



GEORGE TOWN COUNCIL AGENDA

Notice is hereby given
that the next Ordinary Council Meeting
will be held on
Tuesday 20 December 2022

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

commencing at **1:00 pm.**

Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting for general public attendance to maintain social distancing. 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.

Shane Power
GENERAL MANAGER

TABLE OF CONTENTS

| | | |
|----------|---|------------|
| 1 | PRESENT | 5 |
| 1.1 | Apologies And Leave Of Absence | 5 |
| 1.2 | In Attendance | 5 |
| 2 | CONFIRMATION OF MINUTES | 5 |
| 2.1 | Ordinary Council Meeting Held 22 November 2022 | 5 |
| 3 | LATE ITEMS | 6 |
| 4 | PUBLIC QUESTION TIME | 7 |
| 4.1 | Public Question Time Procedure | 7 |
| 4.2 | Public Questions On Notice | 8 |
| 4.3 | Public Question Time | 9 |
| 4.4 | Response To Questions From Previous Public Question Time | 10 |
| 5 | DECLARATIONS OF INTEREST | 12 |
| 6 | GENERAL MANAGER'S DECLARATION | 12 |
| 7 | PLANNING AUTHORITY | 13 |
| 7.1 | Residential Outbuilding - DA 2022/105 - 9 Seascope Drive | 13 |
| 7.2 | DA 2022/108 - 6 Leads Avenue - Residential Single Dwelling | 32 |
| 7.3 | Tasmanian Planning Scheme - Draft George Town Local Provisions Schedule - Representations Received During Public Exhibition Period | 70 |
| 8 | OFFICE OF GENERAL MANAGER | 81 |
| 8.1 | Council Workshops - November And December 2022 | 81 |
| 8.2 | Council Meeting Schedule 2023 - Annual General Meeting | 85 |
| 8.3 | Bellingham Foreshore Upgrade | 88 |
| 8.4 | Request To Commemorate The Late Mr Peter Cox | 93 |
| 9 | INFRASTRUCTURE AND DEVELOPMENT | 100 |
| 9.1 | Consideration Of Renewing Crown Land Leases At Weymouth And Bellingham | 100 |
| 9.2 | Amendment To "Public Open Space Contribution" Fee | 108 |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|-----|
| 9.3 Land Transfer From The Department Of Veteran Affairs | 114 |
| 10 CORPORATE AND COMMUNITY | 118 |
| 11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT..... | 119 |
| 12 MAYOR | 120 |
| 12.1 Matters Of Involvement - Mayor..... | 120 |
| 13 PETITIONS..... | 122 |
| 14 NOTICES OF MOTIONS | 123 |
| 15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE | 124 |
| 16 COUNCIL COMMITTEE REPORTS | 125 |
| 16.1 George Town Community Safety Group Committee - Minutes 4Th October 2022 | 125 |
| 17 CLOSED MEETING..... | 128 |
| 17.1 Into Closed Meeting..... | 128 |
| 17.2 Out Of Closed Meeting | 129 |
| 18 CLOSURE | 129 |

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Meeting Commencing at 1:00 pm

Acknowledgement of Country

George Town Council acknowledges the Palawa People from the Litarimirina tribe from Port Dalrymple as the traditional custodians of the land.

We honour and give thanks for the caring of country, seas and skies of kinimathatakinta and surrounds.

We pay respect to the elders past, present and future for they hold the memories, traditions, culture and hope of pakana people in Lutruwita.

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.

Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting for general public attendance to maintain social distancing. 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.

1 PRESENT

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 IN ATTENDANCE

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 22 NOVEMBER 2022

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 22 November 2022 numbered 158/22 to 172/22 and 175/22 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.

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.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

4.3 PUBLIC QUESTION TIME

Commenced at:

Concluded at:

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.")

Mrs L. Wootton

Q2 Does the Tasmanian Government have a Reconciliation Action Plan and what other Tasmanian Councils have a RAP?

The Chair took this question on notice.

Response

As per the Reconciliation Tasmania's website, *they are currently providing consultancy services in the RAP journeys for the following organisations:*

- *Clarence Council*
- *Circular Head Council*
- *Federal Group*
- *Jackson Motor Company*
- *Law Society of Tasmania*
- *Rural Health Tasmania*
- *Sustainable Timbers Tasmania*
- *Tasmanian Community Fund*
- *Tasmanian Walking Co*
- *UPC Renewables*
- *West Coast Council*

Reconciliation Tasmania was a partner in the RAP process with the George Town Council, Huon Valley Council, Central Coast Council, Hobart Airport, Timberlands, and the Tasmanian Salvation Army.

Reconciliation Tasmanian worked alongside the City of Hobart in the development of their Aboriginal Commitment and Action Plan which was formally endorsed by Reconciliation Australia as a RAP in December 2019. This was the first time Reconciliation Australia has endorsed a formal commitment to reconciliation under a different name. The title, 'City of Hobart Aboriginal Commitment and Action Plan', emerged from collaboration with Tasmanian Aboriginal communities."

The Tasmanian State Government is not stated as having commenced the journey in partnership with Reconciliation Tasmania for a Reconciliation Action Plan.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Mr J. Glisson

Q1. Firstly, Mr Glisson congratulated all the elected members in the results of the election – well done. The request made by the Low Head Progress Association via the George Town Safety Group Committee for the introduction and installation of defibrillators to Lagoon Beach and East Beach was endorsed by Council and I believe are a budget item. Can you tell us when they are to be installed and when they will become a line item for the maintenance of the defibrillators ie. batteries etc.

The Chair, through to the General Manager. The General Manager stated that this question would be taken on notice. The Chair stated that if Council has it as a line item, the maintenance would be reasonable and fair.

Response

Defibrillators have been received by Council and are scheduled to be installed prior to Christmas 2022 and Council will include these on the existing Defibrillator maintenance program.

**5
OF INTEREST**

DECLARATIONS

6 GENERAL MANAGER'S DECLARATION

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

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



Shane Power
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.

7 PLANNING AUTHORITY

7.1 RESIDENTIAL OUTBUILDING - DA 2022/105 - 9 SEASCAPE DRIVE

REPORT AUTHOR: Statutory Town Planner – Mr J. Simons
Graduate Planner - Mr. A Bowles

REPORT DATE: 5th December 2022

FILE NO: DA 2022/105

ATTACHMENT:

1. Proposal Plans [7.1.1 - 8 pages]
 2. Title [7.1.2 - 3 pages]
 3. Representation - E & P Robertson [7.1.3 - 1 page]
 4. Response to the rep [7.1.4 - 1 page]
 5. Further representor [7.1.5 - 2 pages]
-

APPLICATION INFORMATION

Applicant: Engineering Plus

Site Address: 9 Seascape Drive, Lulworth

Titles details: CT 15024/77

Property ID: 7198830

Zone: Village

Use: Residential – Single Dwelling

Proposed Development: Residential Outbuilding

Application Received: 21st October 2022

1. SUMMARY

Application is made to construct a residential outbuilding at 9 Seascape Drive, Lulworth.

One representation was received during the advertising period. The representation received was made in regard to the proximity of the residential outbuilding to the north-west side boundary, the visual impact of the proposal and the impact on privacy.

The applicant has considered the representation and offered to remove any windows facing the adjoining property to preserve privacy.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

An assessment of the development has been undertaken against the provisions of the planning scheme and the development complies with the applicable Acceptable Solutions and Performance Criteria.

An assessment of the proposal indicates the proposal will not impact the amenity of the adjoining property through overlooking or overshadowing. While the proposal will be visually prominent from the adjoining title, this title is currently vacant and there is adequate potential for any future dwelling to be designed to mitigate any perceived impacts. The proposal is considered to be consistent with the intent of the standards and complies with the applicable Performance Criteria.

The proposal is recommended for approval with a number of conditions.

2. STRATEGIC PLAN 2020-2030

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

Future Direction (4) Leadership and Accountable Governance

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. One (1) representation was received and are further discussed in the assessment below.

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 located at 9 Seascapes Drive, Lulworth. The total land area of the subject title is 1820m².

The site is not subject to any overlays or conditions of note that trigger any further assessment requirements.

The land is not serviced by water, sewerage or stormwater.

The land surrounding the property is mainly dwellings (shacks) with subservient outbuildings and vacant land (See figure 1).



Figure 1: Aerial view of subject site (outlined in red)

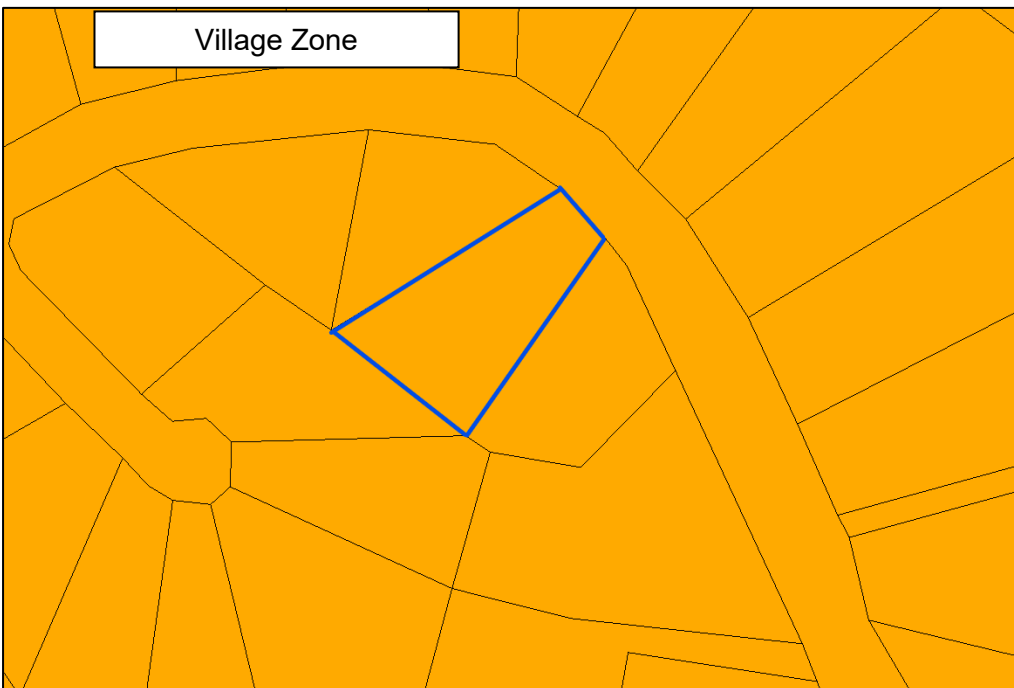


Figure 2: Zoning of subject site (outlined in blue) and surrounds.

7. DEVELOPMENT AND USE DESCRIPTION

Application has been made to construct a 15m x 9m shed at 9 Seascapes Drive, Lulworth. The shed is 4.875m to the ridge of the gable roof.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

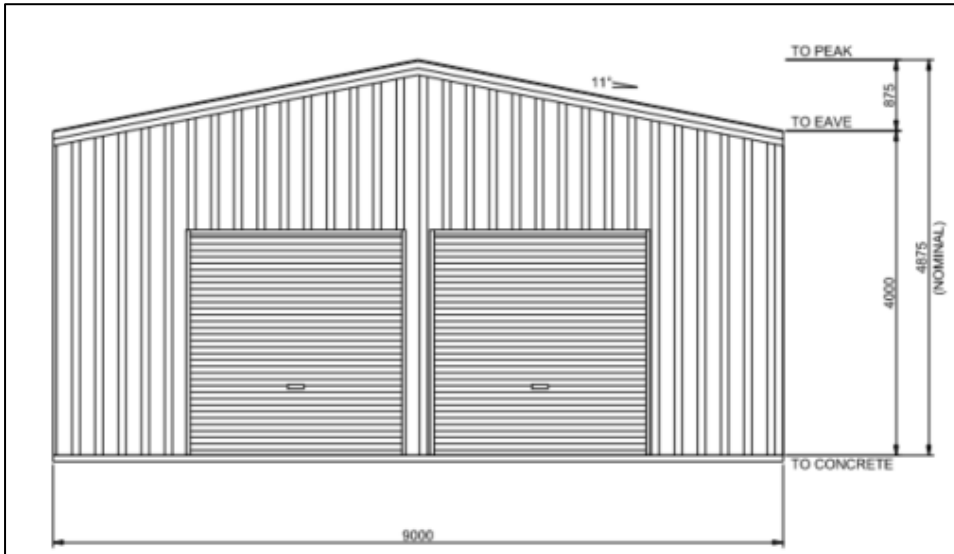


Figure 3: North-east Elevation

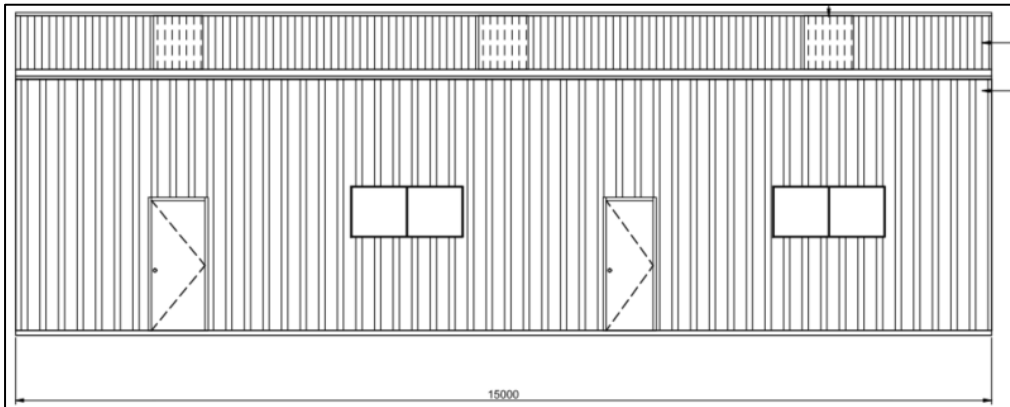


Figure 4: South-east Elevation

The outbuilding is intended to be subservient to the existing residential buildings that are located on the subject site and is intended to accommodate storage of a motorhome. The total site coverage of the site will be increased from 180m² to 315m². The title indicates that the site approximately 1820m², the site coverage will increase from approximately 10% to 17%.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

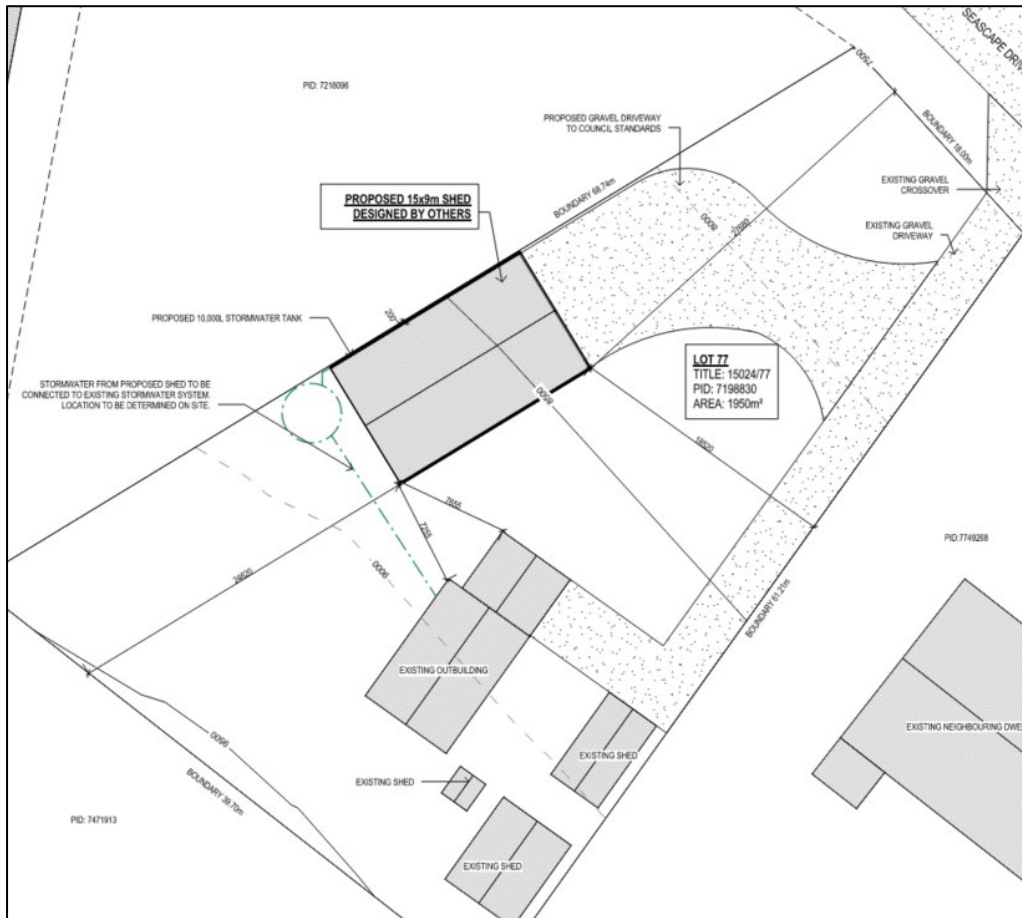


Figure 5: Proposed site plan.

The proposed shed will utilise the existing access on Seascapes Drive.

A 10,000L stormwater tank is also incorporated into the existing stormwater system as part of the design.

The full plans submitted are included in the attachments.

8. REPRESENTATIONS

The application was advertised for community consultation from the 29/10/2022 – 15/11/2022. One (1) representation was received and are summarised below. A full copy of the representations has also been included as an attachment to this report.

| Issues raised in representations | Council response |
|---|--|
| <p>Visual impact of the shed from 11 Seascapes Drive.</p> <p><i>The shed in question is being constructed right on our boundary line with the shed being 15m long and 4m high to the eaves and only half way up the length of the block we consider it would have a great visual impact on our block.</i></p> | <p>The visual impact of the residential outbuilding is discussed in the assessment below so far as it relates to the Performance Criteria. The requirement to assess visual impacts is minimal, with Performance Criteria largely relating to privacy and overshadowing.</p> <p>While the proposed building will be visually prominent when viewed from 11 Seascapes</p> |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| | Drive, this land is vacant and there is significant opportunity for a future dwelling to be designed to manage any perceived visual impacts. |
| Impact to value of adjoining property. <i>The Shed in the plans as they are, we consider would also lower the value of our property.</i> | Impacts to property values are not considered in the George Town Interim planning Scheme 2013 and cannot be addressed as part of this assessment |

9. STATUTORY REQUIREMENTS

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

- 16.0 Village Zone
- 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.

9.1 Use Class

The application is classified as a Residential use and development. The definition of the Residential use as outlined in the *George Town Interim Planning Scheme 2013* is:

“use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.”

The Residential Use Class (Single Dwelling) is classified as a **No Permit Required** use in the General Residential Zone. However, in this instance, the proposal relies on Performance Criteria and is subject to the discretionary application process.

9.2 Planning Scheme Assessment

16 Village Zone

1.1 16.

Zone Purpose

| |
|--------------------------------|
| 16.1.1 Zone Purpose Statements |
|--------------------------------|

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.

16.1.1.2 To provide for low impact, non-residential uses that support the function of the settlement.

16.1.1.3 To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement.

2 Planners Response:

3 The proposal is for a residential use. No non-residential uses are proposed, the residential use will remain the dominant use on the title. As shown in the assessment the development proposed will be low impact and appropriate to the surrounding uses and developments as they are predominantly dwellings with subservient outbuildings or vacant land.

4

16.1.2 Local Area Objectives

1. Recognise the historic development of the coastal settlements whilst supporting some infill and limited development subject to the availability of services and in a manner that does not create ribbon development.

2. Ensure the new use development in unserviced areas;

a) is self-sufficient in infrastructure provision,

b) does not cause material environmental harm; and

c) does not create significant additional demands on community resources.

3. Protects the amenity of existing and future occupants of residences on adjoining lots in terms of;

a) visual and acoustic privacy

b) overlooking habitable rooms and outdoor recreation areas; and

c) loss of sunlight to habitable rooms and outdoor recreation areas.

4. Ensure the design and layout of residential subdivision takes account of coastal protection requirements, solar access, waste disposal protection, protection of native vegetation, maintenance of the environmental and hydrological functions of streams and waterways and the visual amenity of surrounding areas.

Planners Response:

The proposed outbuilding is located within the urban area of Lulworth and does not expand or create any ribbon developments. The proposal is for a domestic outbuilding and does not propose further subdivision or creation of new lots.

The existing lot is serviced using existing onsite services and is considered self-sufficient. As the site is clear of vegetation and the proposal is for a residential use, the environmental harm caused by the development will be minimal. Therefore, the development will not cause

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

any significant increased demands on the existing community services through the use of these systems.

The impact to visual and acoustic privacy of the nearby dwellings is not considered unreasonable by the construction of this proposal. There are no buildings located at 11 Seascope, it is vacant land, so impacts on the current owners privacy will be negligible and any future development on that site would be able to accommodate any impacts that may be perceived from this development. Although there are two windows facing towards this property, these are only small and not intended to overlook the neighbouring property. The applicant has also offered to remove the windows and a condition reflecting this can be placed on the permit. Therefore, the privacy and amenity observed by 11 Seascope will be maintained.

There will be minimal impact to the sunlight received by the adjacent properties. The shadows cast by the development will fall to the south and will mainly overshadow the subject property.

No subdivision forms part of the proposal.

Therefore, the proposal is compliant with the local area objectives.

16.1.3 Desired Future Character Statements

In the small coastal settlements of:

Bellingham, Bell Buoy Beach, Beechford, Lulworth, Tam O'Shanter and Weymouth limited residential and commercial development will be allowed depending on the services available. The lot density will provide for on-site open space and on-site parking for cars and boats.

The urban form and density of development will be influenced by the availability of infrastructure;

- (a) the need to protect against adverse impact on natural or cultural values and
- (b) the need to minimise exposure to natural and environmental hazards that create risk for the health and safety of people, property and the environment.

Most larger sites will be self-sufficient in respect to water supply, disposal of waste water and community and commercial facilities with smaller sites being required to be provided with connection to an offsite reticulated waste water treatment and re use system.

Planners Response:

The proposal is for a residential outbuilding use on an existing residential lot. The proposal does not include any commercial development or expand the footprint of the settlement. The outbuilding proposed can provide parking for both cars and boats and therefore expands upon the subject sites ability to accommodate these vehicles.

The land has not been identified as having any natural or cultural values. There are no identifiable hazards that pose a risk to people, property or the environment that stem from this proposal.

No subdivision forms part of the proposal.

Existing services will be utilised onsite, there are no changes to this arrangement proposed and is considered compliant with the

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| |
|--|
| Therefore the proposal is compliant with the local area objectives |
|--|

4.2 16.3 Use Standards

| | |
|---|---|
| 16.3.1 Amenity | |
| Objective | |
| To ensure that all non-residential uses do not adversely impact upon the occupiers of adjoining and nearby residential uses. | |
| Acceptable Solutions | Performance Criteria |
| A1 If for permitted or no permit required uses. | P1 Discretionary uses must not cause or be likely to cause an environmental nuisance through emissions including noise and traffic movement, smoke, odour, dust and illumination. |
| Planners Response: Complies with acceptable solution. Residential - Single Dwelling is no permit required use. | |
| A2 Commercial vehicles must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday. | P2 Commercial vehicle operations must demonstrate that the amenity of residential uses within the surrounding area will not be unduly impacted upon by noise from operations or deliveries from the site. |
| Planners Response: Not applicable to application. Commercial use does not form part of this proposal. | |
| A3 Commercial vehicles are parked within the boundary of the property. | P3 Parking of commercial vehicles, including delivery vehicles, are not to create a traffic hazard or compromise the mixed use functions of the road. |
| Planners Response: Not applicable to application. Commercial use does not form part of this proposal. | |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|--|
| 16.3.2 Village Character | |
| Objective To ensure that non-residential uses are of an appropriate scale and type to support the objectives for the settlement. | |
| Acceptable Solutions | Performance Criteria |
| A1 Non-residential use must not exceed a combined gross floor area of 250m ² over the site. | P1.1 The use is not within the classes of Business and Professional services, Education and Occasional care, General retail and hire, Hotel, Hospital services, Bulky Goods sales, Manufacturing and processing; and P1.2 The size and appearance of the use does not dominate the character of the area; and P1.3 The proposal is consistent with the local area objectives for visual character, if any. |
| Planners Response: Not applicable to application. The proposal is associated with a Residential use. Therefore this standard is not applicable. | |
| A2 Goods or materials must not be stored outside in locations visible from adjacent properties, the road or public land. | P2 Storage of goods or materials is consistent with the local area objectives for visual character, if any. |
| Planners Response: Not applicable to application. Residential use proposed, therefore this standard is not applicable. | |
| A3 Waste materials must be stored in: a) a manner and location that is not visible from the road to which the lot has frontage; and b) fully self-contained receptacles designed to ensure waste does not escape to the environment. | P3 Waste materials are stored in a manner that is consistent with the local area objectives for visual character, if any. |
| Planners Response: Not applicable to application. Residential use proposed, therefore this standard is not applicable. | |

17. Development Standards

Building Design and Siting

| |
|-----------|
| Objective |
|-----------|

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| <p>a) To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents; and</p> <p>b) To ensure that the siting and design of development furthers the local area objectives and desired future character statements for the area, if any.</p> | |
|---|---|
| Acceptable Solutions | Performance Criteria |
| <p>A1 Site coverage must not exceed 33%.</p> | <p>P1 The proportion of the site covered by buildings must have regard to the:</p> <p>a) existing site coverage and any constraints imposed by existing development or the features of the site; and</p> <p>b) site coverage of adjacent properties; and</p> <p>c) effect of the visual bulk of the building and whether it respects the village character; and</p> <p>d) capacity of the site to absorb runoff; and</p> <p>e) landscape character of the area.</p> |
| <p>Planners Response: Complies with acceptable solution.</p> <p>Total site coverage is 17%, including the proposed and existing buildings onsite. Well below the standard outlined in the acceptable solution.</p> | |
| <p>A2 Building height must:</p> <p>a) not exceed 8m;</p> | <p>P2 Building height must:</p> <p>a) be consistent with the local area objectives, if any; and</p> <p>b) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:</p> <p>i) the surrounding pattern of development; and</p> <p>ii) the existing degree of overlooking and overshadowing; and</p> <p>iii) the impact on the adjoining property of a reduction in sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and</p> <p>iv) maintaining reasonable privacy to private open space and windows; and</p> |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|---|
| | v) existing screening or the ability to implement screening to enhance privacy. |
|--|---|

Planners Response: Complies with acceptable solution.

Proposal has height of 4.875m.

- A3 Primary frontage setbacks must be:
- a) a minimum distance of 6m; or
 - b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 16.4.1B below; and

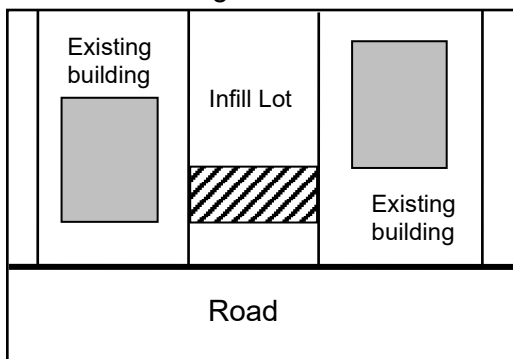


Figure 16.4.1B – Primary Frontage Setback for Infill Lots

- c) for corner lots, side walls must be set back a minimum of 3m from the secondary frontage.

- P3 Buildings must be set back from the frontage an appropriate distance having regard to:

- a) the efficient use of the site; and
- b) the safety of road users; and
- c) the prevailing setbacks of existing buildings on nearby lots; and
- d) the visual impact of the building when viewed from the road; and
- e) retention of vegetation within the front setback.

Planners Response: Complies with acceptable solution.

27.6m from primary setback. The adjoining land to the north-west is currently vacant with no established setback.

- A4 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.

- P4 Buildings are sited so that side and rear setbacks:

- a) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:
 - i) the surrounding pattern of development; and
 - ii) the existing degree of overlooking and overshadowing; and
 - iii) the reduction of sunlight to habitable rooms and private open space to no less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

| | |
|--|--|
| | <p>overshadowing where greater than above; and</p> <ul style="list-style-type: none">iv) maintaining reasonable privacy to private open space and windows; andv) existing screening or the ability to implement screening to enhance privacy; and <p>b) further the objectives relating to the visual character of the village.</p> |
|--|--|

Planners Response: Relies on performance criteria.

The application proposes to place the outbuilding and water tank directly adjacent to the north-west side boundary, shared with 11 Seascape Drive.

The development will not result in any adverse impacts on the adjoining property as a result of overlooking and overshadowing. The proposal is to the south of the shared boundary and shadowing will predominantly be confined to the subject site. Impacts to neighboring properties will not increase to a level that could be considered unreasonable.

The property at 11 Seascape Drive is currently vacant. The proposed development will not impact the ability to achieve a reasonable degree of solar access for a future dwelling.

The impacts of the development on privacy can be readily managed by conditions. The proposal does not include any elevated floor surfaces and does not provide any elevated position for overlooking. The building includes two windows facing towards 11 Seascape Drive. Although the plans indicate these are not highlight windows, it is anticipated that a standard 1.8m boundary fence or a condition requiring the windows to be made highlight windows would be sufficient to screen the neighboring property and provide reasonable privacy. However, after considering the representation, the applicant has offered to remove the windows on the north-west completely should this be satisfactory to the neighboring land owner. This is considered to be sufficient to ensure the privacy of the adjoining property and is recommended to be incorporated into a condition.

With the removal of the windows in the north-west side of the building, the proposed development will not compromise residential amenity through overshadowing or overshadowing.

The objectives of the standard and the Desired Future Character Statements do not include any specific objectives relating to the visual character of the village.

Larger outbuildings are not uncommon in the Lulworth area, with many applicants building to accommodate boats, campervans and other recreational vehicles. Examples of large outbuildings in close proximity to the side boundary can be viewed at 23, 28, 15 and 20 Seascape Drive, and 1 Boobyalla Rise. These buildings range in setbacks from immediately on the boundary to 2m, however, all are less than the 3m required by the Acceptable Solutions.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda



Figure 6: Existing outbuildings in the vicinity with setbacks less than the Acceptable Solutions.

The development proposed is consistent with patterns of development in the area as shown in the above figure. Although not all of the outbuildings identified are constructed on the boundary, the vacant nature of the adjacent land ensures that there is capacity for future development to be designed to provide a desirable degree of separation.



Figure 7: Approx. location of proposed outbuilding and shared boundary.

There is no existing dwelling or development located at 11 Seascapes Drive. Impacts on the current owner's amenity will be negligible and any future development on that site has significant potential to design to accommodate any impacts that may be perceived from this development.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Council can consider increasing the setback from the side boundary or moving the building further back on the lot to increase separation from 11 Seascape Drive, however it is noted that this would result in inconvenience for access to the rear of the property for the applicant and any benefits for the future use and development of 11 Seascape Drive would be theoretical. Relocation of the building is not considered to be essential to achieving compliance with the Performance Criteria.

Therefore, the proposal is consistent with the objectives of the Village Zone and demonstrates compliance with the performance criteria.

Subdivision

Planners Response: Not applicable to application.

Subdivision does not form part of the proposal. Therefore, assessment against these standards is not required.

| Code | Applicability |
|--|---|
| E1 Bushfire-Prone Areas Code | CODE DOES NOT APPLY |
| E2 Potentially Contaminated Land Code | CODE DOES NOT APPLY |
| E3 Landslip Code | CODE DOES NOT APPLY |
| E4 Road and Railway Assets Code | CODE DOES NOT APPLY |
| E5 Flood Prone Areas Code | CODE DOES NOT APPLY |
| E6 Car Parking and Sustainable Transport Code | CODE APPLIES Applies to all development. |
| E7 Scenic Management Code | CODE DOES NOT APPLY |
| E8 Biodiversity Code | CODE DOES NOT APPLY |
| E9 Water Quality Code | CODE DOES NOT APPLY |
| E10 Recreation & Open Space Code | CODE DOES NOT APPLY |
| E11 Environmental Impacts and Attenuation Code | CODE DOES NOT APPLY |
| E12 Airports Impact Management Code | CODE DOES NOT APPLY |
| E13 Coastal Code | CODE DOES NOT APPLY |
| E14 Signs Code | CODE DOES NOT APPLY |

E6.0 Car Parking and Sustainable Transport Code

Planners Response:

The applicable code that is required to be addressed is the Car Parking and Sustainable Transport Code as it applies to all development and uses. As this proposal intends to develop an outbuilding on the site, the Parking and Sustainable Transport Code applies to this proposal.

However, in this instance, the proposal does not compromise the capacity for parking on the title nor does it propose a specific use that would warrant parking in addition to what is already on site.

The proposal is considered compliant with the applicable standards of the Code.

10. REFFERALS

Internal Referrals

No internal referral was considered warranted.

External Referrals

No external referral was considered warranted.

11. SERVICES

Road

Access is available to Seascapes Drive, via the existing driveway crossover.

Sewer

The land is not serviced by reticulated sewer.

Water

water.

Storm Water

Stormwater is managed onsite.

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 construction of a residential outbuilding at 9 Seascapes Drive, Lulworth, 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 and is recommended for approval.

OFFICER'S RECOMMENDATION

14. RECOMMENDATION

That the application for use and development, residential outbuilding at 9 Seascape Drive, Lulworth (CT 15024/77) 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) Engineering Plus, Project no. 40622, Drawing no. A01, Revision A Dated 19 October 2022;
- b) Northern Consulting Engineers, Job No. SKSG33452, Sheet 7 of 8, Dated 19 October 2022;

except where directly provided for otherwise by the conditions below, 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. WINDOWS

The wall immediately adjacent to the north-west side boundary is not to include any windows. The windows currently identified in this wall on the elevations are to be removed to provide reasonable privacy to the adjoining property.

3. OUTBUILDINGS

The use of the outbuildings approved by this permit is not permitted for human habitation and is limited to domestic storage, garaging, recreation and related residential activities only.

4. CROSSOVER

Prior to the commencement of the use;

- a) The driveway crossover is to be upgraded and sealed in accordance with LGAT Standard Drawings TSD-R03 and TSD RO4 and to the satisfaction of Council's Director Infrastructure and Development.

Prior to undertaking any works within the Council road reserve, including works associated with the vehicle crossover, separate consent is required from Council as the Road Authority. The developer must make application to Council for a Permit to Undertake Works in the Road Reserve using Council's designated form and obtain approval prior to the start of works. This work must be at expense of the person responsible for the development.

5. NO POLLUTED RUNOFF

No polluted and/or sediment laden runoff must be discharge directly or indirectly into Council's drains, watercourses or the foreshore during and after development.

6. DAMAGE TO PUBLIC INFRASTRUCTURE

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Any damage to public infrastructure shall be repaired at the owners cost. If any repairs are necessary, they will be undertaken in accordance with the requirements and to the satisfaction of the Director Infrastructure and Development.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2022/105. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:

- a) Plumbing approval
- b) Building approval

All enquiries should be directed to Council's Permit Authority, via 6382 8800.

3. 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.
4. 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
5. 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 at Council's discretion if a request is received within 6 months of the expiration.
6. 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.
7. 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

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

c)The relevant approval processes will apply with state and federal government agencies.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

7.2 DA 2022/108 - 6 LEADS AVENUE - RESIDENTIAL SINGLE DWELLING

| | |
|-----------------------|--|
| REPORT AUTHOR: | Statutory Town Planner - Mr J Simons Graduate Planner – Mr A. Bowles |
| REPORT DATE: | 8 December 2022 |
| FILE NO: | DA 2022/108 |
| ATTACHMENTS: | <ol style="list-style-type: none">1. Plans of proposed dwelling [7.2.1 - 19 pages]2. Title including section 71 [7.2.2 - 21 pages]3. All Reps Combined - DA 2022-108 [7.2.3 - 23 pages]4. Response from applicant [7.2.4 - 2 pages] |

APPLICATION INFORMATION

| | |
|------------------------------|-------------------------------|
| Applicant: | Wilson Homes Tasmania Pty Ltd |
| Site Address: | 6 Leads Avenue, Low Head |
| Titles Details: | CT 154317/16 |
| Property ID: | 3010634 |
| Zone: | General Residential Zone |
| Use: | Residential – Single Dwelling |
| Proposed Development: | Single Dwelling |
| Application Received: | 26 th October 2022 |

1. SUMMARY

Application is made to construct a residential dwelling at 6 Leads Avenue, Low Head.

Eight (8) representation(s) were received during the advertising period.

Representations received on the proposal recommended Council action pursuant of an agreement under section 71 of the *Land Use Planning and Approvals Act 1993 (Part V Agreement)*, effective 28 February 2008. This agreement was established as part of the initial subdivision (DA 2003/67) between the developer of the subdivision and Council. The agreement creates restrictions within the subdivision (of which this proposal is a part of) on the height as well as the building envelope of developments. While the Part V is a legally binding agreement, it is not relevant to Council's role in administering the Planning Scheme and determining to issue a planning permit. While enforcement of the Part V is possible this is undertaken via a separate process requiring Council to take legal action and the decision to do so will be considered at a future date.

This report is confined to an assessment of the provisions of the *George Town Interim Planning Scheme 2013* and compliance with those provisions. In accordance with Section 8.10.2 representations can only be considered so far as they relate to the specific discretion being exercised. Mentions of this agreement are used throughout the assessment for illustrative purposes only and will not extend further into the legal merits of this agreement.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Further representations received were made regarding the impact to the amenity and streetscape of the dwelling proposed. An assessment of the development indicates the proposal will not impact the amenity of the neighbouring properties to a degree that would be considered unreasonable. The assessment of the proposal plan demonstrates that the visual bulk and overshadowing from the dwelling proposed complies with the performance criteria outlined within the *George Town Interim Planning Scheme 2013*. The size of the proposed dwelling has also led to concerns regarding the effect to the 'view' from various properties stemming from this proposal, which will furthermore impact property values of the neighbouring dwellings. Whilst it is acknowledged that 'views' and property values may be impacted by this development, concerns of this nature are not considered within the planning scheme and therefore are unable to be addressed.

While the proposal could be modified to reduce the height, it is noted the development is very close to compliance with the Acceptable Solutions of the General Residential Zone and a very minor change in height and setback would render the development fully compliant with the scheme. The extent of the difference would not result in any meaningful change to the proposal.

The proposal is considered to comply with all of the applicable Acceptable Solutions of the General Residential Zone and applicable codes contained within the *George Town Interim Planning Scheme 2013*.

The proposal is recommended for approval with a number of conditions.

2. STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

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. Eight (8) representations were received and are further discussed in the assessment below.

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

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

The subject site is located at 6 Leads Avenue, Low Head. The total land area of the subject title is 742m². The site is a bushfire prone area, however the proposal has not triggered E1.0 - Bushfire Prone Area Code to be used in this assessment. The land has approximately an 8% fall to the Southern corner of the subject site, towards 176 Low Head Road, Low Head.

The land is serviced by reticulated water, sewerage and stormwater. A 3m drainage easement is located on the rear boundary of the property, which contains an existing sewer main. The site is currently vacant and free from vegetation.

The site is located within an established residential area. Properties immediately surrounding the site are predominately dwellings or similar sized structures and outbuildings, as well as vacant lots that will be anticipated to also accommodate residential uses in the future. There is a larger rural lot to the rear of the property which has also been developed for residential use.



Figure 1: Aerial view of subject site (outlined in red) and services.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**



Figure 2: Photo of subject site, viewed from Leads Avenue.

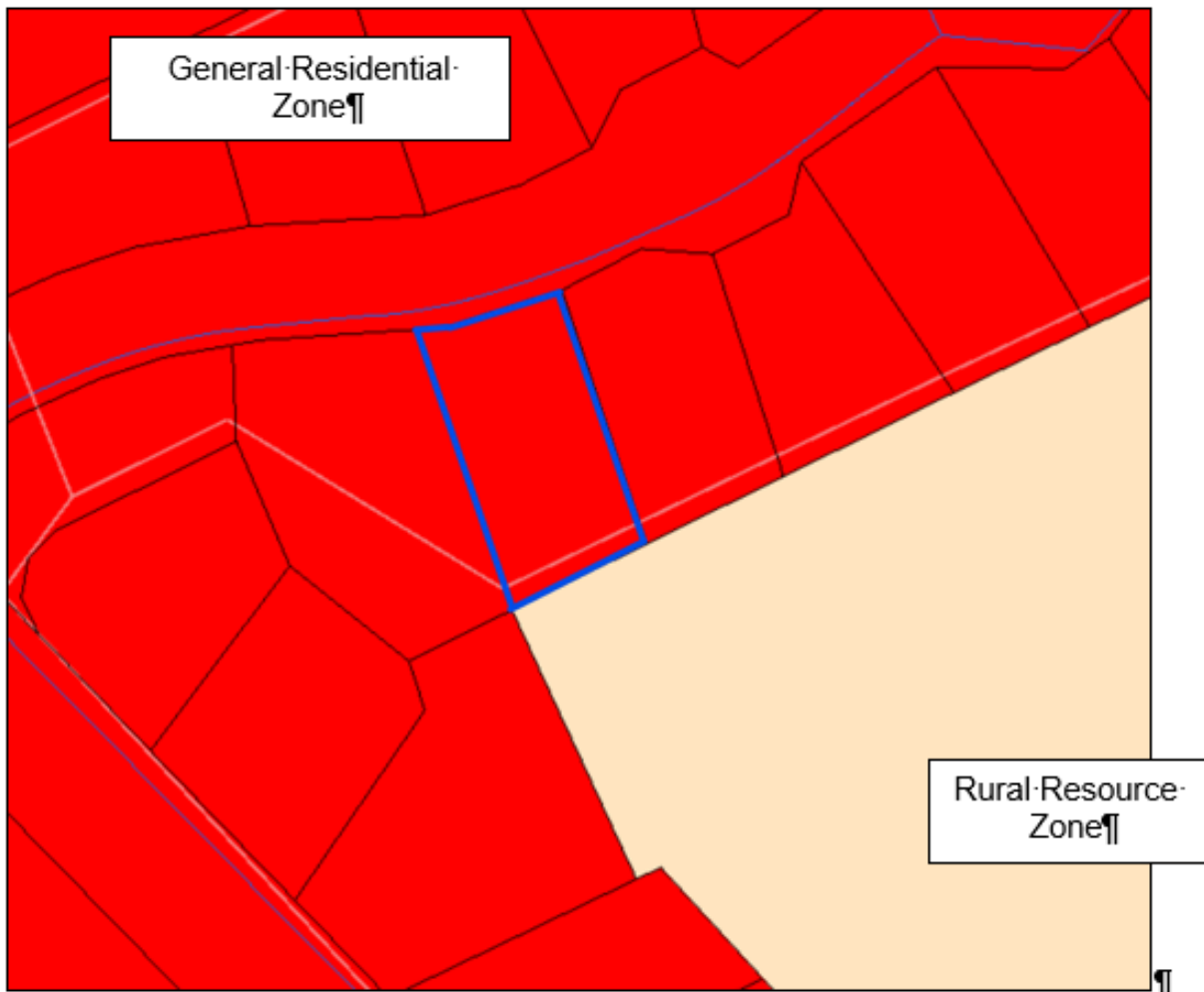


Figure 3: Zoning of subject site (outlined in blue) and surrounds.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval to construct a residential dwelling.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

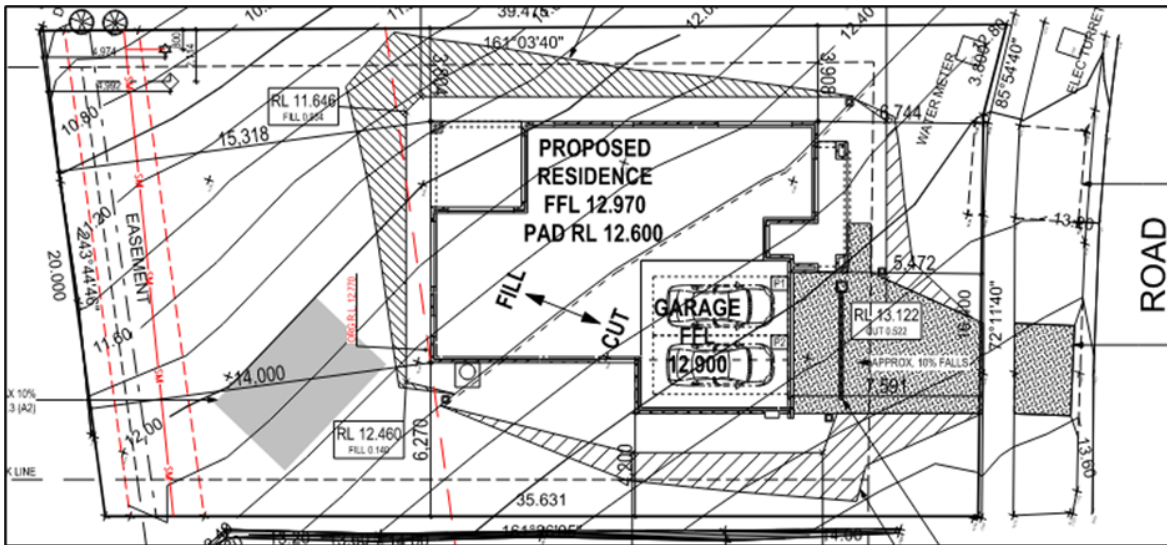


Figure 4: Site Plan

The residential dwelling is largely rectangular in shape, with length and width of approximately 17m x 9.8m. It will consist of two storeys with a maximum ridge height of 9m.

The dwelling is proposed to be located in the approximate centre of the site, with a floor area of 328m² spread across both floors.

The layout of the dwelling accommodates 4 bedrooms, 3 bathrooms, open plan living/dining/kitchen, theatre room, children's activity room and double car garage.

The dwelling is proposed to be accessed via a new crossover onto Leads Avenue, which will lead into the double car garage.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

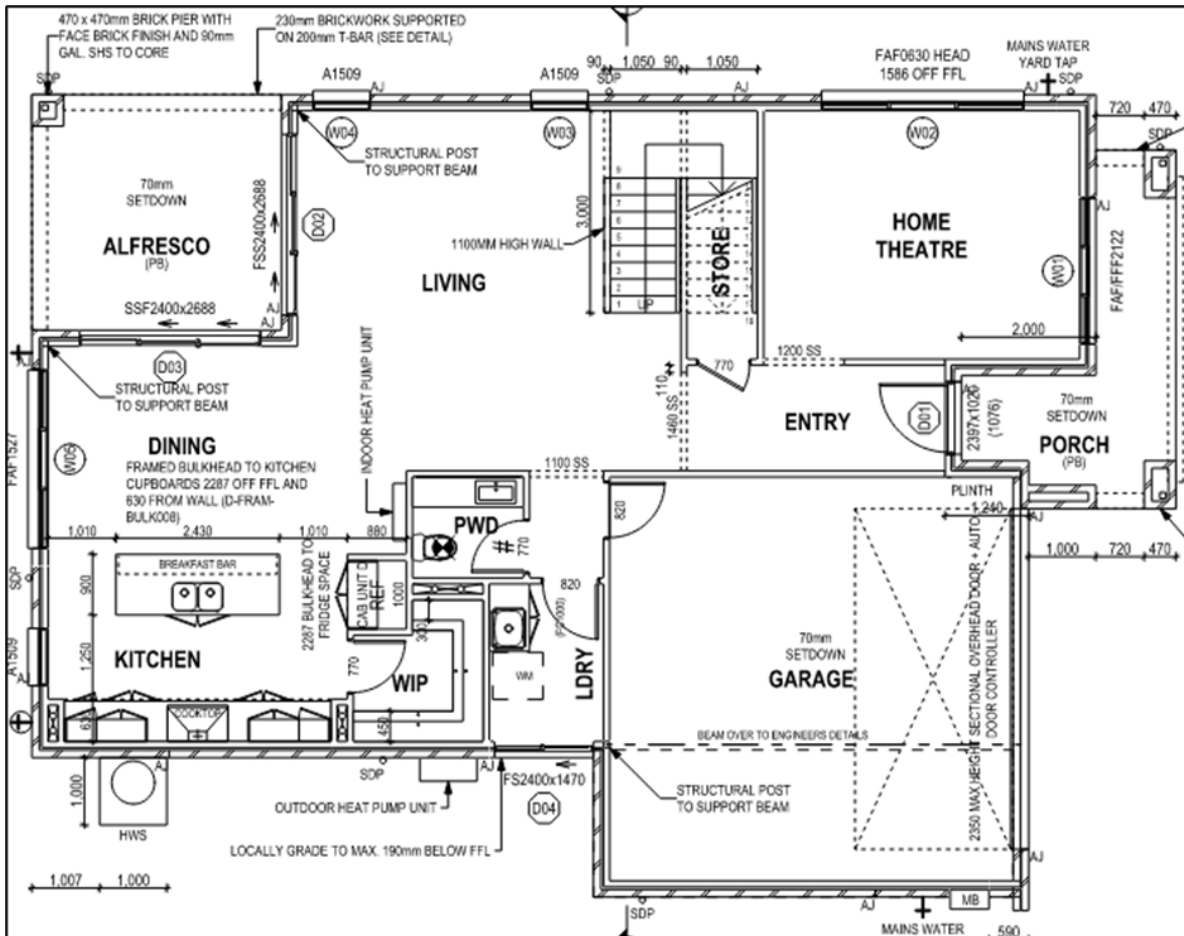


Figure 5: Floor Plan – Ground Floor

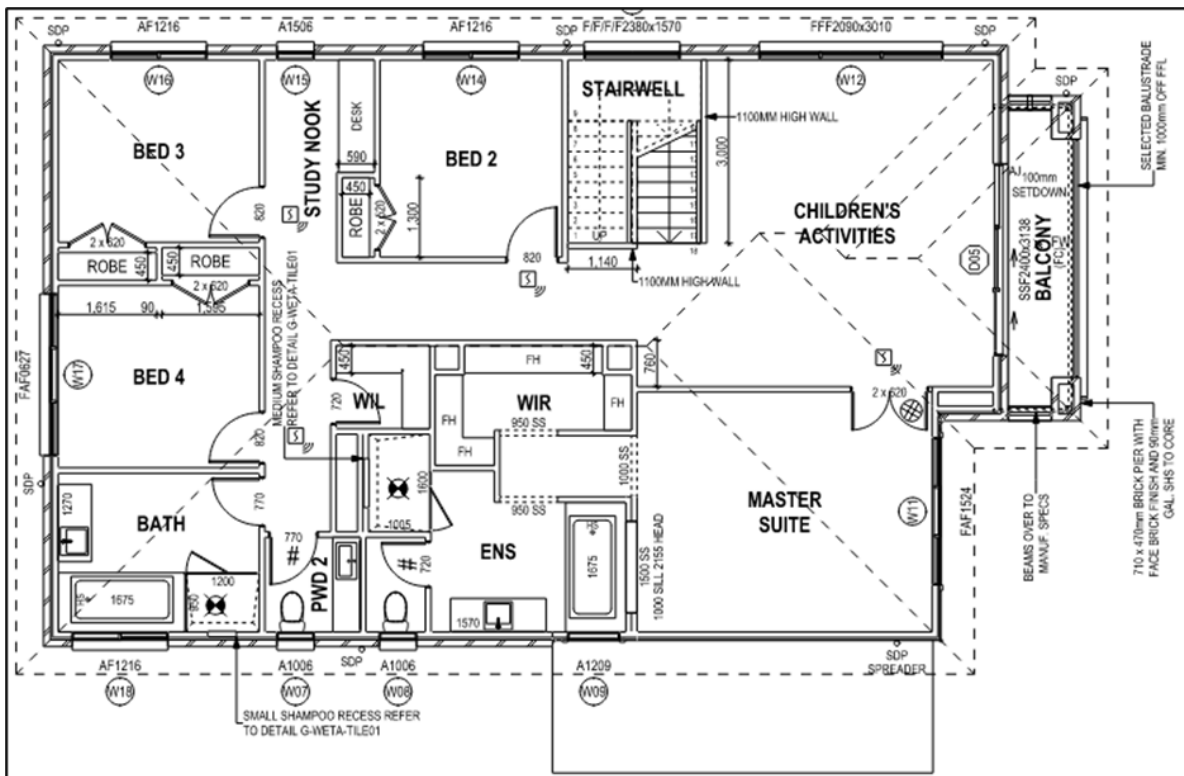


Figure 6: Floor Plan – First Floor

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda



Figure 7: Elevations – Northern Elevations



Figure 8: Elevations - Western Elevation

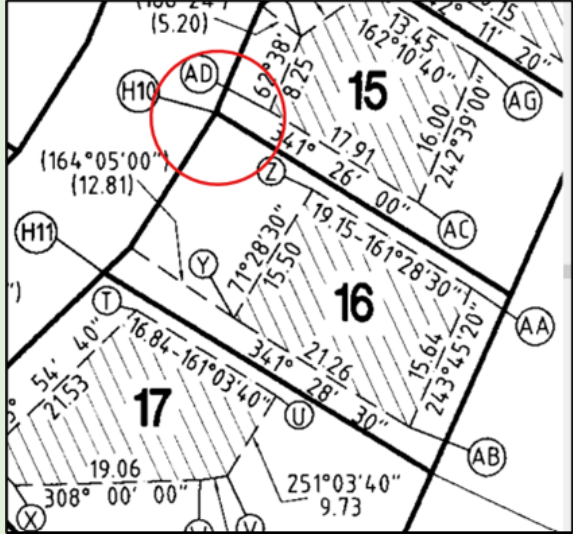
The full plans submitted are included in the attachments.

8. REPRESENTATIONS

The application was advertised for community consultation from the 05 November 2022 to 22 November 2022. Eight (8) representation(s) were received and are summarised below.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

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

| Issues raised in representations | Council response |
|--|---|
| <p>Part V Agreement</p> <p>The proposal breaches Clause 3.3 (d)(x) of the agreement pursuant to section 71 of the <i>Land Use Planning and Approvals Act 1993</i> that is registered to the subject title. This clause stipulates:</p> <p><i>No part of any building erected on Lot 16 [the subject site] is to be higher the 4.00 meters above point H10, noted on Plan of Annexure Sheet 1 of 1.</i></p> <p>H10 is indicated in the figure below at the Northern point on Lot 16:</p>  <p>The proposal would exceed the restriction outlined within this agreement by over 3m.</p> | <p>The property at 6 Leads Avenue is subject to an agreement under section 71 of the <i>Land Use Planning and Approvals Act 1993</i>, effective 28 February 2008, also known as a Part V Agreement. This agreement is between the land owner and Council and acts in a similar manner to any other agreement or contract.</p> <p>When acting as a Planning Authority, Council is limited to considering those matters contained within the Planning Scheme (unless where otherwise explicitly stated in legislation). Part V Agreements are not a matter that can be considered during an assessment of a planning application in accordance with the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>In order to enforce a Part V Agreement Council is required to take civil legal action and seek an order from a magistrate. Therefore, the legal components of the representation cannot be addressed under an assessment against the planning scheme. These will be considered by Council outside of this report.</p> |
| <p>The proposal breaches Clause 3.3 (n) of the agreement pursuant to section 71 of the <i>Land Use Planning and Approvals Act 1993</i> that is registered to the subject title. This clause stipulates:</p> <p><i>That no Building will be permitted to be constructed outside the area marked Y Z AA AB on Lot 16 [the subject site] (The Building Envelope), noted on Plan of Annexure Sheet 1 of 1 Sheet</i></p> | <p>The Part V Agreement includes nominated building envelopes for each lot in the sealed plan, intended to protect the views enjoyed by properties up hill.</p> <p>As above, Council's role as Planning Authority is to determine compliance with the George Town Interim Planning Scheme 2013 and as such the matters which can be considered in determining compliance are limited to those matters contained within the planning scheme,</p> |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|---|
| | <p>There is no head of power, contained within the Planning Scheme or parent legislation, which provides Council with the ability to consider the Part V while assessing the development for compliance with the Planning Scheme.</p> <p>As above, enforcement of the Part V Agreement is undertaken via a separate process.</p> |
| <p>Development breaches the permissible height in the planning scheme.</p> | <p>The Planning Scheme comprises a series of Acceptable Solutions and Performance Criteria. Both the Acceptable Solutions and Performance Criteria offer alternative avenues to demonstrate compliance with the Objective of the standard and the Planning Scheme. Although the development exceeds the Acceptable Solutions in regard to height, this does not automatically mean that the development does not/cannot comply with the Performance Criteria.</p> <p>The role of the Planning Authority is to undertake an assessment of the development against the Performance Criteria to determine if the development is compliant with the planning scheme. This assessment is undertaken below in relation to Clause 10.4.2 A3 (a) (i). In this instance the impacts were not considered unreasonable when assessed again the Performance Criteria.</p> |
| <p>The location and size of the proposed development obstructs views of the river from a number of properties.</p> <p>The impact of the development on views will result in a loss of property value as a result.</p> | <p>Impacts to property values and views are not considered in the <i>George Town Interim Planning Scheme 2013</i> and cannot be addressed as part of this assessment.</p> <p>The planning assessment is confined to those matters that are contained within the planning scheme.</p> |

9. STATUTORY REQUIREMENTS

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

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

- 10.0 General Residential Zone
- 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.

9.1 Use Class

The application is classified as a Residential use and development. The definition of the Residential use as outlined in the *George Town Interim Planning Scheme 2013* is:

“use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.”

The Residential Use Class (Single Dwelling) is classified as a **No Permit Required** use in the General Residential Zone. However, in this instance, the proposal relies on Performance Criteria and is subject to the discretionary application process.

9.2 Planning Scheme Assessment

10 General Residential Zone

10.1 Zone Purpose

| |
|---|
| <h4>10.1.1 Zone Purpose Statements</h4> |
|---|

| |
|---|
| <p>10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.</p> |
|---|

| |
|--|
| <p>10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.</p> |
|--|

| |
|--|
| <p>10.1.1.3 Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area. Some redevelopment sites may also be appropriate for higher density development.</p> |
|--|

| |
|---|
| <p>10.1.1.4 Typical residential and non-residential development is to be detached, rarely exceeding two storeys and be setback from the street and property boundaries.</p> |
|---|

| |
|---|
| <p>10.1.1.5 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.</p> |
|---|

| |
|------------------------------------|
| <h4>Planners Response:</h4> |
|------------------------------------|

| |
|---|
| <p>The proposal provides for residential use and development and contributes to the range of dwelling types available in the area. The land is fully serviced. The proposed dwelling will be the dominant development on the title.</p> |
|---|

| |
|---|
| <p>The application does not include a non-residential use as the proposed development is of a residential nature.</p> |
|---|

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

The single dwelling is proposed to be setback from the street and does not exceed two storeys.

The neighbourhood character is defined by predominantly single or double storey dwellings with subservient outbuildings. The proposed development is not inconsistent with this character and provides a standard of residential amenity consistent with the intent of the zone.

Therefore, the proposal is consistent with the purpose outline within the zone statements.

10.1.2 Local Area Objectives

George Town will continue as the main centre for residential development and expansion will be based on optimising available and planned infrastructure provision and community services

Planners Response:

The proposed development is consistent with the intent to maintain George Town as the main residential centre. The proposed development is infill in an existing residential subdivision, optimising the use of existing available infrastructure. This development will not compromise the position of George Town's main centre and is consistent with the objective of the zone.

10.1.3 Desired Future Character Statements

Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area. Some redevelopment sites may also be appropriate for higher density development.

Typical residential and non-residential development is to be detached, rarely exceeding two storeys and be setback from the street and property boundaries

Planners Response:

The proposal is of a domestic nature and does not undermine the dominance of dwellings in the area. The proposal is two-storey, detached and setback from the street in accordance with the acceptable solution outlined in General Residential Zone. Therefore, the proposal is consistent with the Desired Future Character Statement.

10.3 Use Standards

10.3.1 Amenity

Objective

To ensure that non-residential uses do not cause an unreasonable loss of amenity to adjoining and nearby residential uses.

Acceptable Solutions

A1 If for permitted or no permit required uses.

Performance Criteria

P1 The use must not cause or be likely to cause an environmental nuisance through emissions including noise and

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| | traffic movement, smoke, odour, dust and illumination. |
| Planners Response: Complies with the Acceptable Solutions. A Residential use for a single dwelling is 'No Permit Required' in the General Residential Zone. | |
| A2 Commercial vehicles for discretionary uses must only operate between 7.00am and 7.00pm Monday to Friday and 8.00am to 6.00pm Saturday and Sunday. | P2 Commercial vehicle movements for discretionary uses must not unreasonably impact on the amenity of occupants of adjoining and nearby dwellings. |
| Planners Response: Not applicable. The proposal is not for a discretionary use. | |
| A3 If for permitted or no permit required uses. | P3 External lighting must demonstrate that: a) floodlighting or security lights used on the site will not unreasonably impact on the amenity of adjoining land; and b) all direct light will be contained within the boundaries of the site. |
| Planners Response: Complies with the Acceptable Solutions. Single dwellings are a no permit required use in the General Residential Zone. | |

10.3.2 Residential Character – Discretionary Uses

| | |
|--|-----------------------------|
| Objective To ensure that discretionary uses support: A) the visual character of the area; and b) the local area objectives, if any. | |
| Acceptable Solutions | Performance Criteria |
| A1 Commercial vehicles for discretionary uses must be parked within the boundary of the property. | P1 No performance criteria. |
| Planners Response: Not applicable. The application is not for a discretionary use. | |
| A2 Goods or material storage for discretionary uses must not be stored outside in locations visible from adjacent properties, the road or public land. | P2 No performance criteria. |
| Planners Response: Not applicable. The application is not for a discretionary use. | |
| A3 Waste material storage for discretionary uses must: | P3 No performance criteria. |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|--|
| <p>a) not be visible from the road to which the lot has frontage ; and</p> <p>b) use self-contained receptacles designed to ensure waste does not escape to the environment.</p> | |
| <p>Planners Response: Not applicable. The proposal is not for a discretionary use.</p> | |

10.4 Development Standards for Dwellings

10.4.1 Residential density for multiple dwellings

| | |
|---|---|
| <p>Objective:</p> <p>That the density of multiple dwellings:</p> <p>(a) makes efficient use of land for housing; and</p> <p>(b) optimises the use of infrastructure and community services.</p> | |
| Acceptable Solutions | Performance Criteria |
| <p>A1 Multiple dwellings must have a site area per dwelling of not less than 325m².</p> | <p>P1 Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:</p> <p>(a) is compatible with the density of existing development on established properties in the area; or</p> <p>(b) provides for a significant social or community benefit and is:</p> <p>(i) wholly or partly within 400m walking distance of a public transport stop; or</p> <p>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</p> |
| <p>Planner's Response: Not applicable. The proposal is not for multiple dwellings.</p> | |

10.4.2 Setbacks and building envelope for all dwellings

| | |
|-------------------|--|
| <p>Objective:</p> | <p>The siting and scale of dwellings:</p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and</p> |
|-------------------|--|

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | <p>sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations.</p> |
|---|---|
| Acceptable Solutions | Performance Criteria |
| <p>A1 Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level; or (e) if the development is on land that abuts a road specified in Table 10.4.2, at least that specified for the road. | <p>P1 A dwelling must:</p> <ul style="list-style-type: none"> (a) have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints; and (b) if abutting a road identified in Table 10.4.2, include additional design elements that assist in attenuating traffic noise or any other detrimental impacts associated with proximity to the road. |
| <p>Planners Response: Complies with the Acceptable Solution.</p> <p>All development is located more than 4.5m from the primary frontage.</p> | |
| <p>A2 A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. | <p>P2 A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p> |
| <p>Planners Response: Complies with the Acceptable Solution. The proposed garage is more than 5.5m from the primary frontage on Leads Avenue. The garage is 7.59m from the frontage.</p> | |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

A3

A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:

- (a) be contained within a building envelope (refer to Figures 10.1, 10.2 and 10.3) determined by:
 - (i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and
 - (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and
- (b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:
 - (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or
 - (ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).

P3

The siting and scale of a dwelling must:

- (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:
 - (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;
 - (ii) overshadowing the private open space of a dwelling on an adjoining property;
 - (iii) overshadowing of an adjoining vacant property; or
 - (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;
- (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and
- (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:
 - (i) an adjoining property; or
 - (ii) another dwelling on the same site.

Planners Response: Relies on performance criteria.

The proposed dwelling protrudes the building envelope outlined in Figure 10.1 of the George Town Interim Planning Scheme.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

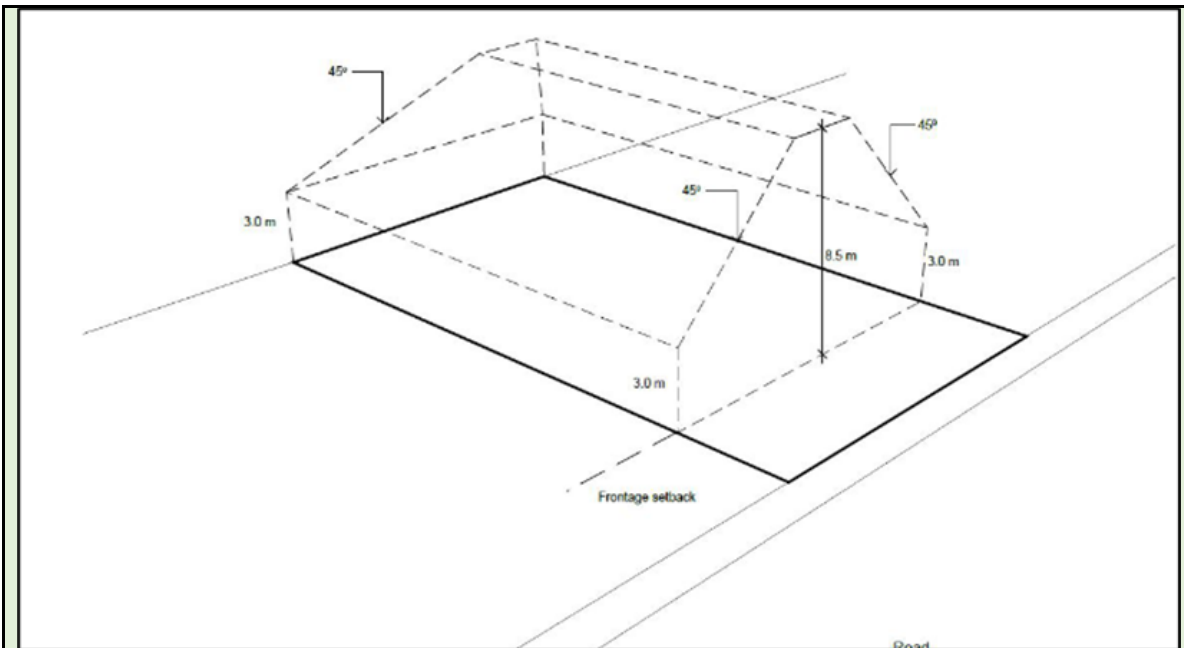


Figure 9: Building envelope described by the Acceptable Solution.

As the dwelling is a taller, two storey dwelling; the ridge height is 8.68m which exceeds the 8.5m standard outlined within Figure 10.1. The development will exceed the Building Envelope by 180mm at the highest point. Due to the fall of the land, the west side wall and eaves will also exceed the building envelope. The extent to which the building exceeds the envelope can be seen in Figures 10 and 11 below.

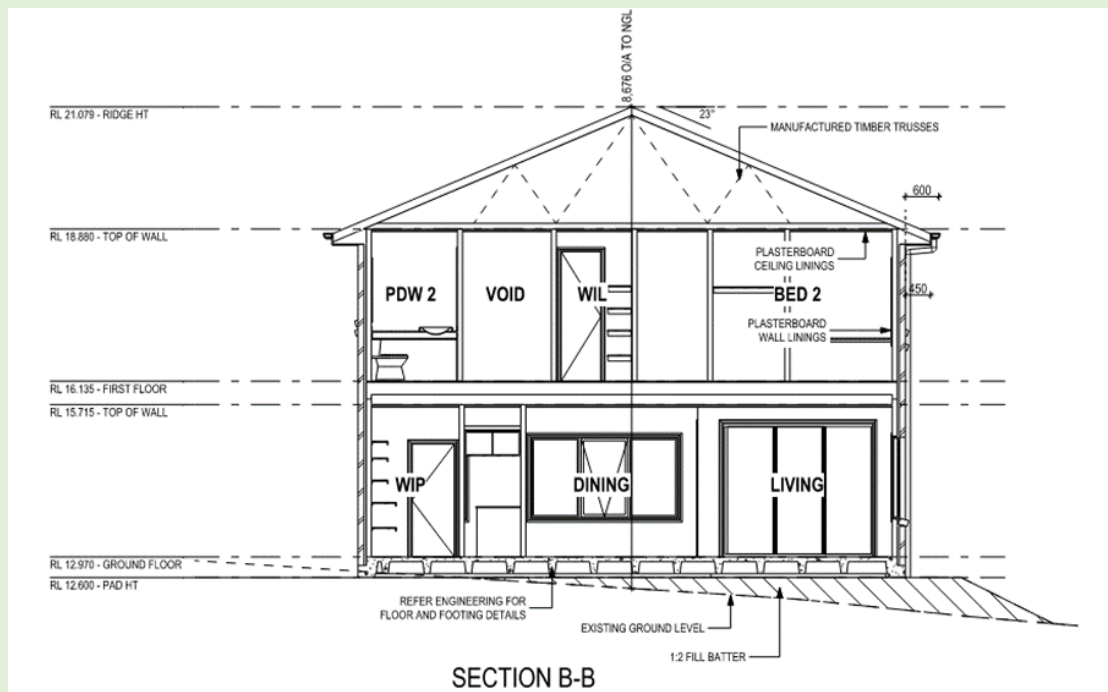


Figure 10: site section showing the maximum height of the development.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

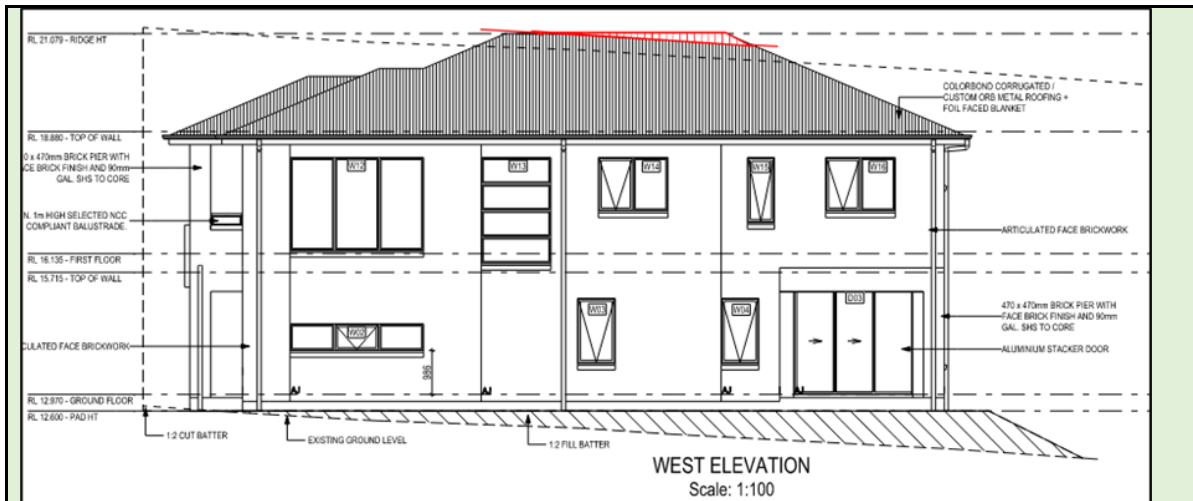


Figure 11: West elevation showing the extent of the development outside of the envelope in red hatching.

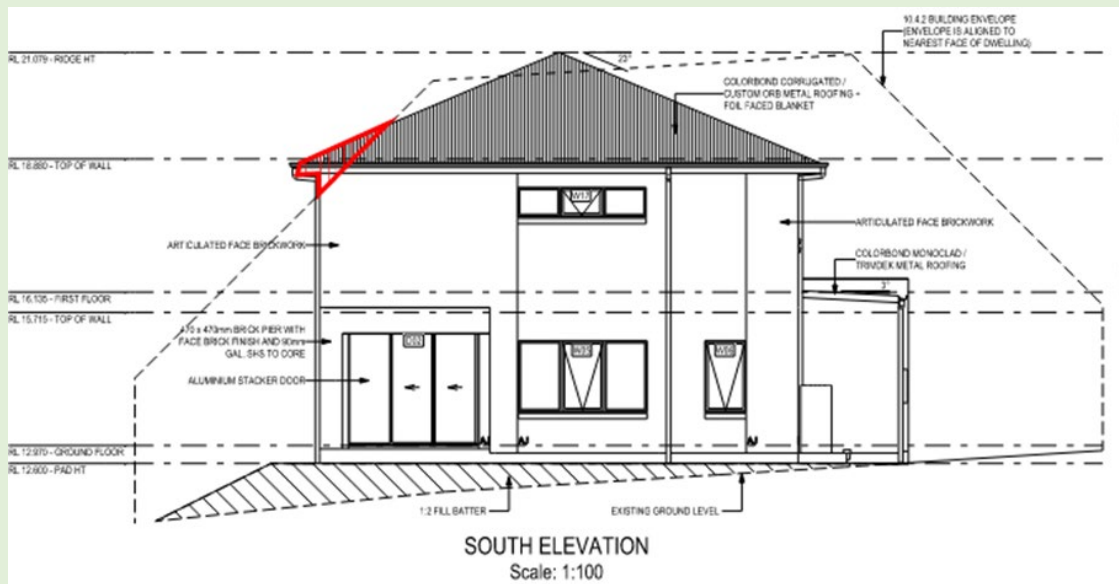


Figure 12: South elevation showing the extent of the west wall outside of the envelope in red hatching.

In this instance the proposed development will not cause an unreasonable impact on residential amenity.

The shadowing occurring on June 21 will predominantly fall onto the subject title and the adjoining vacant land to the west, 4 Leads Avenue. Due to the fall of the land this shadow appears quite long, however, the impacts of overshadowing are short lived, with impacts occurring for less than 3 hours and the site being largely free of overshadowing by 12:00pm. It is considered that there is ample opportunity for any future dwelling to be designed to take advantage of the sun. It is also noted that this vacant lot is currently in the same ownership as the subject site.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

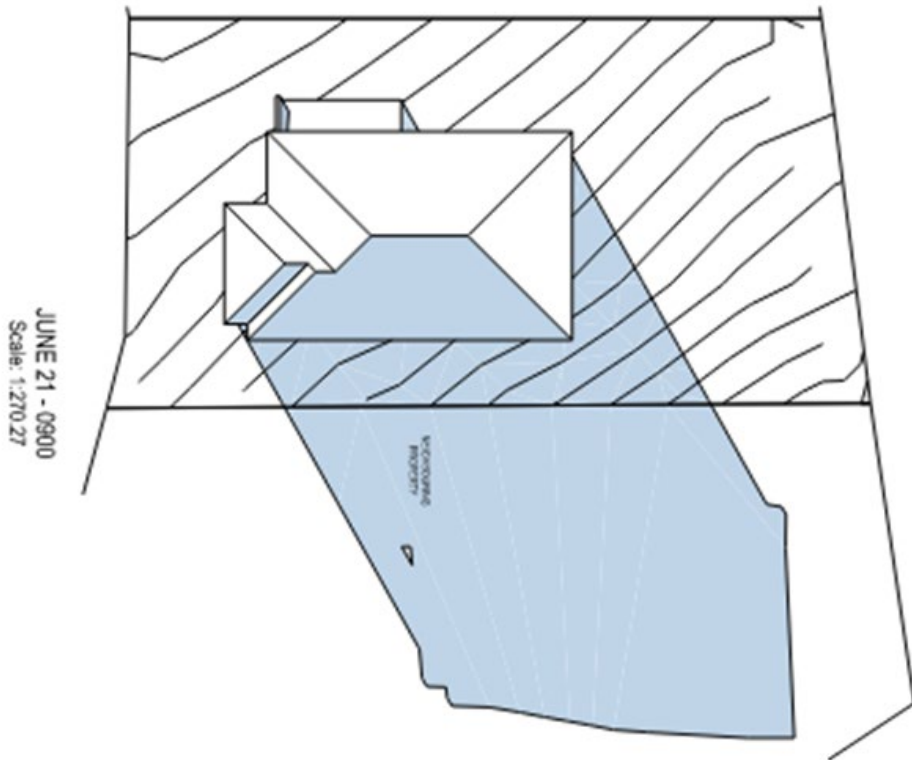


Figure 13: Approx. shadow cast by the proposal at 9:00am on the 21st June.

At 12:00pm overshadowing will largely impact the subject site with marginal overshadowing of the 4 Leads Avenue, generally consistent with the impacts of a standard 1.8m fence. While afternoon shadows will extend over 160d Low Head Road, the extent is minimal and shadows will not impact the habitable rooms of the dwelling or the principle private open space areas.

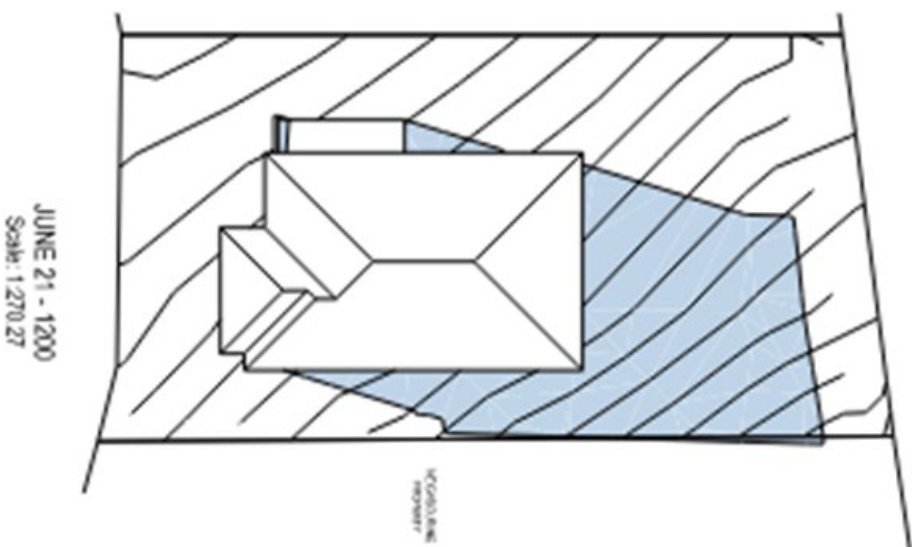


Figure 13: Approx. shadow cast by the proposal at 12:00 noon on the 21st June.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

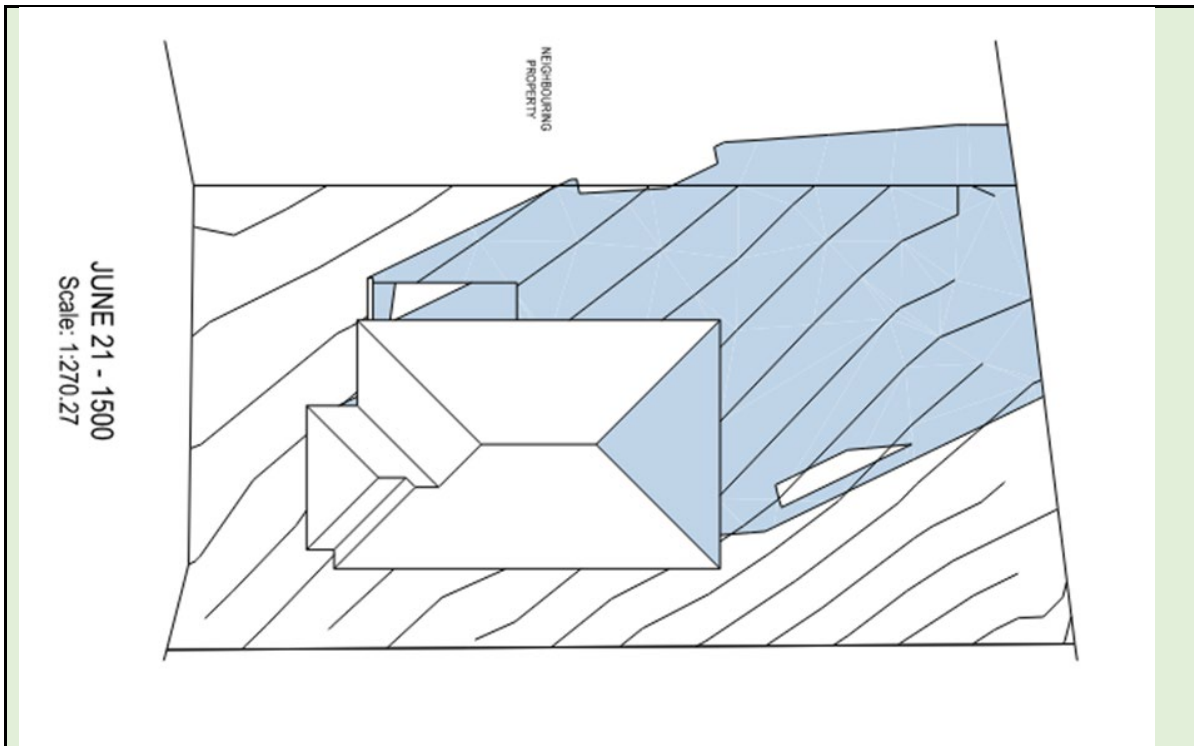


Figure 14: Approx. shadow cast by the proposal at 3:00pm on the 21st June.

It is important to note that the shadowing displayed in the figures occurs during June 21, a period of heavily reduced sunlight. As more sunlight becomes available, either side of this date, the impact of this shadowing (even minor shadowing) is reduced. As such, the impacts of overshadowing are considered to be reasonable.

The proposal is for a large prominent dwelling, which will have a noticeable visual impact when viewed from the street and from the adjoining properties. However, the visual impacts and bulk of the building are considered to be reasonable. It is important to understand that standards regarding visual impacts and visual bulk are not designed to protect landscape views from adjoining properties. These standards are designed to ensure that dwellings are not of a scale or design that results in large solid blocks of unbroken material and to limit the sense of enclosure or overbearing that may impact neighboring dwellings.

In this instance the visual impact and bulk of the proposed dwelling is considered to be acceptable. It is of a similar scale and visual impact to the existing dwellings at 17 and 19 Leads Avenue, which already dominate the end of the cul de sac. Although single story, the dwelling at 8 Leads Avenue is built up relative to the shared boundary and is upslope of the proposed dwelling with reasonable separation, substantially reducing the relative height and mitigating the visual bulk of the proposed dwelling by softening the height transition.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda



Figure 15: Existing dwellings at 17 and 19 Leads Avenue.

While taller than the dwelling at 8 Leads Avenue, the proposed dwelling remains relatable in scale and the relationship between the dwellings is typical of the many other instances throughout Low Head where single story dwellings sit adjacent to a two story dwelling.

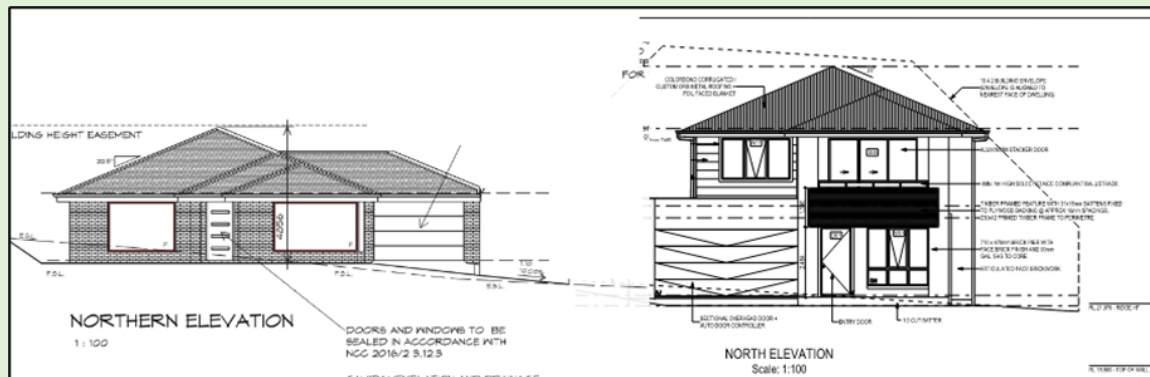


Figure 16: Relative position and scale of proposed dwelling to 8 Leads Avenue at the same scale.

The setback from the side boundaries proposed is consistent and generally greater than that of the other residential developments that are in the area with 4.2m setback from the north side boundary and 3.8m from the south side boundary. Separation between the dwelling at 8 Leads Avenue and the subject dwelling is 7.3m. This separation further assists to mitigate the visual impact of the dwelling and will provide sufficient separation that the proposed dwelling will not loom over the existing dwelling.

It is noted restrictions on some of the titles instilled by the initial subdivision (DA 2003/67) include the incorporation of a building envelope and height restrictions, these have influenced the outcome of development within the streetscape for a number of sites.

Design elements, such as the height transition between the garage and the first floor, the protruding porch, use of articulation and different design materials in the façade will add visual interest and reduce visual bulk to adjoining properties and the streetscape.

The dwelling at 8 Leads Avenue includes an attached garage on the southern side, adjacent to the proposed dwelling. A garage is not a habitable part of the dwelling, is of a

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

specialist nature, occupied infrequently and generally for 7 short periods of time. As the garage protrudes from the dwelling, it serves to limit the field of view from windows on the south side of the building and screen parts of the proposed dwelling, further reducing the visual bulk when viewed from 8 Leads Avenue.

While the development will be visible and will become a significant feature of the views from other surrounding dwellings, including 160D Low Head Road and other dwellings in Leads Avenue, the degree of separation between the development and other dwellings is sufficient to mitigate the visual bulk of the building to an acceptable degree.

The proposed development does not overshadow any existing residential solar array on adjoining titles.

Overall, the design in terms of scale, is not uncommon for residential developments in the Low Head area. It does not drastically differ from the existing forms in the streetscape greatly enough to be considered unreasonable and the shadowing on adjoining properties is not to a degree that could cause a nuisance. Therefore, the proposal complies with the performance criteria.

Council could consider conditioning the planning permit to reduce the height of the building. This could be achieved by lowering the pitch of the roof or cutting further into the slope of the land. However, it is noted that at 200mm outside of the envelope, a relatively minor change to the design would result in the dwelling being fully compliant and not requiring a planning permit at all. Such a change is very minor and would not result in a perceivable change in the design of the dwelling or result in any meaningful change to the perceived impact the proposal has on neighboring properties. As such, such a condition would achieve very little.

10.4.3 Site coverage and private open space for all dwellings

| | | |
|---|--|-----------------------------|
| Objective: | That dwellings are compatible with the amenity and character of the area and provide: (a) for outdoor recreation and the operational needs of the residents; (b) opportunities for the planting of gardens and landscaping; and (c) private open space that is conveniently located and has access to sunlight. | |
| Acceptable Solutions | | Performance Criteria |
| A1 Dwellings must have: (a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and (b) for multiple dwellings, a total area of private open space of not less than 60m ² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished | P1 Dwellings must have: (a) site coverage consistent with that existing on established properties in the area; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: | |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| <p>ground level (excluding a garage, carport or entry foyer).</p> | <p>(i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and</p> <p>(ii) operational needs, such as clothes drying and storage; and</p> <p>(c) reasonable space for the planting of gardens and landscaping.</p> |
|---|--|

Planners Response:

Complies with the Acceptable Solutions. The proposed development will increase the site coverage to approximately 22% of the entire site. As such, the proposed developments occupy less than 50% of the site and the proposed buildings have a combined area that is consistent with the intent of the zone.

| | |
|--|---|
| <p>A2 A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p style="margin-left: 20px;">(i) 24m²; or</p> <p style="margin-left: 20px;">(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p style="margin-left: 20px;">(i) 4m; or</p> <p style="margin-left: 20px;">(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p> | <p>P2 A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p style="margin-left: 20px;">(a) conveniently located in relation to a living area of the dwelling; and</p> <p style="margin-left: 20px;">(b) orientated to take advantage of sunlight.</p> |
|--|---|

Planners Response:

Complies with the Acceptable Solutions. A private open space area, in excess of 24m² with a minimum dimension of 4m, and a gradient less than 1 in 10 is available behind the building line, to both the north and south of the dwelling.

10.4.4 Sunlight to private open space of multiple dwellings

| | |
|-----------------------------|---|
| Objective: | That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site. |
| Acceptable Solutions | Performance Criteria |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|---|
| <p>A1 A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 10.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 10.4):</p> <p style="margin-left: 20px;">(i) at a distance of 3m from the northern edge of the private open space; and</p> <p style="margin-left: 20px;">(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p style="margin-left: 20px;">(i) an outbuilding with a building height not more than 2.4m; or</p> <p style="margin-left: 20px;">(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p> | <p>P1 A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 10.4.3 of this planning scheme.</p> |
| <p>Planners Response: Not applicable. The proposal is not for multiple dwellings.</p> | |

10.4.5 Width of openings for garages and carports for all dwellings

| | |
|--|--|
| Objective: | To reduce the potential for garage or carport openings to dominate the primary frontage. |
| Acceptable Solutions | Performance Criteria |
| <p>A1 A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).</p> | <p>P1 A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.</p> |
| <p>Planners Response: Complies with acceptable solution. The proposal does not include a garage or carport within 12m of the frontage.</p> | |

10.4.6 Privacy for all dwellings

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|---|
| Objective: | To provide a reasonable opportunity for privacy for dwellings. |
| Acceptable Solutions | Performance Criteria |
| <p>A1 A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:</p> <p>(a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;</p> <p>(b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and</p> <p>(c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:</p> <p>(i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or</p> <p>(ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.</p> | <p>P1 A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:</p> <p>(a) a dwelling on an adjoining property or its private open space; or</p> <p>(b) another dwelling on the same site or its private open space.</p> |
| <p>Planners Response: Complies with Acceptable Solution.</p> <p>Dwelling is located over 3m from side boundaries and 4m from the rear boundary.</p> | |
| <p>A2 A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> | <p>P2 A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p> |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|---|
| <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p> | |
| <p>Planners Response: Complies with acceptable solution.</p> <p>Dwelling is located over 3m from side boundaries and 4m from the rear boundary.</p> | |
| <p>A3 A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) it is separated by a screen of not less than 1.7m in height; or</p> <p>(ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space,</p> | <p>P3 A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p> |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|--|
| <p>or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</p> | |
| <p>Planners Response: Not applicable.</p> <p>The proposal does not include a shared access.</p> | |

10.4.7 Frontage fences for all dwellings

| | |
|---|---|
| Objective: | <p>The height and transparency of frontage fences:</p> <ul style="list-style-type: none"> (a) provides adequate privacy and security for residents; (b) allows the potential for mutual passive surveillance between the road and the dwelling; and (c) is reasonably consistent with that on adjoining properties. |
| Acceptable Solutions | Performance Criteria |
| <p>A1 No Acceptable Solution.</p> | <p>P1 A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <ul style="list-style-type: none"> (a) provide for security and privacy while allowing for passive surveillance of the road; and (b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> (i) the topography of the site; and (ii) traffic volumes on the adjoining road. |
| <p>Planners Response: Not applicable. The proposal does not include frontage fences.</p> | |

| CODE | APPLICABILITY |
|---------------------------------------|--|
| E1 BUSHFIRE-PRONE AREAS CODE | NOT APPLICABLE - NO SUBDIVISION, SENSITIVE USE OR HAZARDOUS USE. |
| E2 POTENTIALLY CONTAMINATED LAND CODE | NOT APPLICABLE – LAND NOT IDENTIFIED AS BEING CONTAMINATED . |
| E3 LANDSLIP CODE | NOT APPLICABLE – LAND NOT IDENTIFIED AS PRONE TO LANDSLIP. |
| E4 ROAD AND RAILWAY ASSETS CODE | NOT APPLICABLE – PROPOSAL DOES NOT INCLUDE A NEW ACCESS OR INTENSIFY THE USE OF THE EXISTING ACCESS AND IS NOT WITHIN 50M O A CAT 1 OR 2 ROAD. |
| E5 FLOOD PRONE AREAS CODE | NOT APPLICABLE – LAND NOT IDENTIFIED AS BEING PRONE TO FLOOD. |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|--|
| E6 CAR PARKING AND SUSTAINABLE TRANSPORT CODE | CODE IS APPLICABLE. |
| E7 SCENIC MANAGEMENT CODE | NOT APPLICABLE – NOT IN A SCENIC MANAGEMENT AREA OR WITHIN 100M OF A SCENIC TOURIST CORRIDOR. |
| E8 BIODIVERSITY CODE | NOT APPLICABLE – DOES NOT APPLY TO GENERAL RESIDENTIAL ZONE (WITH THE EXCEPTION OF SUBDIVISION). |
| E9 WATER QUALITY CODE | NOT APPLICABLE – DEVELOPMENT IS NOT 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 DOES NOT INCLUDE A USE IDENTIFIED AS REQUIRING ATTENUATION AND IS NOT WITHIN AN IDENTIFIED ATTENUATION AREA. |
| 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 | CODE NOT APPLICABLE. NO SIGNAGE IS PROPOSED. |

E6.0 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

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

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|--|
| | <ul style="list-style-type: none"> 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. |
|--|--|

Planners Response:

Complies with the Acceptable Solution. With the provision of two parking spaces, the proposal complies with Table E6.1 in relation to a single dwelling in the General Residential Zone.

E6.6.2 Bicycle Parking Numbers

| | |
|---|--|
| Objective | |
| To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles. | |
| 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> <ul style="list-style-type: none"> a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and b) location of the site and the distance a cyclist would need to travel to reach the site; and c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity. |
| Planners Response: | |
| Complies with the Acceptable Solution. There is sufficient space for bicycle parking in the proposed dwelling and within the site. | |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| |
|--|
| |
|--|

E6.6.3 Taxi Drop-off and Pickup

| | |
|---|-----------------------------|
| Objective To ensure that taxis can adequately access developments. | |
| Acceptable Solution | Performance Criteria |
| 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). | P1 No performance criteria. |
| Planners Response: Not applicable to proposal. Application is associated with a dwelling in the Residential Zone. | |

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 the Acceptable Solutions. The proposal has sufficient space to provide for motorbike parking within the subject site. | |

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

| | |
|--|--|
| Objective To ensure that car parking spaces and access strips are constructed to an appropriate standard. | |
| Acceptable Solution | Performance Criteria |
| A1 All car parking, access strips manoeuvring and circulation spaces must be: a) formed to an adequate level and drained; and b) except for a single dwelling, provided with an impervious all weather seal; and | P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions. |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces. | |
| Planners Response: Complies with the Acceptable Solutions. Access ways will be formed in concrete and drained to the reticulated stormwater system. | |

E6.7.2 Design and Layout of Car Parking

| | |
|--|---|
| Objective To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard. | |
| Acceptable Solution | Performance Criteria |
| A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings. | P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to: a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking. |
| Planners Response: Complies with the Acceptable Solutions. Parking is for less than 4 cars and behind the building line. No provision for turning is located within the front setback. Therefore, the proposal complies with the acceptable solution. | |
| A2.1 Car parking and manoeuvring space must: a) have a gradient of 10% or less; and b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: i) there are three or more car parking spaces; and | P2 Car parking and manoeuvring space must: a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic. |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| <p>ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p> | |
|---|--|

Planners Response: Relies on Performance Criteria.

The access width is 3.6m, this exceed the 10% variation to Table E6.2. The Table outlines that to meet the acceptable standard the access width would have to be between 2.7m and 3.3m. Therefore, this proposal relies on performance criteria. It is noted that 3.6m is the width of driveways constructed in accordance with the LGAT Standard drawings and is the width stipulated by Council for all new driveway crossovers in the General Residential Zone.

In all other respects the development complies with the Acceptable Solutions. The gradient of parking is less than 10%. Parking is located within the garage attached to the dwelling and less than 4 spaces are provided. Clause d) is not applicable to the proposal and the proposal complies with AS2890.1 so far as is applicable to residential use and development.

Therefore, the development complies with the performance criteria.

E6.7.3 Car Parking Access, Safety and Security

| | |
|---|---|
| Objective To ensure adequate access, safety and security for car parking and for deliveries. | |
| Acceptable Solution | Performance Criteria |
| A1 Car parking areas with greater than 20 parking spaces must be: a) secured and lit so that unauthorised persons cannot enter or; b) visible from buildings on or adjacent to the site during the times when parking occurs. | P1 Car parking areas with greater than 20 parking spaces must provide for adequate security and safety for users of the site, having regard to the: a) levels of activity within the vicinity; and b) opportunities for passive surveillance for users of adjacent building and public spaces adjoining the site. |
| Planners Response: Not applicable. The proposal includes less than 20 parking spaces. | |

E6.7.4 Parking for Persons with a Disability

| | |
|--|-----------------------------|
| Objective To ensure adequate parking for persons with a disability. | |
| Acceptable Solution | Performance Criteria |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|--|-----------------------------|
| A1 All spaces designated for use by persons with a disability must be located closest to the main entry point to the building. | P1 No performance criteria. |
| Planners Response: Not applicable. The proposal does not include accessible parking. | |
| A2 Accessible car parking spaces for use by persons with disabilities must be designed and constructed in accordance with AS/NZ2890.6 – 2009 Parking facilities – Off-street parking for people with disabilities. | P2 No performance criteria. |
| Planners Response: Not applicable. The proposal does not include accessible parking. | |

E6.7.6 Loading and Unloading of Vehicles, Drop-off and Pickup

| | |
|--|--|
| Objective To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows. | |
| Acceptable Solution | Performance Criteria |
| A1 For retail, commercial, industrial, service industry or warehouse or storage uses: a) at least one loading bay must be provided in accordance with Table E6.4; and b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site. | P1 For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis. |
| Planners Response: Not applicable. The proposal is for a residential use and development. | |

E6.8 Provisions for Sustainable Transport

E6.8.1 Bicycle End of Trip Facilities

| | |
|--|--|
| Objective To ensure that cyclists are provided with adequate end of trip facilities. | |
| Acceptable Solution | Performance Criteria |
| A1 For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, 1 shower and change room facility must be | P1 For all development where (in accordance with Table E6.1) over 5 bicycle spaces are required, end of trip facilities must be provided at adequate |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|---|
| <p>provided, plus 1 additional shower for each 10 additional employee bicycles spaces thereafter.</p> | <p>level to cater for the reasonable needs of employees having regard to:</p> <ul style="list-style-type: none"> a) the location of the proposed use and the distance a cyclist would need to travel to reach the site; and b) the users of the site and their likely desire to travel by bicycle; and c) whether there are facilities on the site for other reasons that could be used by cyclists; and d) the opportunity for sharing bicycle facilities by multiple users. |
| <p>Planners Response: Not applicable. Less than 5 spaces required.</p> | |

E6.8.2 Bicycle Parking Access, Safety and Security

| | |
|--|--|
| <p>Objective To ensure that parking and storage facilities for bicycles are safe, secure and convenient.</p> | |
| Acceptable Solution | Performance Criteria |
| <p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <ul style="list-style-type: none"> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p> | <p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p> |
| <p>Planners Response: Not applicable. No customer or visitor bike spaces.</p> | |

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

| | |
|---|--|
| <p>A2 Bicycle parking spaces must have:</p> <p>a) minimum dimensions of:</p> <p style="margin-left: 20px;">i) 1.7m in length; and</p> <p style="margin-left: 20px;">ii) 1.2m in height; and</p> <p style="margin-left: 20px;">iii) 0.7m in width at the handlebars; and</p> <p>b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.</p> | <p>P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.</p> |
| <p>Planners Response: Complies with the Acceptable Solution. Sufficient space is provided for bicycle parking within the site within the parameters of the Acceptable Solution.</p> | |

E6.8.5 Pedestrian Walkways

| | |
|---|--|
| <p>Objective To ensure pedestrian safety is considered in development</p> | |
| Acceptable Solution | Performance Criteria |
| <p>A1 Pedestrian access must be provided for in accordance with Table E6.5.</p> | <p>P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.</p> |
| <p>Planners Response: Complies with the Acceptable Solutions. No dedicated access required for use and development where less than 10 spaces are proposed.</p> | |

10. REFERRALS

Internal Referrals

No internal referrals were considered warranted.

External Referrals

No external referrals were considered warranted.

11. SERVICES

Road

Access is available to Leads Avenue. The existing crossover is intended to be removed and a new crossover is proposed in accordance with *LGAT Standard Drawings*. A condition is recommended to ensure that this standard is adhered to.

Sewer

Records indicate the land is serviced by sewer.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Water

The land is serviced by reticulated water.

Storm Water

Stormwater is managed by existing Council infrastructure connected to the subject site.

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 construction of a residential single dwelling at 6 Leads Avenue, Low Head, has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. The application is considered to comply with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

While the proposal is possibly in breach of the Part V Agreement or covenants on the titles, these agreements cannot be enforced through the planning assessment process under the *Land Use Planning and Approvals Act 1993*. These agreements are enforced by separate processes which are exclusive of the planning approval process. As Council's power to consider and determine planning applications does not include any ability to consider Part V Agreements, this cannot be used as a justification to refuse the application.

14. RECOMMENDATION

That the application for use and development, residential outbuilding at residential dwelling at 6 Leads Avenue, Low Head (CT 154317/16) 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. Wilson Homes, drawing number: 713504, sheet number: 1/17 to 6/17 inclusive, dated: 20 September 2022.

except where provided for otherwise in accordance with the conditions below, 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. CROSSOVER

Prior to the commencement of the use;

- a. A new driveway crossover is to be installed in accordance with LGAT Standard Drawings TSD-R09-v3 and to the satisfaction of Council's Director Infrastructure and Development.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- b. The existing redundant crossover is to be removed, the footpath made good and the nature strip rehabilitated to the satisfaction of Council's Director Infrastructure and Development.

Prior to undertaking any works within the Council road reserve, including works associated with the vehicle crossover, separate consent is required from Council as the Road Authority. The developer must make application to Council for a Permit to Undertake Works in the Road Reserve using Council's designated form and obtain approval prior to the start of works. This work must be at expense of the person responsible for the development.

3. NO POLLUTED RUNOFF

No polluted and/or sediment laden runoff must be discharge directly or indirectly into Council's drains, watercourses or the foreshore during and after development.

4. DAMAGE TO PUBLIC INFRASTRUCTURE

Any damage to public infrastructure shall be repaired at the owners cost. If any repairs are necessary, they will be undertaken in accordance with the requirements and to the satisfaction of the Manager of Infrastructure and Works.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2022/108. You should contact Council with any other use or development, as it may require the separate approval of Council. Council's planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
 - a) Plumbing approval
 - b) Building approval

All enquiries should be directed to Council's Permit Authority, via 6382 8800.

3. The issuing of this planning permit should not be taken as an indication of compliance with any Covenant or Section 71 (Part V) Agreement registered to the title. These covenants and agreements are mutually exclusive pieces of legislation and are not enforced through the planning assessment process, but main remain legally binding and enforceable under other legislation or processes.
4. 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.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

5. 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
6. 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 at Council's discretion if a request is received within 6 months of the expiration.
7. 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.
8. 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

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

7.3 TASMANIAN PLANNING SCHEME - DRAFT GEORGE TOWN LOCAL PROVISIONS SCHEDULE - REPRESENTATIONS RECEIVED DURING PUBLIC EXHIBITION PERIOD

| | |
|-----------------------|---|
| REPORT AUTHOR: | Statutory Town Planner - Mr J Simons Senior Planning Consultant – Mr J. Stewart Graduate Planner – Mr A. Bowles |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 15.21 |
| ATTACHMENTS: | <ol style="list-style-type: none">1. Attachment 1 - Assessment of representations and recommendations [7.3.1 - 105 pages]2. Attachment 3 - Bellbuoy Beach SAP DRAFT [7.3.2 - 4 pages]3. Attachment 3 - Specific Area Plan Mapping- Bellbuoy Beach [7.3.3 - 1 page]4. Attachment 4 - Flood Prone Area Mapping [7.3.4 - 18 pages] <p>Note: Attachment 2 – Representations reproduced in full (see separate document)</p> |

SUMMARY

This report relates to the exhibition of the draft George Town Local Provisions Schedule (LPS) which has been prepared as part of George Town Council’s transition to the Tasmanian Planning Scheme. In accordance with the requirements of section 35F of the *Land Use Planning and Approvals Act 1993*, Council is required to prepare a report to the Tasmanian Planning Commission addressing the representations received during the public exhibition period, including its opinions on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS.

BACKGROUND

Through amendments to the *Land Use Planning and Approvals Act 1993* (LUPAA) in 2015, the State Government has legislated the introduction of a single state-wide planning scheme to be known as the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme will replace all existing local Council planning schemes and will come into effect for each Council once the relevant LPS is declared/approved for that local government area.

In general terms, the Tasmanian Planning Scheme will comprise two parts:

- (1) a set of standardised state-wide planning “rules” called the State Planning Provisions – (administrative provisions, provisions for zones, codes, etc.); and

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- (2) a Local Provisions Schedule which contains the zone and code overlay maps that apply the State Planning Provisions to a local Council area.

As part of the transition to the Tasmanian Planning Scheme, each local Council is required to prepare a Local Provisions Schedule for its own local government area. This work is generally about the spatial application of the State Planning Provisions. The State Planning Provisions were largely developed by the State Government in 2017 and cannot be altered through this process. As such, this exercise can generally be described as a mapping exercise to determine where the standardized zones and codes of the State Planning Provisions are to be applied.

At its ordinary meeting of May 2021 the George Town Council determined to endorse and submit the draft LPS to the Tasmanian Planning Commission (the Commission) which has been prepared for the George Town local government area. The draft LPS was formally submitted to the Commission on 31 May 2021. Following a number of amendments, arising from directions issued by the Commission, Council was directed to exhibit the draft LPS on the 22 June 2022. As required by LUPAA, the LPS was exhibited for 60 days.

2. STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Following the statutory public exhibition of the draft LPS (carried out in accordance with the requirements of sections 35C and 35D of LUPAA), Council must now prepare a report to the Tasmanian Planning Commission regarding that exhibition. The report is to consider the representations received during the public exhibition period including an assessment and recommendation on whether the matters raised in those representations are of sufficient merit to necessitate a modification to the draft LPS. The specific legislative requirements for this post exhibition report are set out under section 35F of LUPAA and are reproduced below.

| |
|--|
| LUPAA - Section 35F – Report by planning authority to Commission about exhibition |
|--|

- | |
|--|
| <p>(1) A planning authority, within 60 days after the end of the exhibition period in relation to a draft LPS in relation to the municipal area of the planning authority or a longer period allowed by the Commission, must provide to the Commission a report in relation to the draft LPS.</p> <p>(2) The report by the planning authority in relation to the draft LPS is to contain –</p> <p>(a) a copy of each representation made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS before the end of the exhibition period in</p> |
|--|

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

relation to the draft LPS, or, if no such representations were made before the end of the exhibition period, a statement to that effect; and

(b) a copy of each representation, made under section 35E(1) in relation to the relevant exhibition documents in relation to the draft LPS after the end of the exhibition period in relation to the draft LPS, that the planning authority, in its discretion, includes in the report; and

(ba) a statement containing the planning authority's response to the matters referred to in an LPS criteria outstanding issues notice, if any, in relation to the draft LPS; and

(c) a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –

(i) whether the planning authority is of the opinion that the draft LPS ought to be modified to take into account the representation; and

(ii) the effect on the draft LPS as a whole of implementing the recommendation; and

(d) a statement as to whether it is satisfied that the draft LPS meets the LPS criteria; and

(e) the recommendations of the planning authority in relation to the draft LPS.

(3) Without limiting the generality of subsection (2)(e), the recommendations in relation to a draft LPS may include recommendations as to whether –

(a) a provision of the draft LPS is inconsistent with a provision of the SPPs; or

(b) the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or

(c) the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.

RISK CONSIDERATIONS

In general terms, the risk considerations associated with this phase of the draft LPS process are those generally typical to Council's role as a planning authority under LUPAA and the associated statutory processes thereunder.

FINANCIAL IMPLICATIONS

No specific financial implications are predicted from the recommendations contained in this report. The preparation of a draft LPS is a statutory requirement for each local Council in the State in their role as planning authorities under LUPAA and as part of the transition to a single state-wide planning scheme.

To date the cost associated with the draft George Town LPS have been covered by Council's operational budget with the work completed by Council staff and consultants. Additional costs associated with staff and consultants would factor in any decision to withdraw the LPS.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The draft LPS is a statutory requirement of Council in its role as a planning authority under LUPAA. Council's *Diversity, Equitable Access and Inclusion Policy* has been considered by undertaking a wide range of consultation to allow as many people as possible aware of the process and to make a submission if they choose.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

CONSULTATION

In accordance with the requirements of LUPAA, the draft LPS was made available for public exhibition for a period of 60 days. The public exhibition period was conducted from Monday 4 July 2022 until the close of business on Thursday 1 September 2022.

During this exhibition period, the community could inspect and make representation on the content of the draft LPS.

Council has fulfilled its statutory obligations under sections 35C and 35D of LUPAA to inform and notify the public regarding the exhibition of the draft LPS. This included:

- (a) newspaper notifications published in the Examiner Newspaper on Saturday 02 July 2022 and Saturday 09 July 2022;
- (b) the exhibition of the relevant exhibition documents:
 - i. at the George Town Council office (16-18 Anne Street, George Town) making use of printed exhibition material within the lobby area (the same platform that is used to display notifications for discretionary planning permit applications); and
 - ii. via Council's website.

In addition to the statutory notification requirements, a flyer alerting ratepayers to the LPS process was issued alongside 2022/2023 Council rates notices.

During the exhibition period, Council planning staff were available to provide advice and assist with any queries in relation to the draft LPS – this assistance was available by phone, via email, or via requested appointment.

Council also held community 'drop-in sessions' on 02 August 2022 in George Town, 04 August 2022 in Hillwood and 09 August 2022 in Weymouth which primarily occurred outside of Council's normal business hours to enable broader access to the community. Council planning staff were made available during these 'drop-in sessions' to assist community members with any queries in relation to the draft LPS.

A specific page on Council's website was created for the exhibition of all the draft LPS related information and documentation. This included an interactive map which allowed community members to search a specific address and view the proposed changes, without the need to search each individual PDF map.

This public exhibition period was further supported by social media posts on the George Town Council's official Facebook page.

Exhibition documents were also available via the Tasmanian Planning Commission Website.

A number of representations were received after the conclusion of the public consultation period (1 September 2022). Although these representations were received outside of the

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

public exhibition timeframe, Council has the discretion to agree to extend the exhibition period and receive these representations. These submissions have been considered as valid and included in the assessment below.

REPRESENTATION

36 representations were received (including those received outside of the public exhibition period).

An assessment of each representation and recommendations in response to the matters raised is provided as Attachment 1.

Copies of each of the received representations are enclosed with Attachment 2.

OFFICER'S COMMENTS

Statutory requirements for a draft LPS – the LPS criteria (s.34 (2) LUPAA)

The draft LPS has been prepared in accordance with the requirements of LUPAA. As instructed and set out under section 34(2) of LUPAA, a draft LPS must satisfy a set of criteria which are detailed below.

A draft LPS must:

- (a) contain all the provisions that the State Planning Provisions specify must be contained in an LPS;
- (b) comply with the content requirements specified by section 32 of LUPAA;
- (c) further the objectives set out in Schedule 1 of LUPAA;
- (d) be consistent with each State Policy;
- (e) be, as far as practicable, consistent with the relevant regional land use strategy;
- (f) have regard to the relevant strategic plan, prepared under section 66 of the Local Government Act 1993;
- (g) be, as far as practicable, consistent with and co-ordinated with any LPS's that apply to adjacent municipal areas; and
- (h) have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.

Before the draft LPS was made available for public exhibition, the Commission was required to be satisfied that the above criteria contemplated under section 34(2) of LUPAA were met.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

This process involved negotiations between the Commission and Council's planning staff. Prior to exhibition, the Commission directed Council to undertake some modifications to the draft LPS that was originally submitted on 31 May 2021 – to ensure satisfaction with the requirements of the abovementioned LPS criteria.

It is important to establish that the draft LPS as made available for public exhibition has been determined by the Commission to satisfy the LPS criteria. Any modifications to the draft LPS from this point will need to be appropriately justified and reassessed by the Commission for compliance with the LPS Criteria

Guideline No. 1 – Local Provisions Schedule (LPS): zone and code application

1. The principal point of instruction for the allocation of zones and codes made with the draft LPS is Guideline No. 1 – Local Provisions Schedule (LPS) - zone and code application (June 2018). This Guideline was issued by the Tasmanian Planning Commission in accordance with s.8A of LUPAA.
2. The application of all zones and code overlays included with the draft LPS must be in accordance with Guideline No.1. This Guideline is specifically used in assisting to determine compliance with the LPS criteria described previously.

Zone allocations made with the George Town draft LPS

The draft LPS assigns all land within the George Town local government area to a zone and that zoning provides the primary mechanism for regulating land use and development under the planning scheme. The zoning makes provision for what use and development can occur in particular areas and under what circumstances.

The allocation of zones made with the draft LPS has sought to find an appropriate balance between:

- (1) the instruction contained in the LPS Zone and Code Application Guideline; and
- (2) zoning assignments that provide for an appropriate recognition of existing and well-established land use and development patterns in the George Town local government area.

Broader strategic planning considerations

A key challenge in preparing the draft LPS has been the need to differentiate between what is necessary to prepare a draft LPS versus what could be described as broader strategic planning considerations (for example the rezoning areas of land not currently used or zoned for residential purposes to accommodate future settlement growth).

The Minister for Planning has, on multiple occasions, advised local councils that the State Government's position is that the LPS process is not about the opportunity to undertake significant strategic land use planning reviews. This position is emphasised in a previous statement issued by the Minister for Planning which is reproduced below:

'The current process of preparing draft LPS's to give effect to the Tasmanian Planning Scheme is a priority for the Government and the efficient conversion of current interim planning

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

schemes to the LPSs should not be unnecessarily complicated by the introduction of strategic changes that are not related to the facilitation of that process.'

[Minister's Advisory Statement, June 2017]

The above approach is not intended to diminish the need for or importance of some broader strategic land use planning reviews. Instead, it aims to recognise that such matters do have the potential to unnecessarily complicate and delay the draft LPS process. Council recognises the need to undertake some more contemporary localised strategic land use planning reviews, such as the changes at Hillwood. These initiatives are currently being pursued – but ultimately this will occur outside and separate to the draft LPS process.

Broader strategic changes can be considered as part of the usual planning scheme amendment process under LUPAA either to the current Interim Planning Scheme or an approved draft LPS – and where there is appropriate strategic planning to support those changes.

The draft LPS process should not be unnecessarily complicated or delayed by matters which can be appropriately considered through the usual planning scheme amendment process under LUPAA.

Modifications to the draft LPS following public exhibition

Without diminishing the importance of the community feedback received in the representations, it is recommended that any modifications made to the draft LPS following public exhibition relate to matters where there is a readily apparent or otherwise compelling justification for modification – and where those changes can be appropriately supported by the instruction contained in the LPS Zone and Code Application Guideline.

The current process under LUPAA allows the Commission, where appropriate, to direct Council to make minor modifications to a draft LPS following the public exhibition phase. These minor modifications will come into effect on approval of the LPS. The Commission can also direct Council to submit substantial modifications to the LPS. Substantial modifications will require further public notification, however, they should not delay the implementation of the LPS and may be resolved after the bulk of the LPS has come into effect.

It is important to emphasise that all those persons who made a representation will have the opportunity to further elaborate their claims as part of the public hearing process conducted by the Commission in its assessment of the draft LPS. In this context, Council's recommendations on the representations are not necessarily a final outcome for those affected persons.

A summary of the recommended modifications to the draft LPS following the exhibition period is included in **Attachment 1**.

Next steps in the draft LPS process

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Following receipt of the Council's report on the exhibition of the draft LPS, the Commission will facilitate public hearings to consider the matters raised in the representations and make a final determination regarding the LPS. A generalised flow chart of the draft LPS approval process is shown in Figure 1 below - with the yellow shaded section indicating the current stage in the process.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

GENERALISED DRAFT LPS PROCESS FLOWCHART

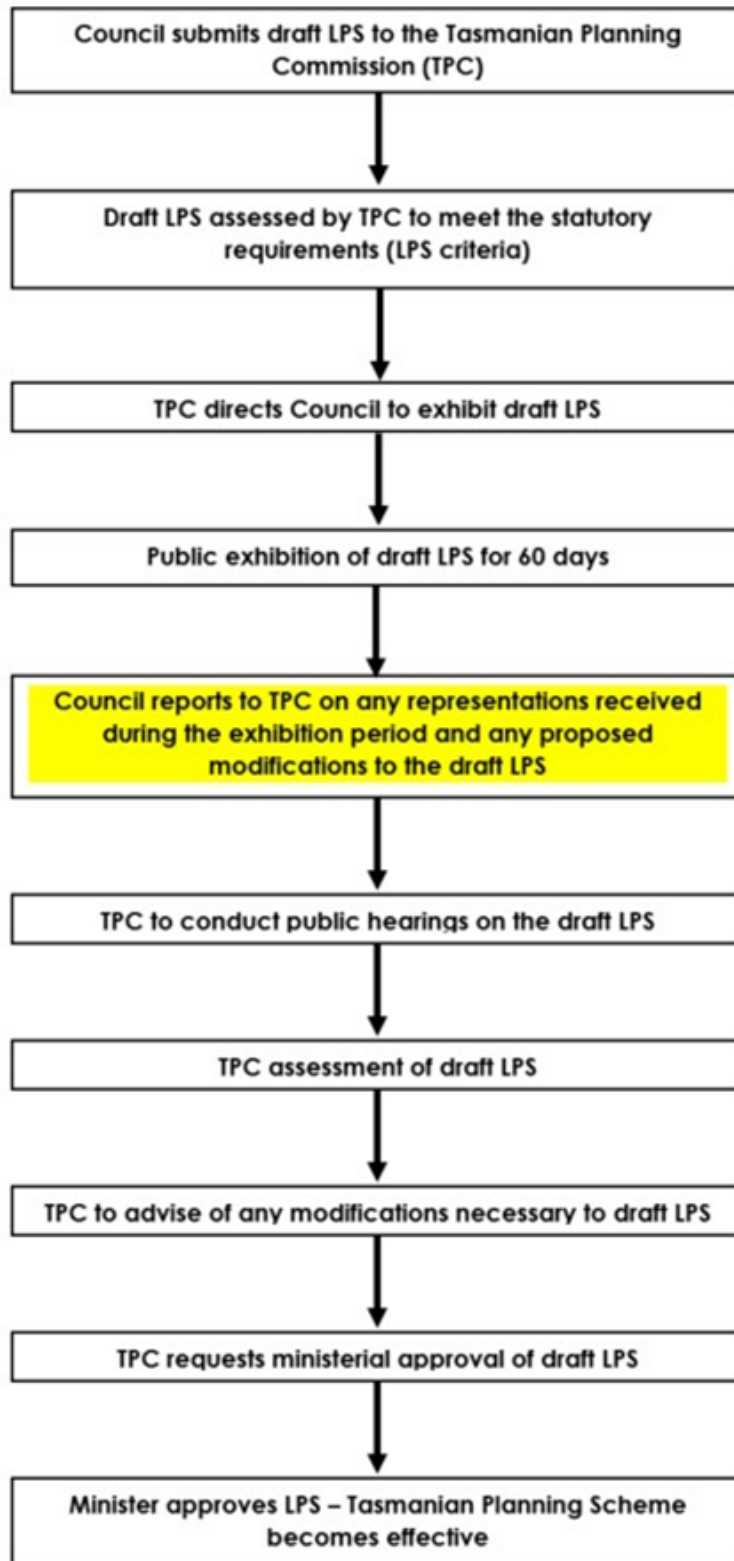


Figure 1 – Generalised draft LPS process flowchart

OPTIONS

Council may choose to:

1. Endorse the report as presented and forward it to the Planning Commission; or
2. Endorse the report with amendments; or
3. Not endorse the report and write to the Planning Commission to withdraw the LPS.

As the preparation of the LPS is a statutory requirement, withdrawal of the LPS will result in substantial delays in transitioning to the State Planning Provisions and should only occur if there are considered to be extreme conflicts evident between the draft LPS and community expectations.

OFFICER'S RECOMMENDATION

That Council in its role as a Planning Authority, and in accordance with section 35F of the *Land Use Planning and Approvals Act 1993*, endorse and submit to the Tasmanian Planning Commission this report about the exhibition of the draft George Town Local Provisions Schedule, which includes the following particulars:

1. as set out in **Attachment 1**:
 - I. the Planning Authority's consideration of the received representations including opinions as to the merit of each representation; and
 - II. the Planning Authority's recommended modifications to the draft LPS following the exhibition period made in accordance with section 35F(2)(c) and 35F(2)(e) of the *Land Use Planning and Approvals Act 1993*;
- (c) a copy of each representation and supporting information received during the public exhibition period (as enclosed with **Attachment 2, 3 and 4**); and
- (d) determination that the draft LPS (including those recommendations and modifications described in **Attachment 1**) satisfies the local provisions schedule criteria set out under section 34(2) of the *Land Use Planning and Approvals Act 1993*.

DECISION

Moved:

Seconded:

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

VOTING

For:

Against:

8 OFFICE OF GENERAL MANAGER

8.1 COUNCIL WORKSHOPS - NOVEMBER AND DECEMBER 2022

REPORT AUTHOR: Executive Support and Governance Officer – Louise Dickenson
REPORT DATE: 15 December 2022
FILE NO: 14.10
ATTACHMENTS: 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 22 NOVEMBER 2022

- Planning and Building Update – includes Planning Report Discussions
- Capital Works Update
- Quarterly Report – Annex C and D
- Part V Agreement – Leads Avenue
- Colonial Heritage
- Governance Issues

Present: Mayor Kieser, Deputy Mayor Greg Dawson, Cr Winston Archer, Cr Heather Ashley, Cr Heather Barwick, Cr Tim Harris, Cr Simone Lowe, Cr Winston Mason, Cr Jason Orr

Apologies: Nil.

In Attendance: General Manager
Director Corporate & Community
Director Organisational Performance, Strategy & Engagement
Executive Support & Governance Officer
Team Leader – Planning & Building Services

Guests: Nil.

TUESDAY 13 DECEMBER 2022

- Unconfirmed Minutes 22 November 2022
- Artisans Guild

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

- Enterprise Resource Platform
- Airport
- Leases/Licences
- Anzac Drive Update
- Local Planning Scheme
- Development Applications
- Bellingham Foreshore Update
- Hillwood Football Club Update
- Variation – Sports Ground
- Mountain Bike Trails
- Alfred Street, George Town
- Governance Issues
 - AGM Timing
 - Peter Cox Reserve
 - Project Management
- Councillors/General Manager Discussions

Present: Mayor Kieser, Deputy Mayor Greg Dawson, Cr Winston Archer, Cr Heather Ashley, Cr Heather Barwick, Cr Tim Harris, Cr Simone Lowe, Cr Winston Mason, Cr Jason Orr

Apologies: Cr Winston Mason

In Attendance: General Manager
Director Corporate &Community
Executive Support & Governance Officer
Statutory Planner
Team Leader – Planning & Building Services
Project Manager

Guests: Nil.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

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

Future Direction Four - Leadership and Accountable Governance

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

6. Difficult issues are managed in an open manner without conflict
- i. Building capacity in change management, understanding and responding to complexity.
 - ii. Fostering courage, kindness and determination in working through challenges and opportunities.
 - iii. Communicating well.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government (Meeting Procedures) Regulations 2015.

RISK CONSIDERATIONS

This report is provided in accordance with Local Government (Meeting Procedures) Regulations 2015, Section 8(2)(c). Risk implications are therefore considered to be low.

FINANCIAL IMPLICATIONS

Nil.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Nil.

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

That Council receives the report on the Council Workshops held on 22 November 2022 and 13 December 2022.

OFFICER'S RECOMMENDATION

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

That Council receives the report on the Council Workshops held on 22 November 2022 and 13 December 2022.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

8.2 COUNCIL MEETING SCHEDULE 2023 - ANNUAL GENERAL MEETING

| | |
|-----------------------|-------------------------------|
| REPORT AUTHOR: | General Manager – Mr S. Power |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 14.21 |
| ATTACHMENTS: | Nil |

SUMMARY

This report is to propose an amendment to alter the Annual General Meeting time for 2023 from 1.00 pm to 6.00 pm for Council's consideration.

BACKGROUND

Council adopted its schedule for the Ordinary Council meeting dates and times for 2023 at the 22 November 2022 Ordinary Council meeting for the next 12 months. This schedule will be published in a daily newspaper.

The Annual General Meeting was adopted to be held on Thursday 16 November commencing at 1.00 pm. George Town Council has typically held its Annual General Meeting commencing at 6.00 pm for greater attendance of the public.

The report on the 22 November 2022 included to propose the Annual General Meeting to be commencing at 6.00 pm with all other Ordinary Council meetings to commence at 1.00 pm.

An administrative oversight resulted in the resolution of Council confirming the Annual General Meeting for 1.00pm instead of 6.00pm as intended.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - i. Trusted, transparent and inclusive community engagement processes.
 - ii. Engaging over things that matter to the community.
 - iv. Understanding processes and participating in decision making.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 requires:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Division 3 - Annual General Meeting

72B. Annual General Meeting

(1) A council must hold an Annual General Meeting on a date that –

(a) is not later than 15 December in each year; and

(b) is not before 14 days after the date of the first publication of a notice under [subsection \(2\)](#)

(2) A council must publish a notice in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.

RISK CONSIDERATIONS

The risk associated with the proposed schedule of meetings is considered low. The proposed schedule reflects that of previous years which has not attracted criticism from the public. The proposed schedule has been discussed at workshop having consideration for availability of elected members and implications on organisational resources.

FINANCIAL IMPLICATIONS

Financial implications are based on a support staff member attending all Council workshops and meetings; and an additional four (4) Council Officers i.e. Statutory Planner, Works Coordinator; Engineering Coordinator, Team Leader (Planning and Building Services).

There is no financial impact in relation to the Executive (including the General Manager) on any of the options available to Council.

Approximate costs for the Ordinary Council meetings and workshops held during normal working hours with the exception of the Annual General Meeting which commences at 6.00 pm would be approximately \$150.00 for the calendar year 2023.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

It is acknowledged that the proposed schedule may not accommodate all members of the public. Council's consultation and engagement efforts should ensure that the community remain informed of Council business and provide avenues for input in Council decision making.

CONSULTATION

The Annual General Meeting commencement time alteration was presented to elected members at the 13 December 2022 Council Workshop.

OPTIONS

Council may choose to:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

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

OFFICER'S COMMENTS

In accordance with the requirements of Section 72B(1) of the Local Government Act 1993 a Council must hold an Annual General Meeting on a date that is not later than the 15th of December in each year. It is suggested that the 2023 AGM be held on Thursday 10th of November 2023 commencing at 6.00 pm.

OFFICER'S RECOMMENDATION

That Council by absolute majority:

1. Hold George Town Council's Annual General Meeting at 6.00 pm on Thursday 16th November 2023.
2. Publish the schedule of Ordinary Council meetings and the Annual General Meeting for 2023 in a daily newspaper.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

8.3 BELLINGHAM FORESHORE UPGRADE

| | |
|-----------------------|-------------------------------|
| REPORT AUTHOR: | General Manager – Mr S. Power |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 22.3 |
| ATTACHMENTS: | Nil |

SUMMARY

The purpose of this report is to authorise the allocation of funds from unexpended capital works from the 2022/2023 program to complete the Bellingham Foreshore Upgrade Project.

BACKGROUND

Council at its meeting 28 June 2022 adopted the 2022/2023 Capital Works Program including the carry forward project for the Bellingham Foreshore Upgrade Project (WO 1785).

The project is well advanced with the toilet structure having been built and plumbed, sewer system installed, electrical loom roughed in and painting commenced. There remains a shortfall to achieve the project which includes a BBQ area.

If additional expenditure is approved, works are scheduled to be complete in February 2023.

All works are being performed through various trades under existing periodic contracts with Council.

The estimated additional funding requirement for the amenities block is \$15,000 with remaining works include electrical mains connection, installation of power board (to control septic pumps), 10,000 litre water tank and internal fit out of fixtures and fittings. The estimated additional funding requirement for the BBQ area is \$22,000 comprising:

- Slab \$5,000
- BBQ \$11,000
- Electrical \$5,000
- Additional works \$1,000

The total amount being sought to complete the project is \$37,000 ex GST.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Three - Progressive Well-Resourced Communities

1. Recreational opportunities for all

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- i. Developing well-designed and maintained recreational facilities – shared pathways, tracks, trails, exercise stations – all ages, all abilities.

Future Direction Three - Progressive Well-Resourced Communities

8. Public infrastructure relevant to needs

- iv. All ability amenities to meet the needs of residents and visitors.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Section 73 of the *Local Government Act 1993* explains:

A council may raise funds in any or more of the following ways –

- (e) by obtaining grants and other allocations of money.

Section 74 of the *Local Government Act 1993* explains that a council may expend its funds for the purpose of exercising its powers or carrying out its functions under this or any other Act within the estimates adopted under [section 82](#).

Section 82 of the *Local Government Act 1993* explains:

1. The general manager must prepare estimates of the council's revenue and expenditure for each financial year.
2. Estimates are to contain details of the following:
 - (a) the estimated revenue of the council;
 - (b) the estimated expenditure of the council;
 - (c) the estimated borrowings by the council;
 - (d) the estimated capital works of the council;
- (3) Estimates for a financial year must –
 - (a) be adopted by the council, with or without alteration, by absolute majority;
 - (4) A council may alter by absolute majority any estimate referred to in [subsection \(2\)](#) during the financial year.

RISK CONSIDERATIONS

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

There is an extreme risk that Council will not be able to deliver a minimum viable product for the Bellingham Foreshore Upgrade Project without additional funds. This includes for the amenity block, notwithstanding reputational damage associated with the community expectation of a BBQ area.

FINANCIAL IMPLICATIONS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Councils adopted budget for the Bellingham Foreshore Upgrade Project is \$120,666.

The allocation comprises Council funding of \$50,038 and external funding of \$72,628.

The funding allocation includes carry forward funding from previous years from the Bellingham Progress Association of \$14,000.

The following programs have been identified as being appropriate for meeting the required funds.

- The East Beach Toilets - Plan and Design (WO 1883) - \$12,300 remaining unallocated.
- Swimming Pool Filtration System (WO 1879) \$22,100 remaining (\$5,000 expenditure to be committed leaving a balance of \$17,100).
- York Cove Centre Ceiling Replacement (WO 1881) – \$4,075 remaining unallocated.
- Council Offices – DID Offices and Archives (WO 1887) – Balance of funds to accommodate estimated balance required of approximately \$3,550.

The East Beach Project has been scoped with QS estimates and concept plan in readiness for grant opportunity or future budget considerations. The balance of funds is available to be reallocated.

The Swimming Pool Filtration System has been installed and is in operation. It is recommended that \$5k remain in the budget for adjustments/calibration to the plant operations. This leaves \$17,100 available for reallocation.

The York Cove Centre Ceiling Replacement is complete leaving \$4,075 available for reallocation.

The Council Offices – DID Offices and Archives is for scoping and design to inform the 2023/2024 budget process. It is envisaged that this fund can be used to fund the remaining amount required to complete the Bellingham Foreshore Upgrade Project.

Council also has a balance of approximately \$97k for scoping and design purposes.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objects of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council. The aims are as follows:

- Encourage people to participate in the community by having fair and inclusive opportunities, including appropriate and equal access to facilities, services and activities.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

CONSULTATION

Consultation with elected members during Council Workshop on Tuesday 13th December 2022.

OPTIONS

Council may choose to:

1. Allocate \$37,000 from the approved 2022/2023 Capital Works Program under the Building and Structures asset class through identified programs to make up the shortfall for the Bellingham Foreshore Upgrade Project; or
2. Allocate \$37,000 from the approved 2022/2023 Capital Works Program under the Building and Structures asset class through identified programs to make up the shortfall for the Bellingham Foreshore Upgrade Project;
3. Allocate sufficient funds to accommodate the completion of the amenities block only;
4. Complete the project in the 2023/2024 financial year.

OFFICER'S COMMENTS

The budget allocation for the project dates back to the lead up of the 2021/2022 budget process. Labour and materials have been subject to inflation resulting many projects having variations to original budget estimates.

The Bellingham Progress Association has been making budget submissions to Council over many years for amenities and related facilities and highly expectant of the delivery of the project this financial year. It is the view of the General Manager that the project can be delivered using savings and unexpended funds from the adopted 2022/2023 Capital Works Program for Buildings and Structures without jeopardising the delivery of identified projects within the asset class.

OFFICER'S RECOMMENDATION

That Council:

1. Allocate \$37,000 through unexpended funds from the adopted 2022/2023 Buildings and Structures Capital Works programs to fund the completion of the Bellingham Foreshore Upgrade Program; comprising
 - a. \$12,300 from the East Beach Toilets - Plan and Design Project (WO 1883)
 - b. \$17,100 from the Swimming Pool Filtration System Project (WO 1879)
 - c. \$4,075 from the York Cove Centre Ceiling Replacement Project (WO 1881) Council Offices
 - d. \$3,550 from the DID Offices and Archives Project (WO 1887)

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

2. Authorise the General Manager to approve up to 10% in contingency at his discretion utilising further identified savings in the adopted 2022/2023 Buildings and Structures Capital Works programs if required.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

8.4 REQUEST TO COMMEMORATE THE LATE MR PETER COX

| | |
|-----------------------|--|
| REPORT AUTHOR: | General Manager – Mr S. Power |
| REPORT DATE: | 13 December 2022 |
| FILE NO: | 28.14 |
| ATTACHMENTS: | <ol style="list-style-type: none">1. Submissions - Request to commemorate Peter Cox [8.4.1 - 8 pages]2. Tamar Avenue Map [8.4.2 - 1 page]3. Landslide polygon [8.4.3 - 1 page]4. Proclaimed Landslip [8.4.4 - 1 page] |

SUMMARY

The purpose of this brief is to provide Elected Members with details to allow them to consider a request to name a parcel of land at the southern end of Tamar Avenue, George Town, the “Peter Cox Reserve” in honour of the late Mr. Peter Cox.

BACKGROUND

A request has been received from Mr. Bill Humphries of 43 Tamar Avenue to recognise the contribution to the community of the late Mr. Peter Cox by naming a parcel of land on Tamar Avenue the “Peter Cox Reserve”.

Any request to name a place is required to follow the process in line with the *Place Names Act 2020*. A precis of the process and relevant information is set out below.

General Information

The *Place Names Act 2020* provides for the following features to be included in this legislation under the definition of a place. These include, but are not restricted to:

- a geographical or topographical feature (whether natural or artificial; or on land, underground or underwater);
- a suburb or locality, habitation, or other feature of community or cultural significance;
- a highway, road, street, lane or thoroughfare that is either open to or lawfully used by the public, or is a private road that contains residences that have, or are capable of having, separate addresses;
- a park, recreation area or sporting ground, walking or bike track that is open to or used by the public; and
- any other area or feature that is, or is likely to be, of public, cultural or historical interest

As the proposal relates to vacant parkland, it is covered by the legislation and, if approved by Council, will need to follow the process as set out by Placenames Tasmania.

The purpose of place names is primarily to provide unambiguous direction and reference to identify places. As such, duplication is to be avoided. Checks must therefore be completed to ensure the following:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- Names of geographical or topographical features *should* not be duplicated within Australia and checks must be made to ensure that the proposed name is not in use within Australia before any proposal to approve a new name is made.
- Names of geographical or topographical features *must* not be duplicated within Tasmania.
- Locality names *must* not be duplicated within Australia.
- Names of roads and streets and cultural features, such as parks and reserves, must not be duplicated in Tasmania.

Commemorative naming

Place names for features commemorating a person should only be approved posthumously. The person being commemorated should have had a direct and long-term association (more than 10 years) with the location or have made a significant contribution to the area.

Ownership of the land or recent public service should not in itself be grounds for proposing a commemorative name to a geographical feature, nor should a commemorative name be used to commemorate victims of or mark the location of accidents or tragedies.

Naming authorities must gain consent from family members of the person being commemorated, except if the person has been deceased for more than 10 years at the time of proposal.

The first name and surname may be used for cultural features such as parks and sports grounds if necessary, to avoid duplication with an existing feature, or in cases of a memorial park or reserve, such as Max Angus Memorial Reserve.

If a proposed name commemorates a deceased person or family, a brief biography should be included in the proposal documentation containing:

- a. full name/s (including parents and children if known);
- b. dates of any relevant births, deaths or marriages;
- c. information about their life, including the general nature of their occupation and education;
- d. details of any civil and community contributions made by the person, such as membership of community organisations, terms of office and achievements;
- e. details of any honours or decorations received by the person/s;
- f. consent of family or descendants if possible; and
- g. any other historical information in support of the proposal.

Use of reserved land classifications

Crown land proclaimed as a reserve under the *Nature Conservation Act 2002* must include the correct reserved land classification in the name (e.g. National Park, State Reserve, Nature Reserve, Game Reserve, Conservation Area, Nature Recreation Area, Regional Reserve, Historic Site, Private Sanctuary, and Private Nature Reserve).

Where land is not reserved under the *Nature Conservation Act 2002* it is an offence under that Act to use, alone or in combination with other words, the name of any reserved land

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

classification, unless authorised by the responsible Minister. Selection of names like Margate Historic Site or State Reserve would not be permitted.

The use of the word 'Reserve' as a generic should ideally be restricted to areas of land reserved under the *Nature Conservation Act 2002*. Consideration should be made to using the generic 'Park' for other types of recreation areas, including those managed by local government.

The *Nature Conservation Act 2002* states that to reserve the land under the Act as a nature recreation area the land must be predominantly in a natural state, or contain sensitive natural sites of significance for recreation with a purpose of public recreation and education consistent with conserving the natural and cultural values of the area of land. Council would need to give consideration to

An application for this reservation would be required to be made to the Minister prior to the application for the place name approval being sought from Placenames Tasmania.

Process for Place Naming

1. Community Consultation

Place names have an important role within the community with many names, including road names, having a direct effect on individuals. It is essential that the community is adequately consulted as part of the process in the development of a place name proposal and opportunity is provided to ensure that the proposed name is acceptable to the community as well as conforming to these guidelines. Public participation in the place naming process lends strength and provides a level of ownership to a naming proposal, which will assist in the approval process. The level of consultation required is largely dependent upon the type of feature proposed to be named or altered, the significance of the feature to the community and any direct impacts of the proposal to an individual. For altering or approving names for geographical, topographical and cultural features, proposals may be referred for consultation to relevant land management authorities and community groups, which include progress and ratepayer associations, bushwalking clubs and local history organisations.

Some community consultation has been attended to as part of the request, specifically from the residents of 33, 37, 41, 43, 47, 49, 51, 57, 76 and 84 Tamar Avenue, however wider consultation would be required.

2. Submission

Submissions from local government for new road or street names, or council maintained cultural features such as walking tracks and parks, are to be submitted through Placenames Tasmania. The relevant fields are to be filled out, including background information on the origin of the name together with any relevant file or photo attachments and a spatial location.

At minimum, naming submissions for geographic or topographical features must include the following information:

- a. Contact details of the proponent(s) including name, organisation, address, phone and email.
- b. Proposed name and feature type (e.g. bay, hill, stream, mountain etc.).
- c. Reason for proposing a name for the feature and why this name may be appropriate.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- d. Evidence that the proposed name conforms to these guidelines.
- e. Background, historical or other supporting information, including images.
- f. Map (LISTMAP PDF file marked up with LISTMAP drawing tools) and/or spatial representation through Placenames Tasmania indicating the location and extent of the feature proposed to be named.
- g. Evidence of community support for the proposed name including any public consultation that has been undertaken.
- h. Written support from the relevant local government council(s).
- i. The views of any other individuals, interest groups or organisations that have an interest or management responsibility in the land, such as Tasmania Parks and Wildlife Service, Sustainable Timber Tasmania, Crown Land Services, walking clubs etc.
- j. New geographic or topographical names must also conform to the requirements for Aboriginal and dual naming.

3. Consultation and advertising of proposals

While appropriate consultation is expected to be undertaken by the proponent prior to submitting a proposal to approve, alter or discontinue a place name, it is necessary to ensure that the whole community has the opportunity to consider and respond to a proposal before being approved. The advertising process provides for this additional consultation and the opportunity to provide feedback in the form of support for, or objection to, the naming proposal. All proposals to approve, alter or discontinue a place name (other than a road or street name) will be advertised on the Advertisements page of Placenames Tasmania for a period of between one and three months depending on the significance of the name to the community and the likelihood of public interest, comment or objections.

4. Approval of place name proposals

The Surveyor-General, as chair of the Panel, will provide a recommendation from the Panel to the Minister in respect to a proposal. There are two possible outcomes from this consideration:

- a. The Minister will accept the recommendation;
- b. The Minister will refuse to take action on the recommendation and request that the Panel make a new recommendation.

The status of the proposal on the Advertisements page of Placenames Tasmania will be updated to reflect the change of status. Relevant stakeholders including the proposer will be informed of the outcome of the place name proposal. A notice will also be published in the Tasmanian Government Gazette as required, providing a listing of decisions of the Minister. The gazettal process will exclude road and street names unless they are required to be referred to the Place Names Advisory Panel. The Gazette notice will include the following information:

- a. The Placenames Tasmania register number of the feature name;
- b. The name of the feature (and, if relevant the former name);
- c. The local government area(s) and locality(ies) that the feature is located in.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction One - Community Pride

1. All are valued and included
 - i. Taking a 'whole of community' approach to everything.

Future Direction One - Community Pride

2. All communities take pride in their place
 - iii. Developing well-designed public spaces which are attractive, safe and support the area's identity and reputation.

Future Direction Four - Leadership and Accountable Governance

2. Planning and regulatory responsibilities are undertaken fairly and openly
 - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.
 - ii. Compliance customer service standards and processes.

RISK CONSIDERATIONS

The assessed risk associated with this decision is considered low in accordance with Councils adopted Risk Matrix.

FINANCIAL IMPLICATIONS

Financial implications have not been assessed.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Discussion was held at the Council Workshop on 13th December 2022.

OPTIONS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

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

The land in question to be renamed (see attached map) includes:

- Crown Land which George Town Council currently leases for a period of 50 years from 2008 – 2058 (outlined in purple);
- One block privately owned (number 62 Tamar Avenue); and
- One block owned by George Town Council (number 66 Tamar Avenue, outlined in pink).

The area shaded in green is currently maintained by Council through its maintenance schedule.

As previously advised in the report, the minimum requirements stipulated by Placenames Tasmania would need to be met. Approval would also need to be sought from Crown Land Services however this will not include the land owned privately.

Consultation would need to occur to ensure that any new name conforms to the requirements for Aboriginal and dual naming, if appropriate.

Finally, as previously noted in the report, the use of the word 'Reserve' as a generic should ideally be restricted to areas of land reserved under the *Nature Conservation Act 2002*. Approval would need to be sought and relevant conditions met to name the land as a "Reserve" or consideration given to amending the requested name.

The land is zoned general residential and does not require a permit for passive recreation purposes.

Further investigation will be required by Council in relation to potential landslide and landslip. See attached Landslide Polygon and Proclaimed Landslip.

It may be that there are other suitable parcels of land with George Town that could be named in

OFFICER'S RECOMMENDATION

That Council:

1. In principle, confirms support for the naming of land bound by 50 Tamar Avenue and 76 Tamar Avenue to commemorate the late Mr Peter Cox; noting that the following actions need to occur:
 - a) Ascertains if the land in question is able to be utilised as a park or reserve;

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- b) Contacts the residents of Tamar Avenue who have supported the proposal, the private owner of number 62 Tamar Avenue and the Crown in relation to the proposal;
 - c) Contacts the family of the late Mr. Peter Cox to obtain written consent to commemorate the deceased and obtain the required biography;
 - d) Undertakes investigations in relation to any Aboriginal name for the area which may need to be taken into consideration when naming;
2. Proceeds to a Community Consultation in line with the consultation framework set out by Placenames Tasmania and George Town Council's policies and procedures.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

9 INFRASTRUCTURE AND DEVELOPMENT

9.1 CONSIDERATION OF RENEWING CROWN LAND LEASES AT WEYMOUTH AND BELLINGHAM

| | |
|-----------------------|---|
| REPORT AUTHOR: | Team Leader – Planning & Building Services – Ms T. Burt |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 34.2 |
| ATTACHMENTS: | Nil |

SUMMARY

The purpose of this report is to seek consent to renew two current crown land lease agreements at Weymouth and consider reapplying to lease an area at Bellingham which includes the Bellingham Jetty.

The suggested lease terms for Weymouth reserves are for 10 years, and the Bellingham Jetty for 25 years.

BACKGROUND

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Weymouth Cricket Ground

Council currently holds a lease over the Weymouth Cricket Ground off Blamey Street. This has been a successful lease with minimal expense to Council to date. The lease expires in March 2023 however the request to renew for a further 10 years needs to be lodged prior to the 31st December 2022.



Figure 1: Weymouth Cricket Ground

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Weymouth Recreation Ground

Council currently holds a lease over the Weymouth Recreation Ground. This has been a successful lease with minimal expense to Council to date. The lease expires in March 2023 however the request to renew for a further 10 years needs to be lodged prior to the 31st December 2022.

The site used to facilitate short term accommodation for caravans and camping.

There is strong interest from a private entity to establish short term accommodation on the site along with public beach access and recreation facilities and a café at Weymouth Recreation Ground. The concept had been presented to Council and the Weymouth community. The proponent has indicated that they are looking to progress an application with Council in the new year.



Figure 2: Weymouth Recreation Ground

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Bellingham Jetty

In 2009 the Bellingham Progress Association secured funding for the construction of a jetty at Bellingham.

After construction Council assumed ownership and maintenance of the infrastructure. This was confirmed when Council entered into a lease with The Crown in 2012.

The lease, however, lapsed on the 30th November 2022. If it is the Council's intention to continue to lease this area, a request to renew/apply is required to be lodged.

Crown has advised that there is 25-year lease option, a 25-year lease which could be considered for Bellingham Jetty to remove the burden on renewing every 10 years.



Figure 3: Bellingham Jetty

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Three - Progressive Well-Resourced Communities

1. Recreational opportunities for all

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- i. Developing well-designed and maintained recreational facilities – shared pathways, tracks, trails, exercise stations – all ages, all abilities.
- ii. Completing the Mountain Bike Trail ensuring there are levels appropriate for beginners and families.
- iii. Growing participation in Active George Town and activating similar ‘Active’ groups throughout the municipality.
- iv. Engaging young people in recreational activities of their choice.

Future Direction Three - Progressive Well-Resourced Communities

2. Sporting opportunities for all

- i. Growing participation in sporting activities.
- ii. Growing membership and leadership capabilities in sporting activities.
- iii. Engaging young people in the sporting activities of their choice.

Future Direction Three - Progressive Well-Resourced Communities

3. Social infrastructure meets community needs

- i. Developing and maintaining social infrastructure that meets the community’s changing needs.
- ii. Responding to the needs of young people.

Future Direction Four - Leadership and Accountable Governance

4. Positive and productive working relationship with all levels of government and their agencies

- i. Ensuring the area’s needs and priorities are understood.
- ii. Understanding the outcomes and directions sought by all levels of government.
- iii. Building skills in attracting funding and investment.

Maintaining leases over existing sport and recreation facilities is essential to providing these services.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

Lease agreements are entered into in accordance with the *Crown Land Act 1976* and conditions of the lease are within the lease agreements themselves.

If Council wishes to continue to use and maintain these facilities, lease agreements are a statutory requirement.

RISK CONSIDERATIONS

Recognised risks associated with these leases require that Council is responsible for the ongoing maintenance of the area and any facilities to a standard that eliminates hazard and potential public liability claims.

Without a lease in place it limits Council's ability to legally provide maintenance to the land and infrastructure without permission from the Crown on a case by case basis.

If Council choose not to renew lease agreements, the agreement will go into a holding over period and the conditions of that period will be outlined in the agreement. This will occur until the lease is either renewed or cancelled.

FINANCIAL IMPLICATIONS

Financial implications include maintenance, upkeep, and potential need for upgrades to any facilities over the term of the leases with the consent of The Crown.

Rent (and associated other agreement costs such as legal and valuation) will generally only be charged to Council if the agreement is for a commercial or income producing purpose. If the purpose is for community benefit i.e. public recreation, there is no legal cost for Council and the rent will be \$1.00 if and when demanded (this has not been demanded in the past).

If Council no longer wish to hold an agreement, an application will need to be made to cancel the agreement and generally, any improvements will need to be removed and the site remediated to the Crown's satisfaction.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

In accordance with the Diversity, Equitable Access and Inclusion Policy, Council has the opportunity to provide fair and equal access for people within its community, regardless of their individual needs. Accessible recreational spaces, buildings and infrastructure enhances livelihood for people with disabilities, parents with children (strollers), elderly, people with temporary injuries, whilst also augmenting Occupational Health and Safety requirements.

Providing recreational facilities within more remote settlements significantly increases the accessibility of recreational opportunities for all members of the community.

CONSULTATION

Community consultation is not considered required to re-enter into lease agreements being the status que scenario. Discussion was held at the 13 December 2022 Council Workshop.

OPTIONS

Council may choose to:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

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

OFFICER'S COMMENTS

Holding these leases gives Council authority over the land therefore allowing Council to make decisions in relation to the use and improvements provided consent is given from the State.

The Weymouth properties are the only immediate recreational spaces within Weymouth.

It is intended that if Council was to enter into lease agreements Council is responsible and committed to the maintenance of these properties for a 10 year period.

At any given time Council can request to cancel or alter lease agreements however the cancellation of lease would be subject to approval from the Minister's delegate, and is not guaranteed.

Upon receipt of Council's decision, if in favour of leasing these properties, the new ten (10) year lease agreements will be prepared by the Minister of the Information and Land Services Division of the Department of Primary Industries, Parks, Water and Environment for signing.

If Council chooses not to renew the Weymouth leases or retake the Bellingham Jetty lease it is suggested that Council undertake public consultation to inform the public of the cessation of services provided by these facilities.

OFFICER'S RECOMMENDATION

That Council:

1. In respect to the Weymouth Recreation Ground:

- a. Accepts responsibility for the land; and
- b. Confirms its intention to enter into a ten (10) year licence by signing and sealing the required license agreement documentation.

2. In respect to the Weymouth Cricket Ground:

- a. Accepts responsibility for the land and structure/s; and
- b. Confirms its intention to enter into a ten (10) year licence by signing and sealing the required license agreement documentation.

3. In respect to the Bellingham Jetty:

- a. Accepts responsibility for the land and structure/s; and
- b. Confirms its intention to reapply for a minimum ten (10) year licence by signing and sealing the required license agreement documentation.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

9.2 AMENDMENT TO "PUBLIC OPEN SPACE CONTRIBUTION" FEE

| | |
|-----------------------|--|
| REPORT AUTHOR: | Graduate Planner, Mr A.Bowles & General Manager, Mr S.Power |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 33.24 |
| ATTACHMENTS: | Nil. |

SUMMARY

This report seeks Council approval to amend the adopted fees applicable to developers of subdivisions in lieu of provision of open space.

BACKGROUND

Council at its ordinary meeting held 28 June 2022 adopted its schedule of fees and charges including the Public Open Space Contribution (081/22) which reads:

'Up to 5% of the unimproved value of the land'

This report seeks to amend the wording to add clarity for developers and provide Council with flexibility to negotiate better outcomes for current and future community. The proposed amendment read as follows:

'Up to 5% of the value of the newly created lots as determined by a registered land valuer procured at the subdivider's expense.'

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Section 205 of the *Local Government Act 1993* (Tas) states:

205. Fees and charges

(1) In addition to any other power to impose fees and charges but subject to subsection (2), a council may impose fees and charges in respect of any one or all of the following matters:

- (a) the use of any property or facility owned, controlled, managed or maintained by the council;
- (b) services supplied at a person's request;
- (c) carrying out work at a person's request;

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- (d) providing information or materials, or providing copies of, or extracts from, records of the council;
- (e) any application to the council;
- (f) any licence, permit, registration or authorization granted by the council;
- (g) any other prescribed matter.

(2) A council may not impose a fee or charge in respect of a matter if –

- (a) a fee or charge is prescribed in respect of that matter; or
- (b) this or any other Act provides that a fee or charge is not payable in respect of that matter.

(3) Any fee or charge under subsection (1) need not be fixed by reference to the cost to the council.

Section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (Tas) states:

117. Payment instead of increasing public open space

(1) Instead of requiring an owner to increase the area for public open space, the council, before approving a plan of subdivision may require security for the payment of an amount calculated under subsection (2) .

(1A) A planning scheme –

- (a) may specify that compliance with a requirement specified in subsection (1) is an acceptable solution in relation to subdivisions; and
- (b) may enable a permitted development permit to be issued if such an acceptable solution is complied with in relation to a plan of subdivision.

(2) The amount required to be paid is an amount not exceeding an amount which bears the same ratio to the value of the whole area comprised in the plan as one-twentieth of that area less any area provided for public open space in the final plan and any area created by the final plan of the littoral or riparian reserve bears to that whole area.

(3) If the owner and the council do not agree on the amount to be secured, it is to be determined as a disputed claim for compensation under the Land Acquisition Act 1993.

(4) The security that may be required is –

- (a) a bond by the owner of an amount in excess of any possible demand to secure payment of the amount within 90 days after the demand is made after the final plan has taken effect; and
- (b) a guarantee by an authorised deposit-taking institution, a guarantee, money lending, insurance or trading corporation approved by the council guaranteeing all money payable on the bond.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

- (5) The council is to receive an amount payable under this section on trust for the acquisition or improvement of land for public open space for the benefit of inhabitants of the municipal area.
- (6) Any amount held, before the commencement of this section, by the council on trust for the acquisition of land for public open space is to be held on trust for the acquisition or improvement of land for public open space and applied in accordance with any prescribed requirements.
- (7) In respect of any amount paid to the council pursuant to section 473B of the [Local Government Act 1962](#) before the commencement of this section –
- (a) that amount was lawfully received by the council for the purposes of that section; and
- (b) no action or legal proceedings may be continued or instituted against any person in respect of the receipt or holding by a council of that amount.

The fee that is subject to this proposed amendment is the 'Public Open Space Contribution' fees Council receives as part of the subdivision process under section 117 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Recreation and Open Space Code of the George Town Interim Planning Scheme also deals with the provision of open space within subdivisions.

The purpose of this provision is to:

a) consider the requirements of open space and recreation in the assessment of use or development with emphasis upon:

i) the acquisition of land and facilities through the subdivision process; and

ii) implementation of local open space strategies and plans to create quality open spaces; and

iii) the creation of a diverse range of recreational opportunities via an integrated network of public open space commensurate with the needs of urban communities and rural areas; and

iv) achieving an integrated open space network which provides for a diversity of experiences; and

v) providing for appropriate conservation and natural values within recreation and open space.

The code applies to development of land for subdivision in the General residential, low density residential, village and urban mixed use zones.

Where the objectives cannot be satisfied through the provision of open space in a planned subdivision the Recreation and Open Space Code provides:

'consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu.'

RISK CONSIDERATIONS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

With the recent increase in development within the George Town Council municipality there are increased risks to the value of Public Open Space contributions being received by Council.

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

There is a medium risk of Council being financially impacted as a result of land valuations being undertaken incorrectly and consequently the calculated 'Public Open Space Contribution' being less than provided for in legislation. This will affect future open space planning and projects within the George Town Council municipality.

There is also a low risk to Council's reputation as a result of it being unclear about how the contribution is to be calculated, resulting in inconsistencies between the amounts paid by different developers.

FINANCIAL IMPLICATIONS

Under the current terminology utilised within the 'Public Open Space Contribution' fee, there is a risk that Council may not be receiving contributions at the amount intended within the *Local Government (Building and Miscellaneous Provisions) Act 1993*. Instead, due to novel interpretations by valuers, developers and consultants, Council may be receiving a lesser amount, impacting the extent of contributions available for providing and upgrading public open space.

Should this terminology be amended to represent the intention of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, this will reduce the financial risk to Council and ensure Public Open Space Contributions are calculated consistently and at the maximum amount entitled to Council.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

No community consultation was considered warranted for this proposal. This determination is in line with clause 3 of Council's Community Consultation Framework:

3. *When Council may not engage in consultation.*
This framework applies only to matters requiring a decision by Council. When a decision has been made, it is more appropriate for the Council to inform/advise on its implementation.

OPTIONS

Council may choose to:

1. Move the Officers Recommendation as presented; or
2. Move the Officers Recommendation with amendment; or

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

3. Not support the Officers Recommendation.

OFFICER'S COMMENTS

The Public Open Space contribution is held by Council for the provision and upgrade of public open spaces for the community. Council, as part of its planning process, can condition permits for subdivisions to either contribute to Council's Public Open Space fund on trust or to transfer a portion of the land to Council for the provision of public open space. Doing so is employed on a case-by-case basis and is up to Council's discretion as to what is most appropriate for the development. As of the date of this report, the value of this contribution is 5% of the value of the land as per the Local Government (Building and Miscellaneous Provisions) Act 1993.

When land is valued for these purposes, it is separated into the 'capital' and the 'land' value. These valuations are made at the date of lodgment of the final plan of subdivision with Council. The land value encompasses the use and size of the property that is the subject of the valuation, minus any visible improvements that have been made (these make up the capital value).

As per the Office of the Valuer General, land value is the value of the property including:

- draining
- excavation
- filling
- reclamation
- clearing
- any other invisible improvements made to the land

Valuations received by Council for the purposes of calculating public open space contributions required by developers have on some occasions been undertaken prior to any form of improvement and exclude servicing. This impacts Council's 'public open space contribution', as the value of the land as a 'serviced' lot is generally greater than an 'un-serviced' lot. Therefore, Council has received the public open space contribution at the un-serviced amount, reducing the amount of public open space contribution received by Council.

However, Resource Management and Planning Appeals Tribunal (RMPAT) decisions have established that this is not the intended interpretation of the Local Government (Building and Miscellaneous Provisions) Act 1993.

Appeal 37/13S: N Leary v CCC [2013] (8 Figg Place, Geilston Bay) demonstrates this, as it indicates:

"... the payment-in-lieu to be required from the developer, must be an amount which correlates with that improved value. If it were less, the Council's capacity to do something with the payment in fulfilment of the purpose would be handicapped because the quantum would have been calculated against a value which is less than the value after the improvement".

This has furthermore been crystalized in decisions such as 20/16P: DK & IB Gourlay v CCC [2016] (286 & 286A & 288 Tranmere Rd, Tranmere), which has asserted valuations must correlate to the 'improved value' in order to allow for Council to fulfil the purpose of the 'Public Open Space' contribution as intended by the Local Government (Building and Miscellaneous Provisions) Act 1993.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

The terminology used within the 2022/2023 fee schedule to require payment of “Up to 5% of the unimproved value of the land”, is intended to exclude the capital value as opposed to the servicing of the land (which would be contained in the ‘improved value’ outlined above). However, this has led to developers adopting a variety of interpretations and approaches when determining land valuations for the purpose of calculating the contribution. In order to avoid any confusion between ‘unimproved’ calculation excluding the servicing of the land and ‘unimproved’ in which the capital value is excluded, the fee description outlined within the 2022/2023 fee schedule should be amended to, at a minimum, remove the word ‘unimproved’.

It should be noted that as this contribution is legislated within the Local Government (Building and Miscellaneous Provisions) Act 1993, including the amount payable, and as Council is entitled to this public open space contribution outside of the 2022/2023 fee schedule, this fee can be removed from this document entirely and there will be no impact to Council’s entitlement to this contribution.

Note: Council staff will also prepare an explanatory note to be included with planning permits and enquiries explaining how the ‘Public Open Space Contribution’ is expected to be calculated.

OFFICER’S RECOMMENDATION

In accordance with section 117 of Local Government (Building and Miscellaneous Provisions) Act 1993.

That Council:

1. Amend the Public Open Space Contribution Fee to:

Up to 5% of the value of the newly created lots as determined by a registered land valuer procured at the subdivider’s expense.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

9.3 LAND TRANSFER FROM THE DEPARTMENT OF VETERAN AFFAIRS

| | |
|-----------------------|--|
| REPORT AUTHOR: | Team Leader Planning & Building services, Ms T. Burt |
| REPORT DATE: | 14 December 2022 |
| FILE NO: | 66.36 |
| ATTACHMENTS: | 1. Title Documents [9.3.1 - 8 pages] |

SUMMARY

The Department of Veterans' Affairs has provided Council with the opportunity to accept four (4) small parcels of land located on the corners of the following streets Davies, Elizabeth, Bathurst and Arthur which are currently owned by Defence Service Home Corporation.

BACKGROUND

These parcels of land are residual from War Service Home developments.

The Department of Veterans' Affairs are correcting oddities with land parcels and have offered to transfer these titles to Council at no cost. No cost for the land itself and no transfer costs. The whole process will be managed by the Department of Veteran's Affairs. The Department are aiming to have the transaction completed in the New Year.

The process requires the Department of Veterans' Affairs to transfer titles as the successor corporation to the Defence Service Homes Corporation. Then the transfer to Council will take place.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction Three - Progressive Well-Resourced Communities

8. Public infrastructure relevant to needs
 - i. Making sure the place works well through good design, safety standards asset management and ongoing maintenance.

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

This action relates to the following George Town Community Strategic Plan objectives:

Future direction (4) Leadership and accountable governance

1/ A culture of engagement and participation

I. Trusted, transparent and inclusive community engagement processes

4/ Positive and productive working relationship with all levels of government and their agencies

I. Ensuring the area's needs and priorities are understood

II. Understanding the outcomes and directions sought by all levels of government

RISK CONSIDERATIONS

No risks are identified in accepting four small parcels of land located on the corners of Davies, Elizabeth, Bathurs and Arthur Streets from the Deence Service Home Corporation.

FINANCIAL IMPLICATIONS

No financial implications.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2020-2030.

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy and language limitations, age, race, religion or other, within all aspects of Council.

CONSULTATION

Discussion was held at the 13 December 2022 Council workshop.

OPTIONS

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

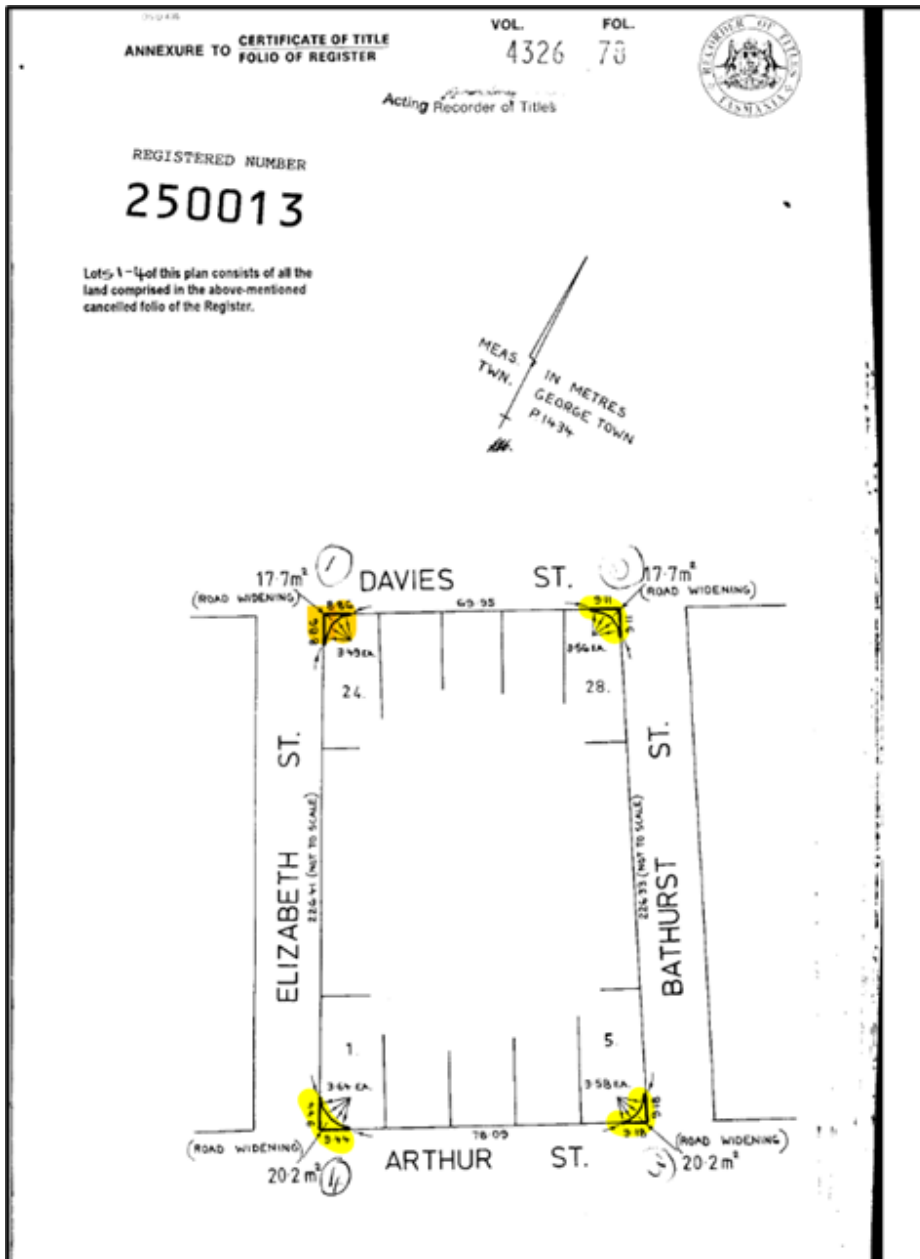
OFFICER'S COMMENTS

It appears that these parcels of land were always intended to become part of the road as corner truncations and given there is no cost to Council associated with the transfer, it is recommended that Council agrees to accept these parcels of land.

The impact on Council is negligible and securing these parcels as presented in Figure 1 below.

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Figure One – Land parcels to be transferred to Council



OFFICER'S RECOMMENDATION

That Council:

1. Approves and accepts the transfer to George Town Council from the Department of Veterans' Affairs of (4) small parcels as identified in Figure One of the report; and known as:
 - a) Lot 1 on Plan 250013
 - b) Lot 2 on Plan 250013
 - c) Lot 3 on Plan 250013
 - d) Lot 4 on Plan 250013

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

DECISION

Moved:

Seconded:

VOTING

For:

Against:

10 CORPORATE AND COMMUNITY

Nil.

11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

12 MAYOR

12.1 MATTERS OF INVOLVEMENT - MAYOR

REPORT DATE: 15 December 2022

FILE NO: 14.11

| Mayor Cr Greg Kieser | | |
|-----------------------------|----|--|
| November | 22 | Chaired Council Workshop |
| | 22 | Chaired Ordinary Council meeting |
| | 22 | Attended George Town Chamber of Commerce |
| | 23 | Tamar FM Interview |
| | 24 | Attended Stakeholder meeting – Tasmanian Audit Office |
| | 29 | Attended meeting re Engagement Advisory on the Hydro Power site |
| December | 1 | Attended Fish Cleaning Station Opening |
| | 6 | Attended NTDC Board Meeting |
| | 6 | Attended FOLHP |
| | 7 | BBAMZ Business Breakfast |
| | 7 | Met with State Director, Department of Foreign Affairs and Trade |
| | 7 | Met with resident |
| | 8 | Attended the Opening of Woodfibre Production Facility – Midway Limited |
| | 13 | Chaired Council Workshop |
| | 14 | Attended meeting with George Town Neighbourhood House |
| | 15 | Attended Star of the Sea Kinder to Year 9 Presentation |
| | 15 | Attended George Town South Primary Presentation Assembly |
| | 15 | Attended Star of the Sea – Dining with friends Christmas Dinner |

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

Moved:

Seconded:

VOTING

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

For:

Against:

13 PETITIONS

Nil.

14 NOTICES OF MOTIONS

14.1 NEW AND RENEWED LEASE ARRANGEMENTS

Moved: Cr Barwick

That any new and renewed lease arrangements being considered by Council Management be brought to Council Workshop for discussion and then be scheduled for the next available Council meeting for Councillors to make a decision on the proposed leases.

Response

The new and the renewal of leases were discussed at the 13 December Council workshop and included in this agenda.

14.2 USE OF SEAL POLICY

Moved: Cr Barwick

That the GTC "Use of Seal" policy be updated to cover sections 19(1) (3) and (5).

Response

George Town Council's Use of Seal policy will be submitted to the February 2023 Ordinary Council meeting to enable discussion to be held at the 14 February 2023 Council workshop.

15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

Nil.

16 COUNCIL COMMITTEE REPORTS

16.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE - MINUTES 4TH OCTOBER 2022

| | |
|-----------------------|---|
| REPORT AUTHOR: | Executive Support & Governance Officer – Ms L. Dickenson |
| REPORT DATE: | 15 December 2022 |
| FILE NO: | 22.24 |
| ATTACHMENTS: | 1. 2022 10 04 George Town Safety Group Confirmed Minutes [16.1.1 - 6 pages] |

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 accepted and noting, and any recommendation of the Committee for consideration by Council.

BACKGROUND

The George Town Community Safety Group Committee met on 6 December 2022 and accepted the Minutes as a true and accurate record of the meeting held on 4 October 2022.

The George Town Community Safety Group Committee discussed the issue of ongoing maintenance of defibrillators in the Community and, in particular, who has the responsibility to attend to the ongoing maintenance for the units installed in the Community that are available for the public to use.

Motion:

That the George Town Community Safety Group Committee requests that Council covers annual maintenance costs for defibrillators provided by local Associations if they are accessible to the public.

Further investigation will be carried out by Council on the locations of the defibrillators within the municipality and their accessibility to the public. This advice will be provided to the Committee and Council.

STRATEGIC PLAN

This action relates to the following components of the Community Strategic Plan 2020-2030:

Future Direction One - Community Pride

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

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

George Town Community Safety Group Committee Terms of Reference.

RISK CONSIDERATIONS

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 George Town Community Safety Group Committee Terms of Reference. Risk implications are therefore considered to be low.

FINANCIAL IMPLICATIONS

There are no identified financial implications.

CONSULTATION

The Minutes were discussed at the George Town Community Safety Group Committee meeting held on 4 October 2022.

OPTIONS

That Council:

1. Accepts the Minutes of the George Town Community Safety Group Committee held on 4 October 2022; or
2. Does not accept the Minutes of the George Town Community Safety Group Committee held on 4 October 2022.

OFFICER'S COMMENTS

The George Town Community Safety Group 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:

1. Accepts the Minutes of the George Town Community Safety Group Committee meeting held on 4 October 2022 as an accurate record of that meeting; and
2. Notes the General Manager will provide a response to the motion:

That the George Town Community Safety Group Committee requests that Council covers annual maintenance costs for defibrillators provided by local Associations if they are accessible to the public.

DECISION

**George Town Council
2022 12 20 Ordinary Council Meeting
Agenda**

Moved:

Seconded:

VOTING

For:

Against:

17 CLOSED MEETING

17.1 INTO CLOSED MEETING

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

Closed Agenda Item 1.1 - Minutes of the Closed Ordinary Council Meeting held on 22 November 2022

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

Closed Agenda Item 2.1 - George Town Mountain Bike Trail Development

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

Closed Agenda Item 2.2 - Variation to 01/22 Design and Construct – Drainage Systems George Town Sports Complex Football and Cricket Ovals

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

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

Closed Agenda Item 2.3 - Anzac Drive Refurbishment

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

Closed Agenda Item 3.1 - Enterprise Systems Transformation Program – Award of Contract

As per the provisions of Regulation 15(2)(b)(c) of the Local Government (Meeting Procedures) Regulations 2015.

George Town Council
2022 12 20 Ordinary Council Meeting
Agenda

17.2 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:

1. The General Manager is authorised to release the information contained in Closed Agenda Item(s) 2.1 -2.3 (1) and 3.1 (1) to the public at the discretion of the General Manager.
2. Council moves out of Closed Meeting atpm and endorses those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For:

Against:

18 CLOSURE

There being no further business, the meeting closed atpm.

Cr Greg Kieser
MAYOR