general manager

- (1) *The general manager has the following functions:*
- (h) *to manage the resources and assets of the council;*

STRATEGIC PLAN

Future Direction 4 – Leadership and accountable governance

Culture of engagement and participation; planning and regulatory responsibilities; working relationships and collaborations; change management and accountability.

RISK CONSIDERATIONS

To minimise any risk, the General Manager, through delegation by the Council in accordance with the Requirements of S22 and S64 of the Local Government Act and the Schedule of Conditions in each Instrument of Delegations listed within the Delegations Register, is to communicate any sub-delegation to officers to ensure continued understanding and compliance.

FINANCIAL IMPLICATIONS

No financial implications are recognised.

CONSULTATION

The revised draft Delegation Register was presented to the 10th August 2021 workshop for elected members consideration.

OFFICER'S COMMENTS

The proposed changes in the Delegations Register to the General Manager (and sub-delegations by the General Manager to Council officers) are required to ensure operational efficiency, robust compliance frameworks and provision of a high standard of customer service.

A schedule of the changes to the Delegations Register are indicated below and are also tracked in the attachment to this report.

General Changes

Front Page updated and footer to reflect Review date.

Requested delegations to the General Manager from Council

Additional delegation of powers to the General Manager are included in the below tables. The relevant legislative extracts are also provided for further information.

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8.4 DELEGATIONS REGISTER (CONT.)

No. 3 Local Government (Highways) Act 1982

Page No.	Section	Change to Delegation	Conditions or Restrictions
11	S45	Power to remove an article from a highway in accordance with the provisions of Section 45 of the <i>Local Government (Highways) Act 1982</i> .	Provide delegation for the removal of abandoned articles. There are nil conditions or restrictions.

S45. Removal and disposal of abandoned articles

- (1) *This section does not apply to a carcass that, pursuant to [Division 3 of Part 5 of the Local Government \(Building and Miscellaneous Provisions\) Act 1993](#) , it is the duty of the corporation to remove from the highway.*
- (2) *In this section –
article includes a vehicle or trailer, a part or component of a vehicle or trailer, and the carcass of an animal;
owner, when used in relation to an article removed from a highway under this section, means a person who, at the time the article was so removed, had any property in the article and the legal personal representative of a person who was the owner of that article.*
- (3) *Without prejudice to the provisions of [subsection \(2\)](#) , where an article removed from a highway under this section is a motor vehicle or trailer within the meaning of the [Vehicle and Traffic Act 1999](#) or is a part or component of such a vehicle or trailer, the person who, within the meaning of that Act, was the registered operator of that motor vehicle or trailer at the time it was so removed, or, if the motor vehicle or trailer of which the article was a part or component had remained in existence, would then have been its registered operator, shall for the purposes of this section be deemed to be an owner of that article.*
- (4) *Where it appears to the corporation that an article has, without lawful authority, been abandoned on a highway under local management, it may remove the article from the highway.*
- (5) *Where an article has been removed from a highway under this section, the corporation may, subject to this section, dispose of it in such manner as it thinks fit –
(a) *if, within one month of its removal from the highway, possession has not been taken of the article under [subsection \(7\)](#) ; or*
(b) *if the corporation is satisfied that the article is of no value or the amount that might be received from its sale would not be sufficient to defray the cost of its removal from the highway and its storage for the period of one month.**
- (6) *Notwithstanding anything in [subsection \(5\)](#) , if the article is the carcass of an animal or of a perishable nature, the corporation may at any time dispose of it in such manner as it thinks fit.*
- (7) *Unless the article has otherwise been disposed of in accordance with this section, the corporation, on a claim made to it by a person who satisfies it that he is an owner of the article, shall allow that person to take possession of the article on the payment by him of the expenses reasonably incurred in the removal of the article from the highway and in its storage until possession of the article is taken by that person.*
- (8) *If under [subsection \(5\)](#) or [\(6\)](#) an article is sold and the amount recovered from its sale exceeds the cost of its removal from the highway and of its storage until the time it is sold, the corporation shall, on a claim made to it within 6 months of its being so removed, by a person who satisfies the corporation that he is an owner of the article, pay to that person the amount of the excess.*

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8.4 DELEGATIONS REGISTER (CONT.)

- (9) Where, before payment is made under [subsection \(8\)](#) in respect of any article, two or more separate claims are made under that subsection by persons each of whom the corporation is satisfied is an owner of that article, it shall pay the sum otherwise required to be paid under that subsection to such one of them, or divide that sum between all or some of them in such manner, as is agreed between them or, in default of agreement, as is determined by a justice on the application of any of them.
- (10) Where a claim is made under [subsection \(8\)](#) in respect of an article by a person and it appears to the corporation that there is or may be some other person who is an owner of that article, nothing in that subsection requires the corporation to make a payment in pursuance of that claim until the expiration of the period of 6 months referred to in that subsection unless, before the expiration of that period, a claim is made under that subsection in respect of that article by that other person or he notifies the corporation in writing that he does not intend to make such a claim.
- (11) The rights of a person in an article to which this section applies, or in the proceeds of its sale, have effect subject to the powers and duties conferred or imposed on the corporation under this section, and it incurs no liability to that person by reason of the exercise of those powers or the carrying out of those duties or by reason of the loss of, or damage to, an article arising in connection therewith.
- (12) The corporation may recover from a person who is an owner of an article removed from a highway under this section, or from a person who abandoned the article, the cost incurred in its removal, storage, and disposal, less any sums received by the corporation on the sale of the article.
- (13) The expenses incurred by the corporation under this section in respect of an article shall be regarded as expenses incurred by it in the exercise of its duty to maintain the highway from which the article was removed.

No. 15 Litter Act 2007

Page No.	Section	Change to Delegation	Conditions or Restrictions
15	S8	Power to appoint an employee of the council to be a council officer for the purpose of this Act in accordance with the provisions of Section 8 of the <i>Litter Act 2007</i> .	Section 8 provides an Authorised Council Officer to carry out the duties of an Authorised Council Officer under this Act i.e. Community Compliance Officer and EHO.

S8. Power of councils to appoint employees as authorised officers

The general manager of a council may appoint an employee of the council to be an authorised officer for the purposes of this Act.

8A. Ex-officio authorised officers

Each of the following persons is an authorised officer by virtue of his or her office:

- (a) the Director;*
- (b) a general manager;*
- (c) a police officer.*

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8.4 DELEGATIONS REGISTER (CONT.)

No. 8 Land Use Planning and Approvals Act 1993

Legal advice was received stating that Council is required to modify the Delegations by Council to cover a change to the LUPA.

Page No.	Section	Change to Delegation	Conditions or Restrictions
17	S.39(2) Representations in respect of Draft Amendments	Power to send Section 43A reports directly to the Town Planning Commission when there are no representations received during the public consultation period in accordance with the provisions of Section 39(2) of the <i>Land Use Planning & Approvals Act 1993</i> .	Nil conditions or restrictions

S39. Limitation on multiple requests for same amendment

- (2) *The Commission may, on the application of a person who wishes to make a request under [section 37\(1\)](#) (the new request), give leave to the person to request the planning authority under [section 37\(1\)](#) to prepare a draft amendment of an LPS that is substantially the same as a previous request to prepare an amendment.*

Page No.	Section	Change to Delegation	Conditions or Restrictions
18	S. 53(5A-C) Power to Extend a Permit	Power to extend an existing permit for a period of 2 years if it has not been substantially commenced in accordance with the provisions of Section 53(5A-C) of the <i>Land Use Planning & Approvals Act 1993</i> .	Restricted to a maximum of two (2) only extensions of time. Ability for Manager Development Services and Environment to issue and sign these permits.

S52 Power to Extend a Permit

- (5A) *If the use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under [subsection \(5\)\(a\)](#), the planning authority may grant (once only) an extension of the period during which that use or development must be substantially commenced.*
- (5B) *If the use or development in respect of which a permit was granted is not, or is unlikely to be, substantially commenced before the permit would otherwise lapse under [subsection \(5\)\(b\)](#), the planning authority may grant (once only) a further extension of the period during which that use or development must be substantially commenced.*
- (5C) *An application may be made under [subsection \(5A\)](#) or [\(5B\)](#), for an extension of a period during which a use or development in respect of which a permit was granted must be substantially commenced, at any time before the end of the period of 6 months from the day on which the permit has lapsed and, if the extension is granted, the permit is to be taken to not have lapsed on that day.*

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8.4 DELEGATIONS REGISTER (CONT.)

Page No.	Section	Change to Delegation	Conditions or Restrictions
18	S. 54 Additional Information	Power to require an applicant to provide additional information before considering an application for a planning permit in accordance with the provisions of Section 54 of the <i>Land Use Planning & Approvals Act 1993</i> .	Nil Conditions or Restrictions.

S54. Additional information

- (1) A planning authority that receives an application for a permit (other than a permit referred to in [section 40T](#)) may –
- (a) if the permit sought is a discretionary permit, by notice in writing served on the applicant within the period of 21 days from the day on which it receives the application; or
 - (b) if the permit sought is not a discretionary permit, by notice in writing served on the applicant within the period of 14 days from the day on which it receives the application –
require the applicant to provide it with additional information before it considers the application.
- (1A) If the period specified in [subsection \(1\)](#) includes any days on which the office of the planning authority is closed during normal business hours in that part of the State where the land subject to the application for a permit is situated, that period is to be extended by the number of those days.
- (2) If the planning authority requires the applicant to provide it with additional information, the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run while the request for information has not been answered to the satisfaction of the planning authority.
- (2AA) If additional information is not provided, in accordance with a request under [subsection \(1\)](#), within 2 years, or a longer period agreed to by the applicant and the planning authority, after the request is made, the application for a permit, to which the request relates, lapses.
- (2A) If the Appeals Tribunal determines that –
- (a) a planning authority had, in good faith, required an applicant under [subsection \(1\)](#) or [\(3\)](#) to provide the authority with additional information; but
 - (b) the planning authority ought to have been satisfied with the information provided to the planning authority by the applicant before the requirement was served on the applicant –
the relevant period referred to in [section 57\(6\)\(b\)](#) or [58\(2\)](#) does not run for the period beginning on the day on which the requirement was served on the applicant and ending at the end of the day that is 7 clear days after the day on which the determination was made by the Appeals Tribunal.
- (3) The planning authority must, within 8 business days from the day it receives the additional information under [subsection \(1\)](#), notify the applicant if the request for information has not been answered to its satisfaction and in that notification require the applicant to provide it with the additional information.

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8.4 DELEGATIONS REGISTER (CONT.)

No. 15 Miscellaneous Powers and Functions to the General Manager

The Audit Panel met on the 30th March 2021 where it adopted the delegation register to include the relevant legislation pertaining to the function of power under No. 15 Miscellaneous Powers and Functions to the General Manager.

No	Function of Power	Legislation
1	To call for and accept quotations, tenders or auction the disposal of surplus or redundant plant, equipment or materials.	LGA S. 333A, S. 73 GTC-2 Code for Tenders and Contracts Plant and Vehicle Replacement policy adopted Oct 2018.
2	To institute, defend, abandon, settle or compromise any proceedings before any tribunal for the recovery of debts due to the Council or for breaches of any statutes affecting the Council, or to protect, recover or secure recompense for damage to or loss of any property of the Council.	LGA S. 22(2)(ba); S. 76 GTC-P20 – Write off of Bad Debts
3	To authorise and to institute proceedings for non-compliance with any order or notice lawfully made or given by or on behalf of the Council, and where such order or notice is not complied with, to authorise the carrying out of the necessary work where the Council has the power to do so.	Building Act 2016 S. 265(3) & (4) Land Use Planning and Approvals Act 1993 S. 65 b & c
4	To issue or publish or cause to be issued or published statements of fact relating to Council's activities or policies.	LGA S. 66-72
5	To seek legal advice and to complete affidavits on behalf of Council in accordance with Council decisions and/or policies.	LGA S. 65, S. 237
6	To sign all contracts, leases and agreements on behalf of Council in accordance with Council policies.	LGA S. 62
7	To control and supervise all contracts and to approve expenditure authorised there under in the relevant budget, including contingency provisions.	LGA S. 74
8	To authorise the carrying out by Council of private works for other parties.	LGA S. 205 (b) (c)
9	To determine the use of public roads for walk-a-thons, charitable collections or other like events.	LG (Highways) Act 1982 S. 19 & 20
10	To authorise the closure of roads or parts thereof temporarily for repairs or construction.	LGA S. 189
11	To authorise the total or partial release of bonds, guarantees and security deposits where the relevant Team Leader has certified that the work or thing which the bond, guarantee or security deposit relates has been satisfied in whole or in part and to call on any bonds, guarantees or security	LG (Building and Miscellaneous Provisions) Act 1993 S. 86

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	deposits where the work secured has not been carried out in accordance with Council requirements.	
12	To authorise the use of Council's plant and equipment in emergencies at the request of the State Emergency Services, Tasmania Police or the State Fire Authority.	Emergency Management Act 2006 S. 24 (2)
13	To make payments and donations in keeping with Council policy.	LGA S. 77
14	To approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises.	Liquor Licensing Act 1990 S. 8

Advice had been sought and received on No. 14 for the General Manager to approve or disapprove, upon written application, requests to consume intoxicating liquor on Council reserves or premises. Under the Liquor Licensing Act 1990 S. 8 this does not provide for the General Manager to approve or disapprove and therefore, required to be deleted. The General Manager may approve or disapprove consumption of alcohol on Council reserves or premises under the *Local Government Act Section 62 (h) to manage the resources and assets of the council* after the Commissioner has approved a permit to a community member or group.

In accordance with the requirements S.64 of the Local Government Act, the General Manager, in writing, may delegate to an employee of the council any functions or powers under this or any other Act, other than this power of delegation; and any function or powers delegated by the council which the council authorised the general manager to delegate.

Whilst the Delegations Register is available for public inspection, the instrument of sub-delegation register is considered to be an internal operational document and therefore not made publicly available. The current sub-delegation register however, has been provided for Councillors' information on the intranet.

OFFICER'S RECOMMENDATION

That Council:

1. Approves the changes contained in this report to the Delegations Register; and
2. Makes available the Delegations Register for public inspection.

DECISION

VOTING

For:

Against:

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9. DEVELOPMENT AND ENVIRONMENT

9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, LOW HEAD

REPORT AUTHOR: Statutory Town Planner – Mr J. Simons
Manager – Development and Environment – Mr R. Cassidy

REPORT DATE: 17th August 2021

FILE NO: PID: 6459023

ATTACHMENT: (A) Application Letter
(B) Copy of Title
(C) Copy of the Schedule of easements
(D) Request for Hearing

SUMMARY

The purpose of this report is for Council to establish a Committee to consider an application for amendment to sealed plan no.13174, under Division 5, Section 103, 104 and 105 of the Local Government (Building and Miscellaneous) Act 1993, affecting a number of titles surrounding Perrin Drive, Low Head.

BACKGROUND

Council has received a request from Sproal and Associates – Property Lawyers, on behalf of the owners of 6-8 Perrin Drive, Low Head to remove a restrictive covenant on Sealed Plan 13174. The subject land comprises Certificates of Title 52331/1 and 52331/2, which originally formed lot 26 on sealed plan 13174. The land was subdivided in 1994, but remains subject to all the original covenants.

In this instance the sealed plan includes a covenant which prevents the owner of CT 52331/2 from erecting a dwelling without breaching the covenant, despite having a separate title and being capable of being sold into separate ownership. The property is located in the General Residential Zone and a dwelling would generally not require a planning permit in this zone. The proposal seeks to remove the covenant as it is in conflict with the provisions of Council's Planning Scheme.

The petition has been served on the following title owners, having been identified as having an interest in the proposal.

CT 52331/1
CT 52331/2
CT13174/25
CT31943/34
CT168176/1
CT168176/2
CT21745/4
CT21745/3
CT21745/2
CT21745/1

With the exception of CT 52331/1 and CT 52331/2, the titles all contain single dwellings.

9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, LOW HEAD (CONT.)



Figure 1: titles identified as having a legal interest in the proposal.

STRATEGIC PLAN 2020-2030

Future Direction (2) Prosperity for all in all aspects of life

- 2/ Planning and regulatory responsibilities are undertaken fairly and openly
 - II. Building knowledge and understanding of planning and regulatory responsibilities and processes

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9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, LOW HEAD (CONT.)

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The following sections of the *Local Government (Building and Miscellaneous Provisions) Act 1993* are applicable:

103. Amendment of sealed plans

- (1) When a plan has taken effect, it may be amended by the council –
 - (b) on the application of any person having an interest in land subject to the plan.
- (3) A person is to –
 - (a) make an application under subsection (1) by petition; and
 - (b) 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.
- (4) Any person affected by the proposed amendment may ask to be heard in support or opposition.
- (5) If a notice is not given or a petition is not served as required by this section, subsequent proceedings are not void.

104. Hearing in respect of amendment of plans

- (1) At the end of 28 days after the last notice is served or the last petition is served as required by section 103 (2) or (3), the council –
 - (a) may, if no person has asked to be heard in opposition, cause the amendment to be made; or
 - (b) if a person has asked to be heard, is to appoint a day for hearing any petitioner and those persons who have asked to be heard.
- (2) A hearing is to be by the council or a council committee who may –
 - (a) hear persons who have asked to be heard after the period referred to in subsection (1); and
 - (b) obtain the assistance of legal practitioners, architects, engineers and surveyors.
- (3) On the conclusion of the hearing, the council may –
 - (a) cause the amendment to be made with or without modification; and
 - (b) require as a condition of so doing that any person who benefits the amendment is to make compensation in money or land to a person who is injured by it.
- (4) The council may, with the consent of all persons concerned, act as provided in subsection (3).
- (5) The Recorder of Titles may call in and cancel or correct any certificate of title affected by amendments.

RISK CONSIDERATIONS

There is a low risk to Community and Government Reputation. Although the hearing will be dealt with by a committee rather than at a Regular Meeting, all parties with an interest, including the petitioner and the person requesting to be heard will have an opportunity to attend.

In the absence of clear guidelines in the legislation, Council will need to engage a solicitor familiar with undertaking hearings to ensure procedural fairness is afforded to all parties and to avoid judicial review. However, this will also be relevant to a hearing conducted within a Regular Meeting.

9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, LOW HEAD (CONT.)

FINANCIAL IMPLICATIONS

In accordance with Clause 105 (2) of the Act, if it is determined that compensation is payable, the Council may recover against the petitioner and any person heard or asking to be heard in support of the amendment, to the extent to which they are benefited by the amendment.

Council will need to engage a solicitor familiar with the hearing process to advise and/or facilitate the hearing process. These costs would likely be incurred if the hearing were undertaken during a regular meeting.

CONSULTATION

The requirements for consultation are dictated by the Act. In this case it is the Petitioner's responsibility to serve notice, and notification is confined to those with a proper legal interest in the Sealed Plan. The petitioner has served notice on all parties with an interest as per the requirements.

One person has requested to be heard.

OPTIONS

Council may choose to:

1. Support the motion as presented; or
2. Support the motion with amendment; or
3. Not support the motion.

OFFICER'S COMMENTS

Council has not delegated the authority to amend a sealed plan in instances where a party wishes to be heard. A hearing undertaken in accordance with the Act has the potential to take up a significant portion of a future Council meeting depending on the extent of the testimony presented by the parties. At the discretion of both Council and the other parties, the hearing may include testimony from each party, their legal representatives and expert witnesses. Council would need to hear the parties and make a decision in regard to the request. Should a request be made for compensation on or before the day, Council would also need to consider the request for compensation. The only parties with a legal interest in the proposal are the petitioner and the other parties that have requested to be heard and as such is of limited interest to the broader public.

Should Council not wish to form a committee, the hearing would need to be undertaken as part of a Council Meeting at the potential expense of other matters with potentially greater public interest.

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9.1 APPOINTMENT OF COMMITTEE FOR HEARING: APPLICATION TO AMEND SEALED PLAN NO. 13174 – REMOVAL OF COVENANT – 6-8 PERRIN DRIVE, LOW HEAD (CONT.)

OFFICER’S RECOMMENDATION

- a) That Council form a Committee, comprising any 5 or more Councillors, in order to undertake a hearing in respect to the request to amend Sealed Plan 13174, received on the 21 July 2021.
- b) That the Committee be delegated the authority to make a decision to amend the sealed plan or otherwise and determine if compensation is warranted in accordance with Clauses 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- c) That the General Manager determine a date for the hearing that suits all relevant parties and formally invite the petitioner and those requesting to be heard to provide submissions.

DECISION

VOTING

For:

Against:

10. WORKS AND INFRASTRUCTURE

Nil.

11. CORPORATE SERVICES AND FINANCE

Nil.

12. LIVEABLE & CONNECTED COMMUNITIES

Nil.

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13. MAYOR

13.1 MATTERS OF INVOLVEMENT – MAYOR

FILE NO.: 14.11

REPORT DATE: 17th August 2021

Mayor Cr Greg Kieser		
July	21	Tasmania Talks interview
	22	Met with the Hon. Catherine King MP Shadow Minister for Infrastructure, Transport and Regional Development and neighbouring Mayors and General Managers
	26	Met with representatives from George Town Bowls Club
	26	Met with Hillwood resident
	26	Attended Reconciliation Action Group meeting
	26	Attended 2021 “Drinks with the Premier and Minister” event
	27	Chaired Council Workshop
	28	Attended Neighbourhood House meeting
	28	Radio interview with Tamar FM
	28	Attended Regional Visioning Workshop
	29	Attended Mountain Trail Bike Reference Group meeting
August	2	Attended Hillwood Annual General Meeting
	3	Attended Friends of Low Head meeting
	4	Launched media announcement with CEO of Bell Bay Aluminium Round Two Covid-19 Grants Recipients
	4	Met with Nick Duigan MLC and General Manager
	5-6	Attended LGAT Conference
	10	Chaired Council Workshop
	11	Met with the Hon. Roger Jaensch, Minister for State Growth; Environment; Local Government and Planning; Aboriginal Affairs; Heritage
	11	Met with George Town resident
	14	Presented at the Hillwood Roadshow with the General Manager
	16	Attended George Town Chamber of Commerce meeting
17	Attended National Reconciliation Week – Launceston Breakfast	

Note: the Mayor has maintained regular contact with the General Manager and key staff to keep abreast of and respond to the COVID-19 crisis.

OFFICER’S RECOMMENDATION

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

DECISION

VOTING

For:

Against:

14. PETITIONS

Nil.

15. NOTICES OF MOTIONS

Nil.

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16. COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

[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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17. COUNCIL COMMITTEE REPORTS

17.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE MEETING – 1ST JUNE 2021 AND 6TH JULY 2021

REPORT AUTHOR: Executive Support & Governance Officer – Ms L. Dickenson

REPORT DATE: 17th August, 2021

FILE NO: 14.7

ATTACHMENT/S: (A) George Town Community Safety Group Committee Confirmed Minutes 1st June 2021
(B) George Town Community Safety Group Committee Confirmed Minutes 6th July 2021

SUMMARY

The purpose of this report is to provide information to Council on the confirmed minutes and any recommendations from the George Town Community Safety Group Committee for consideration.

BACKGROUND

The George Town Community Safety Group Committee met on the 3rd August 2021 and accepted the minutes as true and accurate record of the meeting held on the 6th July, 2021 and discussed the 1st June 2021 confirmed minutes.

STRATEGIC PLAN

This action related to the following components of the Community Strategic Plan 2020-2030.

Future Direction 1. Community Pride:

- i. Safe and secure communities
 - a. Focusing on prevention

RISK IMPLICATIONS

The following risks have been identified in accordance with Council's adopted risk Management Framework and Risk Matrix.

The scope of the George Town Community Safety Group Committee is governed by Council Policy GTC-16 Special Committees and the Community Safety Group Committee Terms of Reference. Risk implications are therefore considered to be low.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 and Council Policy GTC-16 Special Committees.

FINANCIAL IMPLICATIONS

There are no identified financial implications.

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17.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE MEETING – 1ST JUNE 2021 AND 6TH JULY 2021 (CONT.)

CONSULTATION

The minutes of the meetings 1st June and 6th July 2021 were discussed at the 3rd August, 2021 George Town Community Safety Group Committee meeting. The 1st June 2021 confirmed minutes were discussed at the 10th August Council Workshop.

OPTIONS

That Council:

1. Notes the minutes of the 1st June and the 6th July 2021 of the George Town Community Safety Group Committee; or
2. Does not receive the minutes of the 1st June and the 6th July, 2021 of the George Town Community Safety Group Committee.

OFFICER'S COMMENTS

The George Town Community Safety Committee is established as a Special Committee of Council in accordance with Section 24 of the Local Government Act 1993.

OFFICER'S RECOMMENDATION

That Council notes the

1. minutes of the George Town Safety Group Committee meeting 1st June 2021 as an accurate record of that meeting; and
2. minutes of the George Town Safety Group Committee meeting 6th July 2021 as an accurate record of that meeting.

DECISION

VOTING

For:

Against:

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17.2 GEORGE TOWN PLACEMAKING COMMITTEE MEETING –7TH JUNE 2021

REPORT AUTHOR:	Executive Support & Governance Officer – Ms L. Dickenson
REPORT DATE:	18 th August, 2021
FILE NO:	14.7
ATTACHMENT/S:	George Town Placemaking Committee Confirmed Minutes 7 th June 2021

SUMMARY

The purpose of this report is to provide information to Council on the Confirmed minutes and any recommendations from the George Town Placemaking Committee for consideration.

BACKGROUND

The George Town Placemaking Committee met on the 2nd August 2021 and accepted the minutes as true and accurate record of the meeting held on the 7th June 2021.

STRATEGIC PLAN

This action related to the following components of the Community Strategic Plan 2020-2030.

Future Direction 1. Community Pride:

- i. All are valued and included
 - a. Taking a ‘whole of community’ approach to everything
- ii. All communities take pride in their place
 - a. Maintaining public spaces so they are clean, tidy and appealing
 - b. Developing well-designed public spaces which are attractive, safe and support the area’s identity and reputation
- iii. A strong, recognisable, positive reputation
 - a. Promoting the area as the place to live, work, play and invest.

RISK IMPLICATIONS

The following risks have been identified in accordance with Council’s adopted risk Management Framework and Risk Matrix.

The scope of the Placemaking Committee is governed by Council Policy GTC-16 Special Committees and the Placemaking Committee Terms of Reference. Risk implications are therefore considered to be low.

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**17.2 GEORGE TOWN PLACEMAKING COMMITTEE MEETING – 7TH JUNE, 2021
(CONT.)**

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 and Council Policy GTC-16 Special Committees.

George Town Council Placemaking Committee Terms of Reference.

FINANCIAL IMPLICATIONS

There were no identified financial implications.

CONSULTATION

The minutes were discussed at the 2nd August 2021 Placemaking Committee meeting.

OPTIONS

That Council:

1. Notes the minutes of the 7th June 2021 of the Placemaking Committee; or
2. Does not accept the minutes of the 7th June 2021 of the Placemaking Committee.

OFFICER'S COMMENTS

Nil.

OFFICER'S RECOMMENDATION

That Council notes the Confirmed minutes of the 7th June 2021 George Town Placemaking Committee as an accurate record of that meeting.

DECISION

VOTING

For:

Against:

**George Town Council
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18. CLOSED MEETING

18.1 INTO CLOSED MEETING

DECISION

Moved: Cr
Seconded: Cr

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

Agenda Item 18.2 Minutes of the closed ordinary Council meeting held on the 27th July 2021
--

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

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

Agenda Item 18.3 Rates Recovery for Rate Debts More than 3 Years in Arrears
--

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

Agenda Item 18.4 RFT 04/21 – Design and Construct – Dalrymple Road Bridges Replacement

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

Agenda Item 18.5 Legal Expenditure

As per the provisions of regulation 15(2)(a); (b); (d); (e)(i)(ii); (f); (g); (i); (j) of the Local Government (Meeting Procedures) Regulations 2015.

VOTING

For:

Against:

18.6 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 Greg Kieser
MAYOR**