



GEORGE TOWN COUNCIL AGENDA

Notice is hereby given
that the next Ordinary Council Meeting
will be held on
Wednesday 26 April 2023

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

commencing at **1:00 pm.**

This meeting is being held face to face with limitations on public attendance to maintain social distancing. Council will be allowing a maximum of 10 persons into the Ordinary Council Meeting. You must pre-register to attend this meeting of Council.

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

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	6
2.1	Ordinary Council Meeting Held 28 March 2023.....	6
3	LATE ITEMS	7
4	PUBLIC QUESTION TIME	8
4.1	Public Question Time Procedure.....	8
4.2	Public Questions On Notice.....	9
4.3	Public Question Time	10
4.4	Response To Questions From Previous Public Question Time	11
5	DECLARATIONS OF INTEREST	12
6	GENERAL MANAGER'S DECLARATION	12
7	PLANNING AUTHORITY	13
7.1	DA 2023/5 - 72 School Road, Pipers River - Change Of Use To Residential & Visitor Accommodation - Alterations And Additions & New Outbuildings.....	13
7.2	DA2022/75 - Lot 1 & 38 Victoria Street, George Town - Subdivision (116 Lots, Roads & Footpaths).....	44
8	OFFICE OF GENERAL MANAGER	73
8.1	Council Workshops - February, March And April 2023.....	73
8.2	Policy Review - GTC-12 Policy Governance Policy	79
9	INFRASTRUCTURE AND DEVELOPMENT	83
10	CORPORATE AND COMMUNITY	84
10.1	Loan Council Allocation For 2023/2024.....	84
10.2	George Town Council Audit Panel Committee Minutes 12 January 2023.....	88
11	ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT.....	90
11.1	Compliance 2023/2024 Fees And Charges.....	90

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

11.2 Policy Review - GTC-26 Youth Policy.....	103
12 MAYOR.....	107
12.1 Matters Of Involvement - Mayor.....	107
13 PETITIONS.....	108
13.1 Petition - Healthy George Town.....	108
14 NOTICES OF MOTIONS	111
14.1 Mt George Semaphore And Mast - Lease.....	111
14.2 Mt George Semaphore And Mast - Repairs.....	112
15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE.....	113
15.1 Councillors' Questions With Or Without Notice	113
16 COUNCIL COMMITTEE REPORTS	115
16.1 Placemaking Committee Minutes - October 2022.....	115
16.2 George Town Community Safety Group Committee Minutes - December 2022	118
17 CLOSED MEETING.....	120
17.1 Into Closed Meeting.....	120
17.2 Out Of Closed Meeting	121
18 CLOSURE	121

George Town Council
2023 04 26 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 GTC 1, 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.

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1 PRESENT

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 IN ATTENDANCE

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 28 MARCH 2023

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 28 March 2023 numbered 035/23 to 046/23 and 049/23 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 GTC13.

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
2023 04 26 Ordinary Council Meeting
Agenda**

4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

4.3 PUBLIC QUESTION TIME

Commenced at:

Concluded at:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

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 Wootton, Low Head

Agenda Item 10.2 - Colonial Heritage Storytelling Trail

The Officer’s comments appear to acknowledge some of the inaccuracies, impracticalities and limitations of the draft Storytelling document as it is – many of them identified by both Peter Cox and myself.

I therefore find it confusing that the Officer’s Recommendation is to “Endorse the plan as presented ... and include in the Council’s Advocacy Plan for future funding opportunities”.

I have no doubt this so will require in excess of \$1M to execute as it is.

Q1. How much has this document cost already?

Through the Mayor, the General Manager took this question on notice.

Response

Council engaged Lange Designs for the Colonial Heritage Storytelling Trail document which has cost \$5,320.00 to date.

5 DECLARATIONS OF INTEREST

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 DA 2023/5 - 72 SCHOOL ROAD, PIPERS RIVER - CHANGE OF USE TO RESIDENTIAL & VISITOR ACCOMMODATION - ALTERATIONS AND ADDITIONS & NEW OUTBUILDINGS

REPORT AUTHOR:	Statutory Town Planner - Mr J. Simons
REPORT DATE:	20 April 2023
FILE NO:	DA 2023/5
ATTACHMENTS:	<ol style="list-style-type: none">1. Assessment of Compliance with Acceptable Solutions [7.1.1 - 24 pages]2. Plans DA 2023-5 [7.1.2 - 22 pages]3. Titles - DA 2023-5 [7.1.3 - 2 pages]4. Notice of Heritage Decision W A 8079 [7.1.4 - 2 pages]5. Representation #1 [7.1.5 - 12 pages]6. Representation #2 [7.1.6 - 8 pages]7. Supplementary Representation - A Pritchard - DA 2023-5 [7.1.7 - 2 pages]8. Response from applicant - Design Intent [7.1.8 - 1 page]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	Design Intent Architecture and Management
Site Address:	72 School Road, Pipers River
Titles Details:	CT 207120/1 with access via Crown Land Road Reserve
Property ID:	6471356
Zone:	Rural Resource
Use:	Residential & Visitor Accommodation
Proposed Development:	Change of Use/Alterations and Additions
Application Received:	6 January 2023
Decision by:	28 April 2023

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for the conversion of the former St Albans Anglican Church at 72 School Road, Pipers River, into a dwelling and visitor accommodation.

The conversion includes interior alterations, a substantial extension to the west of the building and a new outbuilding (garage). The site will be accessed via a Crown Road Reserve to the east of the property.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Two representations were received from the residents of the land at 74 School Road. A number of concerns were raised relating to the impact on heritage values, amenity impacts and impacts on primary productivity.

In this instance the proposal is considered to comply with the planning scheme. Heritage values have been assessed by the Tasmanian Heritage Council and a Notice of Heritage Decision has been provided to Council. The Notice includes conditions intended to preserve the heritage values, including the lowering of the carport roof pitch to reduce its visibility as a backdrop to the heritage building.

The proposed use and development is of a scale which will result in emissions similar to that of a single dwelling. The proposal is unlikely to result in any impacts which will unreasonably impact the residential amenity of the adjacent dwelling.

The impacts of the proposal on primary industry activities has also been assessed and the proposal is considered to be acceptable. The site is relatively small and contains an existing Heritage Listed building. The site has negligible agricultural potential and has not been used for agricultural activities of any significance for more than a century. Given existing constraints resulting from existing non-primary industry uses in the vicinity, and the siting of the development as close as possible to those uses, the proposal will not result in further constraints on the adjoining agricultural land.

The proposed development is recommended for approval with appropriate 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. Two (2) 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

The subject site is located at 72 School Road, Pipers River (CT [207120/1](#)).

The title has an area of 3960m² and is relatively flat. Access is taken from School Road, via a Crown Road Reserve. It is not serviced by reticulated water or stormwater.

The property is occupied by the deconsecrated St Albans Anglican Church, and is Heritage Listed in accordance with the *Historic Cultural Heritage Act 1995*.

The site is located in a bushfire prone area, however, it has not been identified as being subject to any other natural hazards.

The land surrounding the property is of mixed use. The land to the south and west of the property is used for primary industry activities. The Council Managed Pipers River Cemetery is located to the south-east of the property. Pipers River Recreation Ground is to the north, however, this is largely used for grazing. The land to the east comprises a 1.77ha used for residential purposes and developed with a dwelling and outbuildings.



Figure 1: Aerial photo of subject title (outlined in red) and surrounding land.

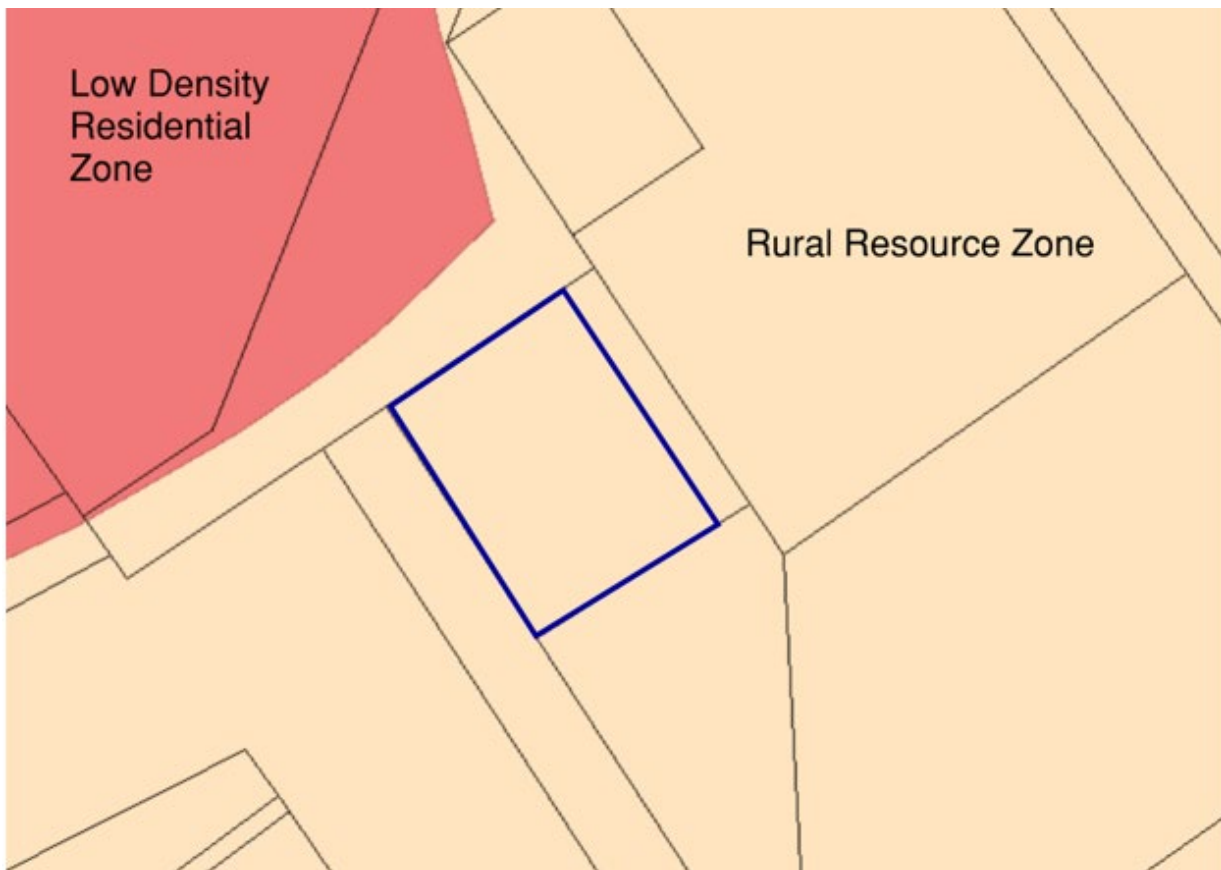


Figure 2: Zoning of subject title (outlined in blue) and surrounding land.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval to change the use of the site to Visitor Accommodation. The existing floor area of the Church is proposed to be converted to a bedroom, bathroom, and open plan sitting/kitchen/dining area. A proposed extension to the west will accommodate an additional bedroom, bathroom and alfresco cooking/dining area.

The proposed outbuilding will accommodate a carport for two vehicles, a laundry and storage areas.

The application also seeks to establish a residential use.

Access to the site will be taken via the existing access over a Crown Road Reserve off School Road.

An indicative site plan and elevations are included below. A full copy of the detailed proposal plans are contained within Attachment 2.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

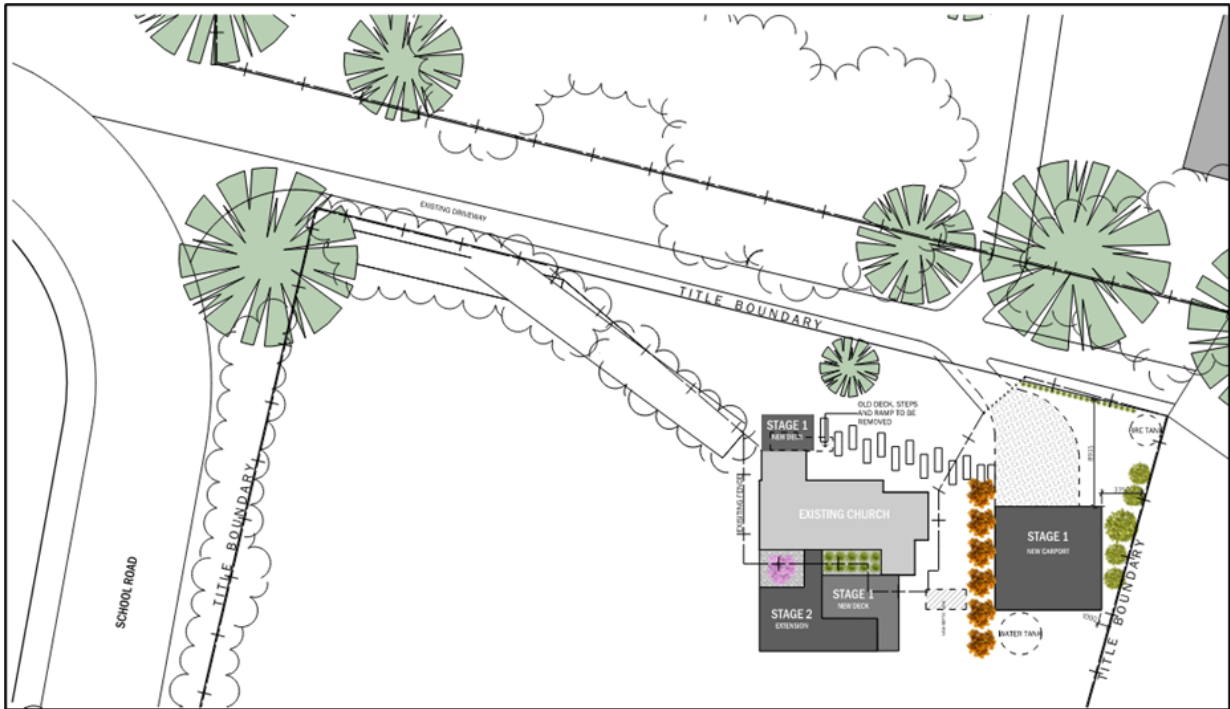


Figure 3: Proposed Site Plan



Figure 4: Proposed North and South Elevations

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

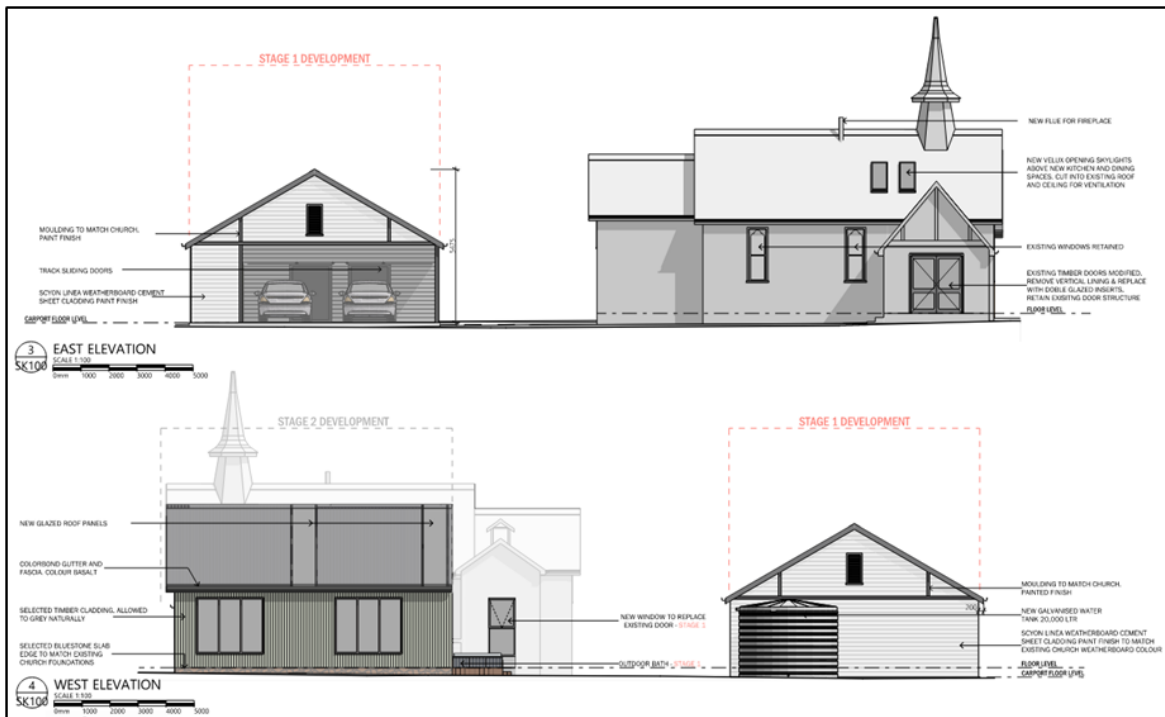


Figure 5: Proposed East and West Elevations

8. REPRESENTATIONS

The Application was advertised for community consultation from 11/02/2023 to 28/02/2023. Two (2) representations were received and are summarised below.

A full copy of the representation(s) has also been included as an attachment to this report and should be relied on to assist Council to make a decision.

Issues Raised in Representations	Council Response
<p>Insufficient information is provided to determine compliance with the planning scheme.</p> <p>No plan or site analysis showing:</p> <ul style="list-style-type: none"> • the boundaries and dimensions of the site • Existing vegetation, types, removal and visual impact. • Location and capacity of connection points to services (including wastewater); and • The location of the existing adjoining properties, adjacent buildings and their uses. 	<p>All items listed under 8.1.2 of the George Town interim Planning Scheme 2013 have been provided by the applicant. These are the mandatory items that are required to be provided by the applicant.</p> <p>Clause 8.1.3 includes a list of items which the Planning Authority <u>may</u> require to undertake the assessment.</p> <p>In this instance sufficient information has been provided for Council for an assessment of the proposed use and development to be conducted against the relevant standards of the planning scheme.</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

<p>The proposal does not comply with the requirements of Clause 9.5.3.</p>	<p>Clause 9.5 and proceeding clauses deal with “Change of Use of a Place listed on the Tasmanian Heritage Register or a Heritage Place”. This is not a general clause, but specifically provides an avenue for Council to consider a change of use to heritage properties where the use would otherwise be “prohibited”. The provision recognises the importance of adaptive reuse of Heritage Buildings in ensuring they continue to be used and maintained for the benefit of all. As the proposed uses can both be considered subject to Council’s Discretion, Clause 9.5 is not applicable to this proposal.</p>
<p>The proposed extension will obstruct and detract from the original architecture of the site.</p>	<p>The proposal is subject to an assessment by the Tasmanian Heritage Council in accordance with the <i>Historic Cultural Heritage Act 1995</i>. The Tasmanian Heritage Council have considered the impact of the proposal on the heritage significance of the proposal, including the degree to which the development will impact the original architecture.</p> <p>The Notice of Heritage Decision issued by the Tasmanian Heritage Council provides consent to the development subject to a number of conditions regarding changes to the plan and maintaining aspects of the site that will be overseen by the Tasmanian Heritage Council.</p> <p>The intent of these conditions is to ensure the heritage value of the site is maintained. The visual impact of the proposal has been assessed relative to the planning scheme in the assessment below.</p>
<p>Impact on residential amenity of dwelling at 74 School Road, resulting from increased traffic, noise, outdoor lighting, outdoor deck, hot-tub, reduced privacy.</p>	<p>The intent of the Rural Resource Zone is to protect Primary Industry Activities. Protection of residential amenity is not a matter that is prioritised by the standards of the zone.</p> <p>However, the proposed development will not unreasonably impact the residential amenity of the property at 74 School Road. The impacts and emissions associated with visitor accommodation uses of the proposed scale, including noise and traffic, are generally consistent with those of a single dwelling. The scale and nature of the use is compatible with the adjoining residential use and is unlikely to give rise to land use conflicts. There is nothing specific to this</p>

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

	<p>application which suggests the proposal will result in unusually high or excessive emissions relative to its scale.</p> <p>The proposed dwelling/accommodation at 72 School Road and the existing dwelling at 74 School Road are separated by approximately 96m. This is also sufficient to preserve the amenity of the existing dwelling.</p> <p>The extensive separation between dwellings will provide sufficient privacy. Predominantly habitation and recreation areas are located on the west side of the dwelling/visitor accommodation and the structure will assist to maintain privacy.</p> <p>Traffic volumes generated by the development will be relatively low and both School Road and the Crown Road Reserve have sufficient capacity to absorb the increased traffic.</p>
<p>Proposal is not consistent with the Local Area objectives for the provision of non-primary industry uses in the zone. Not consistent with 26.3.1, P1.1 and P2.2 Does not demonstrate compliance with clause 26.3.1 P2.2 and 26.4.1 P2.</p>	<p>These standards are directly considered in the assessment below and relate to the impact of use and development on adjoining primary industry activities. In all cases the proposed use and development complies with the Performance Criteria. The proposal will have negligible impact on primary productivity.</p>
<p>The visual impact of the proposal on tourist route to Pipers Brook and Bay of Fires Vineyards. Assertion that the garage will not be visible from School Road is false.</p>	<p>The Tasmanian Heritage Council has undertaken an assessment of the development and imposed conditions requiring a reduced pitch and roof height for the proposed carport, further reducing its visibility from School Road.</p> <p>While the visual appearance of the site will certainly change, it will maintain an appearance generally in keeping with the rural character of the area. The development is of a scale which is compatible with other residential and agricultural buildings in the area and will maintain the appearance of a concentrated building cluster similar to other residential and agricultural building clusters in the area. The visual impacts of the proposal have further been considered in the assessment below and the impacts are reasonable.</p>

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

<p>Details of wastewater treatment system not provided. Insufficient evidence that wastewater treatment can be achieved. Health and Safety. Smell.</p>	<p>Due to the size of the lot, 3960m², there is more than adequate space on the lot to provide a waste water treatment system suitable for the proposed use and development.</p> <p>The applicant has provided an indicative location for the wastewater treatment system. However, the specific design and location of the system will be determined by a suitably qualified waste water designer and will be assessed under the <i>Building Act 2016</i>. This act requires all waste water treatment systems to meet minimum mandatory standards.</p>
<p>Access with existing properties converges close together with the proposed driveway. Potential to cause a traffic issue. Lights entering and existing the driveway will shine down the driveway to the bedroom and living room of 74 School Road. Alternative access can be gained from the north-west corner of the property, via the adjacent road reserve to the west, currently used as a farm gate.</p>	<p>Council's Infrastructure Department has assessed the proposed access location on the Crown road reserve and do not consider the proposal will impact the safety or efficiency the access to 74 School Road. The Crown road reserve has clear sight lines and low traffic volumes and the proximity of accesses is unlikely to compromise the safety of the road.</p> <p>However, the creation of an additional crossover for regular use by a residential property in the north-west corner of the site will create an additional unnecessary access point. This directly conflicts with 7.2.3 of the <i>Austroad's Guide to Road Design - Part 4: Intersections and Crossings</i> which recommends that access points be reduced through consolidation of accesses or through the use of service roads.</p> <p>The current access point onto School Road has adequate safe sight distances in both directions.</p> <p>As such, utilisation of the existing access to School Road is the preferred option and will create the least traffic conflict issues.</p> <p>Incidental lighting from residential/ accommodation vehicle use is unlikely to occur at a frequency that will give rise to a nuisance. The setback of the dwelling at 74 School Road, approximately 80m from the Crown road reserve, will also significantly mitigate headlight impacts.</p>
<p>Owners have not discussed the proposal with owners of 74 School Road.</p>	<p>Although prior engagement with adjoining landowners is encouraged by Council prior to the lodgement of a development application. Engagement with adjoining</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

	<p>owners at that stage is not required by the <i>Land Use Planning and Approvals Act 1993</i>. The lodgement of representations under <i>Land Use Planning and Approvals Act 1993 section 57(5)</i>, within the notification period is the statutory timeframe in which adjoining owners and stakeholders can provide representations to proposals that may impact them.</p>
<p>Carport is not a carport, but a garage.</p> <p>Sliding track doors are noisy and could be roller doors.</p> <p>Potential undisclosed plan to turn the carport into a dwelling.</p>	<p>The outbuilding proposed has elements of both a traditional shed and a carport. The label of this structure, however, does not change how it is assessed within the planning scheme.</p> <p>The sliding track doors proposed for the outbuilding is separated 96m from the nearest dwelling and are within a non-habitable structure of a specialised nature. The separation distance combined with the infrequent use of the doors is unlikely to give rise to a nuisance.</p> <p>The application does not propose to utilise the outbuilding for habitable purposes. As such, any planning permit issued would not provide for conversion to a habitable building. A condition has been included in the recommendation that the outbuilding is not intended for human habitation and be limited to domestic garaging and storage.</p>
<p>Skylights give rise to light pollution. Outdoor lighting will give rise to light pollution and sensor lights are unacceptable. Inconsistent occupation results in no one turning off the lights when they cause a nuisance.</p>	<p>Lighting associated with the proposed use and development, including outdoor lighting, sensor lighting and skylights, are not proposed at an unusual scale and will be generally consistent with that of a single dwelling. The development is also separated from the neighbouring dwelling by approximately 96m. This separation is more than sufficient to ensure the impacts of the proposed lighting is reasonable.</p> <p>Should lighting occur to such an excess that it gives rise to an environmental nuisance, this can be managed through the <i>Environmental Management and Pollution Control Act 1994</i>.</p>
<p>Outdoor hot tub demeans the religious significance and will result in offensive behaviour and noise pollution.</p>	<p>This is not a matter that is relevant to the subject application and not considered under an assessment of the planning scheme.</p>
<p>Visual appearance is a significant part of the heritage significance.</p>	<p>The application was referred to the Tasmanian Heritage Council in accordance</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

<p>In order to maintain the heritage values the heritage building should remain visible to the public and not obscured by additions and buildings. Extensions and additional buildings will dominate and diminish the church.</p>	<p>with the requirements of the <i>Historic Cultural Heritage Act 1995</i>. The Heritage Council has assessed the development and its impacts on the heritage values and have issued a Notice of Heritage Decision incorporating a number of conditions.</p>
<p>Inappropriate proposed landscaping. Applicant keen to establish a shelter belt to the on the western and southern boundaries. Hedge on School Road should be maintained at fence height so as to not obscure views of the church.</p>	<p>The proposed landscaping has not been identified by the Heritage Council as a matter requiring further management. Further regulation of vegetation and landscaping is not considered essential to achieving compliance with the planning scheme.</p>
<p>What is the maximum number of visitors permitted for one bedroom (stage 1)? What is the maximum number of visitors permitted for 2 bedroom (Stage 2)?</p>	<p>The application indicates the building will include two bedrooms. It is reasonable to place a maximum limit on the number of people accommodated at the site. A condition is recommended to be included on the permit limiting the occupancy of the accommodation to 6 people. This limitation will maintain a scale of use consistent with a residential use.</p>
<p>Lack of cost benefit analysis.</p>	<p>The costs and benefits of the proposal relative to the impact of the proposal on primary industry activities has been undertaken through the assessment of the proposal. This approach is commensurate with the scale and particular situation of the proposal. Further documentation is not considered warranted.</p>

9. STATUTORY REQUIREMENTS

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

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

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

9.1 Use Class

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

“use of land for providing short or medium term accommodation for persons away from their normal place of residence. Examples include a backpackers hostel, bed and breakfast establishment, camping and caravan park, holiday cabin, holiday unit, motel, overnight camping area, residential hotel and serviced apartment.”

The definition of a 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.”

Both Residential and Visitor Accommodation Use Classes are classified as a Discretionary Use in the Rural Resource Zone. In this instance, the proposal also relies on Performance Criteria and is subject to the discretionary application process.

9.2 Planning Scheme Assessment

Please see Attachment 1 for a full planning assessment against all of the relevant Acceptable Solutions of the Planning Scheme.

The Zone Purpose and those aspects of the development which require Council to exercise discretion are outlined and addressed in the following tables. The Performance Criteria outlines the specific things that Council must consider in exercising its discretion and determining whether to approve or refuse an application.

In cases where Council considers an application does not comply with the relevant Performance Criteria the use of conditions to achieve compliance should always be considered prior to refusal of the application.

26. Rural Resource Zone

Zone Purpose Assessment

26.1.1 Zone Purpose Statements

26.1.1.1

To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing.
--

26.1.1.2

To provide for other use or development that does not constrain or conflict with resource development uses.

26.1.1.3

To provide for economic development that is compatible with primary industry, environmental and landscape values.

26.1.1.4

To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.
--

Planner's Response:

The application proposes a visitor accommodation and residential use within an existing building on a relatively small title. The use supports tourism related economic development by providing an accommodation option in proximity to the Pipers River Wine Route.

The application includes an agricultural assessment prepared by a suitably qualified person which demonstrates that the proposal will not conflict with or compromise surrounding primary industry activities or their sustainable development. This is further discussed relative to the Performance Criteria in the assessment below.

26.1.2 Local Area Objectives

a) Primary Industries

Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.

The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.
--

Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.
--

b) Tourism

Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.

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

c) Rural Communities

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

Planner's Response:

The application is for use of the land for Visitor Accommodation and Residential purposes. Both uses are a discretionary use in the Rural Resource Zone.

In this instance the proposed use and development is consistent with the Local Area Objectives in regard to the provision of non-primary industry uses in the zone. The Local Area Objectives identify tourism as an important contributor to the rural economy. The proposed visitor accommodation will make use of a Heritage Listed building located on a relatively small title. The adaptive reuse of the building contributes to the promotion and preservation of cultural heritage in the area and provides a local heritage accommodation option in close proximity to Pipers River Vineyard and Bay of Fires Vineyard (amongst others in the region). The provision of accommodation supports the downstream processing and tourism functions of these primary producers.

Although not on the primary touring route, School Road is a relatively minor deviation from Pipers River Road and is in a position to support the touring route and capitalise on the primary industry-based tourism attributes of the area.

While the land is currently being utilized for grazing by the adjoining farmer, its size and the presence of a Heritage Listed building (not of an agricultural nature) limits its capacity to be used for this purpose in perpetuity, without detriment to the heritage values of the site. The use of the land for Visitor Accommodation will have minimal impact on primary industry activities or productivity of the area and will not compromise the long-term sustainability of primary industry. While the footprint of the building will increase, a portion of the site will remain free from development and has the capacity to continue to be used for grazing in a similar manner should the landowners desire.

The proposal is consistent with the Local Area Objectives.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

26.1.3 Desired Future Character Statements

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

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

Planner's Response:

While the proposed development will certainly result in changes to the visual appearance of the existing building, the effect is not considered to be obtrusive. The proposed extension and outbuilding are not of an unusually large scale and, from the road, the building cluster has a similar scale to other clusters of residential and agricultural buildings in the surrounding area.

The proposed extension and outbuilding will remain lower than the main ridgeline of the church, ensuring the steeple of the church remains the dominant feature of the building and the dominant feature in the landscape.

Conditions issued by the Tasmanian Heritage Council require the lowering of the roof line of the proposed garage. This will assist to further reduce the bulk of the building cluster when viewed from the road. The setback from School Road and the existing vegetation on the front boundary will further reduce the visual scale of the building when viewed from the public road.

Performance Criteria Assessment

26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Objective

- a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

- b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.
- c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.
- d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.
- e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.
- f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.

Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m²over the site.</p>

Planners Response: Relies on performance criteria.

The application is for use of the land for Visitor Accommodation. Visitor Accommodation is a discretionary use in the Rural Resource Zone.

The proposal has been assessed in relation to the Local Area Objectives relating to non-primary.

The proposal does not relate to use for Business and Professional Services or General Retail and Hire.

The proposal is consistent with the Local Area Objectives for the provision of non-primary industry activities and complies with the Performance Criteria.

A2 If for permitted or no permit required uses	<p>P2.1 Utilities, extractive industries and controlled environment agriculture located on prime agricultural land must demonstrate that the:</p> <ul style="list-style-type: none"> i. amount of land alienated/converted is minimised; and ii. location is reasonably required for operational efficiency; and <p>P2.2 Uses other than utilities, extractive industries or controlled environment agriculture located on prime agricultural land, must demonstrate</p>
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**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

that the conversion of prime agricultural land to that use will result in a significant benefit to the region having regard to the economic, social and environmental costs and benefits.

Planners Response: Relies on performance criteria.

The subject land is mapped as being partially within land mapped as having a land capability of Class 2 (prime agricultural land) and Class 4 (non-prime).

The proposal is for Visitor Accommodation and is not for utilities, extractive industries or controlled climate agriculture.



Figure 6: Subject title (outlined in blue) showing land capability (LIST 2023).

The subject title has been occupied by St Albans Anglican Church, constructed in 1912. Use as a church ceased in 2020. During this time the dominate use of the land has been for Community Meeting and Entertainment, a non-primary industry activity. Grazing of the grassed area surrounding the church appears to have occurred historically as a means to maintain the property, as it continues today, however, this has not been the dominate use of the property. While the Covid 19 Pandemic has delayed progress on the proposal and resulted in a loss of use rights associated with the church, this is not taken to result in a conversion of the land to an agricultural use.

Notwithstanding the historic non-primary industry use of the land, the costs to primary productivity resulting from the proposed use of the land are considered to be negligible. The land has a relatively small area, 3960m², of which a little over 600m² is already occupied by the existing building, parking and landscaping. As the land has been used for a non-primary industry use for in excess of a century, the proposal does not result in the removal of land from the agricultural estate. Use of the site for visitor accommodation does not prohibit the current grazing activity from continuing.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

In addition to the land historically being used for a non-primary industry activity, an agricultural assessment prepared by a suitably qualified person has been submitted with the application which indicates the property is incapable of being used for an agricultural use in any meaningful capacity as a result of its small dimensions, the presence of a Heritage Listed building and the proximity of the site to sensitive uses.

In the context of the site and existing constraints the benefits of the proposal are considered to be significant to the region from a social/cultural and economic perspective. The proposal will facilitate the adaptive reuse of a Heritage Listed building. The ongoing use of Heritage buildings is essential to ensuring they continue to be maintained and heritage values protected, providing a sense of place and continuity for communities. Heritage Listed properties are site specific and as such the opportunities to facilitate protection of Heritage values are limited. Opportunities to repurpose a Heritage Listed church for primary industry activities are limited.

The provision of visitor accommodation also serves an important support function for the regionally significant wine industry, including cellar door and tourism functions.

In this instance the economic and social benefits of the proposed development are of such significance that they outweigh potential costs to agriculture. The proposal complies with the Performance Criteria.

A3 If for permitted or no permit required uses.

P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:

- a) the amount of land converted is minimised having regard to:
 - i) existing use and development on the land; and
 - ii) surrounding use and development; and
 - iii) topographical constraints; or
- b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as:
 - i) limitations created by any existing use and/or development surrounding the site; and
 - ii) topographical features; and
 - iii) poor capability of the land for primary industry; or
- c) the location of the use on the site is reasonably required for operational efficiency.

Planners Response: Relies on performance criteria.

The proposed visitor accommodation use and development extends into non-prime agricultural land. As discussed in the performance criteria above, the site is relatively small,

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

at 3960m2 and has historically been used for non-primary industry activities. The land is not considered to have an established primary-industry use and as such the proposal is not considered to convert the land.

This notwithstanding, the amount of land being permanently developed is minimal and the impacts on the agricultural estate and primary industry activities are negligible. The proposal complies with the Performance Criteria.

<p>A4 If for permitted or no permit required uses.</p>	<p>P4 It must demonstrated that:</p> <ul style="list-style-type: none"> a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and c) the capacity of the local road network can accommodate the traffic generated by the use.
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Planners Response: Relies on performance criteria.

The proposed use for visitor accommodation will not give rise to an environmental nuisance as a result of emissions. The emissions likely to be generated by visitor accommodation of the scale proposed in the application (2 bedrooms) are consistent with those normally associated with a domestic use.

The scale of the accommodation is considered to be compatible with the adjacent residential use at 74 School Road and there is adequate separation between the habitable areas of the proposed building and the existing dwelling to mitigate impacts associated with the proposed use.

The proposal does not include any particular activity which is considered likely to give rise to a nuisance. The *Environmental Management and Pollution Control Act 1994* is sufficient to manage impacts outside of normal use.

The proposed use and development will not unreasonably confine or restrain primary industry activities on the surrounding properties. The site is within the Pipers River hamlet and is surrounded by a number of existing non-primary industry uses. A residential property and the community fire station are located to the north-east. The land to the north, across School Road, comprises the Pipers River Recreation Ground. While some grazing occurs on this land for maintenance, the land is principally a Public Reserve. The Pipers River Cemetery is also located to the south-east of the subject site.

The agricultural assessment submitted with the application demonstrates the land to the south and west of the site is already generally constrained by the proximity to these existing uses. The additional impacts resulting from the proposed development are negligible.

Council's Infrastructure Department has advised that the road network, including School Road, has adequate capacity to deal with the marginal increase in movements associated with the proposed development. Although not part of the Council road network, Council's Infrastructure Department have advised the road within the Crown Road Reserve is also

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

constructed to an adequate standard to support the proposal and the relatively small number of vehicle movements associated with the existing dwelling, cemetery and farm vehicles.

The proposed development complies with the Performance Criteria.

<p>A5 The use must:</p> <ul style="list-style-type: none"> a) be permitted or no permit required; or b) be located in an existing building. 	<p>P5 Except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) it must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <ul style="list-style-type: none"> a) the impacts on skylines and ridgelines; and b) visibility from public roads; and c) the visual impacts of storage of materials or equipment; and d) the visual impacts of vegetation clearance or retention; and e) the desired future character statements.
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Planners Response: Relies on performance criteria.

While a large portion of the use will be contained within an existing building, the proposal includes an extension and a new outbuilding. These additions will certainly alter the visual appearance of the structure when viewed from the public road, however, the impacts are not unreasonable and are consistent with the character of the area.

Pipers River comprises a small hamlet with a significant rural hinterland. The existing buildings in the hamlet are relatively few and with a significantly mixed character, including dwellings and associated residential buildings, the fire station, farm buildings and the former church.

Due to the built form of the existing church, with steep pitched roof and steeple, the building extends above the skyline and is a distinctive feature of the small community. While the extension to the church building will also project above the sky line, it will remain below the ridgeline of the existing building, and below the steeple of the existing church which will remain the dominant skyline feature.

As previously discussed, the proposed developments and the building cluster in its entirety is of a scale consistent with other rural building clusters in the area and will have a reasonable visual impact. The setback from School Road and the existing vegetation also substantially reduces the visual impact when viewed from this road.



Figure 7: Existing building viewed from School Road, showing existing vegetation screening.

While the Crown Road reserve is not part of the Council maintained network, it is likely a user road and therefore a public road. With respect to this road, the visual impacts are also considered to be reasonable. The proposed extension is located to the rear of the existing building and will largely be screened by the existing building. While the outbuilding will be highly visible, its form and materials are designed to be consistent with the exterior finishes of the existing church building and its appearance will be in keeping with the existing character of the site. The proposed setback (8.9m) is sufficient to ensure the outbuilding does not dominate the site and remains visually subservient to the existing building.

No external storage of materials or equipment is proposed.

It is noted that the Notice of Heritage Decision issued by the Tasmanian Heritage Council requires a reconfiguration of the carport roof in order to reduce the height of the gable and reduce the height of this structure where it forms the backdrop of the heritage building. These changes will further assist the heritage building to remain the dominant building on the site.

The application does not propose any vegetation removal. Additional plantings are proposed between the proposed outbuilding and the crown road reserve. These plantings, in time, will partially screen the outbuilding and firefighting tank, and provide a sense of establishment.

The proposal has been considered against the Desired Future Character Statements in the assessment above. The visual appearance is not considered to be obtrusive and is generally consistent with the scale and appearance of other rural building clusters in the area.

The proposal complies with the Performance Criteria and is consistent with the objectives.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Dwellings

<p>Objective To ensure that dwellings are:</p> <ul style="list-style-type: none"> a) incidental to resource development; or b) located on land with limited rural potential where they do not constrain surrounding agricultural operations. 	
Acceptable Solutions	Performance Criteria
<p>A1.1 Development must be for the alteration, extension or replacement of existing dwellings; or</p> <p>A1.2 Ancillary dwellings must be located within the curtilage of the existing dwelling on the property.</p>	<p>P1.1 A dwelling may be constructed where it is demonstrated that:</p> <ul style="list-style-type: none"> a) it is integral and subservient to resource development, as demonstrated in a report prepared by a suitably qualified person, having regard to: <ul style="list-style-type: none"> i) scale; and ii) complexity of operation; and iii) requirement for personal attendance by the occupier; and iv) proximity to the activity; and v) any other matters as relevant to the particular activity; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, having regard to: <ul style="list-style-type: none"> i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry operations (including a lack of capability or other impediments); and <p>P1.2 A dwelling may be constructed where it is demonstrated that wastewater treatment for the proposed dwelling can be achieved within the lot boundaries, having regard to the rural operation of the property and provision of reasonable curtilage to the proposed dwelling.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposal includes a change of use to a dwelling. While the intent is to use the site predominately for Visitor Accommodation, it is not unusual for proposals of this nature to fluctuate from Visitor Accommodation to Residential use, subject to market demand.</p> <p>In this instance a residential use is considered to be an acceptable use of the site. The application includes an agricultural assessment prepared by a suitably qualified person. The report advises that, despite a portion of the site having a land capability of Class 2, the</p>	

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

existing constraints render the site incapable of supporting agricultural activities to any meaningful degree.

As previously discussed, the title is small, occupied by an existing heritage listed building, and adjoining a number of non-primary industry land uses to the north and east.

The presence of the heritage building and the lack of options to use the heritage building for primary industry activities, creates a financial barrier and maintenance obligation which makes it uneconomical and unsustainable to pursue primary industry activities or incorporate the property into the adjoining productive properties.

It is noted that the land is grazed by the adjoining property owner for maintenance purposes. The proposal does not necessarily prohibit this practice from occurring, however, the contribution this activity makes to primary productivity is negligible.

The site has an area 3960m² and the entirety of the site will comprise the curtilage of the dwelling. This area is more than sufficient for the management of wastewater onsite. The specifics of the particular system will be determined as part of the building approval process.

The proposal complies with the Performance Criteria and is consistent with the Objectives of the standard.

Development Standards

Building Location and Appearance

Objective	
To ensure that the:	
<ul style="list-style-type: none"> a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and b) development of buildings is unobtrusive and complements the character of the landscape except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2); and c) the wind turbine height at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) is; <ul style="list-style-type: none"> (i) necessary for the operation of the use; and (ii) minimises adverse impacts on neighbouring properties. 	
Acceptable Solutions	Performance Criteria
A2.1 Buildings must be set back a minimum of: <ul style="list-style-type: none"> a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or 	P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to: <ul style="list-style-type: none"> a) the topography of the land; and

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

<ul style="list-style-type: none"> b) 200m where a sensitive use is proposed; or c) the same as existing for replacement of an existing dwelling. 	<ul style="list-style-type: none"> b) buffers created by natural or other features; and c) the location of development on adjoining lots; and d) the nature of existing and potential adjoining uses; and e) the ability to accommodate a lesser setback to the road having regard to: <ul style="list-style-type: none"> i) the design of the development and landscaping; and ii) the potential for future upgrading of the road; and iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
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Planners Response: Relies on performance criteria.

The proposal is for a sensitive use and the development is setback less than 50m from all property boundaries. However, the proposal is unlikely to result in any increased adverse impacts on adjoining primary industry activities.

The existing and proposed developments are proposed to be located on the eastern side of the property. An agricultural assessment submitted with the application and prepared by a suitably qualified consultant, demonstrates that the greatest risks of fettering are likely to occur to the immediate east and south of the property.

The assessment concludes that the site layout and position of the dwelling is sufficient to prevent any unreasonable fettering on adjacent agricultural land to the west of the title.

Due to the presence of existing road buffers and non-primary industry uses to the north, east and south of the site, the proposal is unlikely to impact primary industry activities on adjoining land in these directions.

A lesser setback from School Road is considered to be acceptable. With the exception of an entry deck, all work is located behind the building line relative to the road.

A lesser setback from the Crown road reserve is also considered to be acceptable. The road reserve has sufficient width to accommodate any likely future upgrades and the development is setback sufficient distance that it will not result in a hazard for traffic. The road currently provides access to the subject land, one additional residential property and the cemetery, in addition to farm access. The road is a relatively short, unsealed, no-through road, with direct sight distances for the full extent of the road. These conditions generally result in a low speed environment and road safety is unlikely to be compromised by the setback of the proposed garage.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

E4.0 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

<p>A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.</p>	<p>P3 For limited access roads and roads with a speed limit of more than 60km/h:</p> <ul style="list-style-type: none"> a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a significant social and economic benefit to the State or region; and b) any increase in use of an existing access or junction or development of a new access or junction to a limited access road or a category 1, 2 or 3 road must be for a use that is dependent on the site for its unique resources, characteristics or locational attributes and an alternate site or access to a category 4 or 5 road is not practicable; and c) an access or junction which is increased in use or is a new access or junction must be designed and located to maintain an adequate level of safety and efficiency for all road users.
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Planners Response: Relies on performance criteria.

The proposed use will potentially result in a more than 10% increase in the annual average daily traffic movements. Movements are likely to exceed 10% of the movements currently associated with the existing dwelling, cemetery and farm movements at the access to School Road.

Council's Infrastructure Department have advised that the existing access onto School Road is considered safe as it has the required sight distance and the visibility on both sides of the road when entering the School Road.

Similarly, the proposed driveway onto the Crown Road Reserve has adequate safe site distances for the volume of traffic utilising it.

E6.0 Car Parking and Sustainable Transport Code

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

<p>Objective To ensure that car parking spaces and access strips are constructed to an appropriate standard.</p>	
Acceptable Solution	Performance Criteria
<p>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 c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.</p>	<p>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.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposed car parking and driveway will not be sealed. In this instance this is considered to be acceptable. The proposed Visitor Accommodation will be of a scale consistent with a residential use and development. An unsealed parking area is acceptable for the levels of use likely to occur.</p> <p>The driveway must be constructed to a standard suitable for firefighting vehicles in order to comply with the bushfire requirements of the <i>Building Act 2016</i>. Given the extent of area available and the short length of the driveway, it is not anticipated the proposal will have any difficulty achieving this standard.</p> <p>Parking areas are clearly identified within the footprint of the carport and require no further delineation.</p> <p>The proposal complies with the Performance Criteria and provides parking and manoeuvring areas which are readily identifiable and constructed to an all weather standard suitable for the scale of the proposed use and the likely number of vehicles accessing the site.</p>	

10. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department who provided the following:

- The proposed use of the existing crownland (currently used as a multiple driveway by 74 School Road and Cemetery) as the driveway for 72 School Road is considered safe as it has the required sight distance and the visibility on both sides of the road when entering the School Road. The creation of a new driveway at Northwest of the property at 72 School Road will create unnecessary crossings as the applicant can use the driveway that's already there. *Also referring to the 7.2.3 Austroads Part 4, it is recommended that the number of access points off a road be reduced by either consolidating them or by using the existing roads and service roads.*
- Desirably, sight distances at accesses should comply with the sight distance requirements for intersections, i.e. that approach sight distance (ASD), safe intersection sight distance (SISD), and minimum gap sight distance (MGSD) are achieved. Section 3.4 Austroads Part 4A – The use of the existing Crown land as a proposed driveway is more close to standard than to create a whole new crossover at Northwest corner.
- Also, the existing condition of the proposed driveway is wide enough for given amount of usage. I.e. Cemetery, 74 School Road and proposed development at 72 School Road.
- So, it is recommended that the use of the proposed driveway be accepted.

The application was also discussed with Council's consultant Environmental Health Officer, who confirmed that the site offered more than adequate potential for onsite waste water treatment.

External Referrals

The application was referred to the Tasmanian Heritage Council in accordance with the *Historic Cultural Heritage Act 1995*. The Heritage Council declared an interest in the application and has undertaken a statutory assessment having regard to the heritage values of the property. A Notice of Heritage Decision has been provided, including conditions, and is included in the attached documents. The Notice will be referenced in any permit issued.

11. SERVICES

Road

The application proposes to use the existing access, which utilises a Crown Reserve Road off School Road. Crown consent has been granted for the lodgement of the application and the owners have obtained an access licence to formalise the use of the road reserve.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

The existing access point on School Road provides adequate safety for the volumes of traffic utilizing the Crown Road Reserve and has adequate capacity to accommodate any increased traffic.

Sewer

The site is not connected to reticulated sewer. The site has an area of 3960m² and sufficient area will remain free of development to accommodate an onsite wastewater treatment system.

Water

Reticulated water is unavailable onsite; therefore, the proposal relies on onsite water systems to service the property. Tanks for water supply and firefighting have been included on the plans.

Stormwater

The site has an area of 3960m² and sufficient area will remain free of development to accommodate onsite management of stormwater.

12. PART V'S, COVENANTS, HERITAGE & LEVEL 2 ACTIVITIES

Easements:

The subject property does not contain any registered burdening or benefitting easements on the title.

Part V Agreements:

No Part V's are registered against the subject property's title.

Covenants:

No covenants a registered against the subject property's title.

Heritage Register:

The subject property is registered within the Tasmanian Heritage Register administered under Part 4 of the *Historic Cultural Heritage Act 1995*. Compliance with this Act has been discussed in the assessment above.

Level 2 Activities:

The subject property does not contain a use that could be considered a Level 2 activity as classified within Schedule 2 of the *Environmental Management and Pollution Control Act 1994*.

13. 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.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

13. CONCLUSION

The application for conversion of the former St Albans Anglican Church to Visitor Accommodation and Residential, extension of the building and addition of a residential outbuilding at 72 School Road, Pipers River, 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.

14. RECOMMENDATION

That the application for use and development, Residential and Visitor Accommodation – alterations and additions to existing building and new outbuilding at 72 School Road, PIPERS RIVER (CT:207120/1) 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. Design Intent Architecture and Management, Project No DI 21007, Drawing No. SK 000, SK 103, SK 001, SK 100, SK 101, SK 102, SK 200, SK 201, SK 400 & SK 401
- b. Design Intent Architecture and Management, email dated 8/02/2023

to the satisfaction of the Council, unless specifically provided for otherwise by the conditions below. Any other proposed development and/or use will require a separate application to and assessment by the Council.

2. AMENDED PLANS

Prior to the commencement of works:

- amended plans are to be submitted to the satisfaction of Council. Drawing No. SK 200 and SK 201 are to be amended to alter the roofline of the proposed carport in accordance with the Notice of Heritage Decision (15-18-58 THC, attached).
- Written advice from the Tasmanian Heritage Council is to be provided to Council demonstrating the changes are in accordance with the Notice of Heritage Decision.

Once approved the plans will be endorsed and form an integral component of the planning permit.

3. MAXIMUM GUESTS

The visitor accommodation is limited to a maximum occupancy of six (6) guests.

4. HERITAGE WORKS

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

The development must be in accordance with the Notice of Heritage Decision issued by the Tasmanian Heritage Council (15-18-58 THC attached)

5. 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 Director Infrastructure & Development.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2023/5. 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. Registration as a Food Business under the *Food Act 2003* may be required if it is intended for any food to be provided as part of the proposed business. Please contact Council's Environmental Health Officer on (6382 8800).
3. Registration as a Private Water Supplier under the Public Health Act 1997 and the Tasmanian Drinking Water Quality Guidelines is required if any non – reticulated water (i.e. tank water) is provided as part of the business operation. The registration is required prior to commencement of the business operation. The registration is an annual requirement. Please contact Council's Environmental Health Officer on (6382 8800).
4. 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.

5. This permit takes effect after:
 - i. the 14 day appeal period expires; or
 - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - iii. any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or any other required approvals under this or any other Act are granted.
6. A planning appeal may be instituted by lodging a notice of appeal with the Tasmanian Civil & Administrative 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 Tasmanian Civil & Administrative Tribunal website www.tascat.tas.gov.au.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

7. 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.
8. 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.
9. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
10. If any Aboriginal relics are uncovered during works:
 - a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c. The relevant approval processes will apply with state and federal government agencies.

The applicant is requested to remove any planning advertising signs from the property boundary, and to dispose of it in a thoughtful and sustainable manner.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

7.2 DA 2022/75 - LOT 1000 & 38 VICTORIA STREET, GEORGE TOWN – SUBDIVISION (116 LOTS)

REPORT AUTHOR:	Statutory Town Planner - Mr J Simons
REPORT DATE:	14 April 2023
FILE NO:	DA 2022/75
ATTACHMENTS:	<ol style="list-style-type: none">1. Assessment of Compliance with the Acceptable Solutions2. Application Plans and Supporting Documents3. Title Documents4. TasWater – Submission to Planning Authority Notice5. Representations (x3)

APPLICATION INFORMATION

Applicant:	Woolcott Surveys
Site Address:	Lot 1000 & 38 Victoria Street, George Town, adjoining road reserves and Crown Land
Titles Details:	CT's 161484/2 & 182609/1000
Property ID:	3446884 & 3446892
Zone:	General Residential
Use:	Residential
Proposed Development:	Subdivision (116 Lots, Roads & Footpaths)
Application Received:	13 September 2022

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a 116 Lot Residential Subdivision, Roads and Footpaths at Lot 1000 & 38 Victoria Street, George Town (CT's 161484/2 & 182609/1000).

During the advertising period three (3) representations were received by Council. The representations raise concerns regarding traffic management on Victoria Street, stormwater management, footpath connectivity, lack of public open space and impediment of an existing crossover. These matters are addressed in the representation section below and in the scheme assessment.

Stormwater management and traffic impacts are considered to have been adequately managed through the infrastructure proposed by the applicant. Conditions have been recommended to address footpath connectivity and to manage the interaction of the development with the driveway of the adjoining title. While the proposed development does generate demand for public open space, it is not desirable for public open space to be included in this specific location.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

With the inclusion of appropriate conditions, the proposal generally complies with the Acceptable Solutions and Performance Criteria of the General Residential Zone. The proposal is recommended for approval.

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. Three (3) representations were received.

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 Lot 1000 and 38 Victoria Street, George Town (CT's 161484/2 & 182609/1000) and also incorporates an adjacent road reserve to the east. Road and drainage works are proposed in the Victoria Street, Edgar Street and South Street Road reserves and the riparian reserve adjoining the Tamar / kanamaluka.

The site is within the General Residential Zone under the *George Town Interim Planning Scheme 2013*.

The land has been identified as being in a bushfire prone area, however, it is not subject to any other specific natural hazards.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

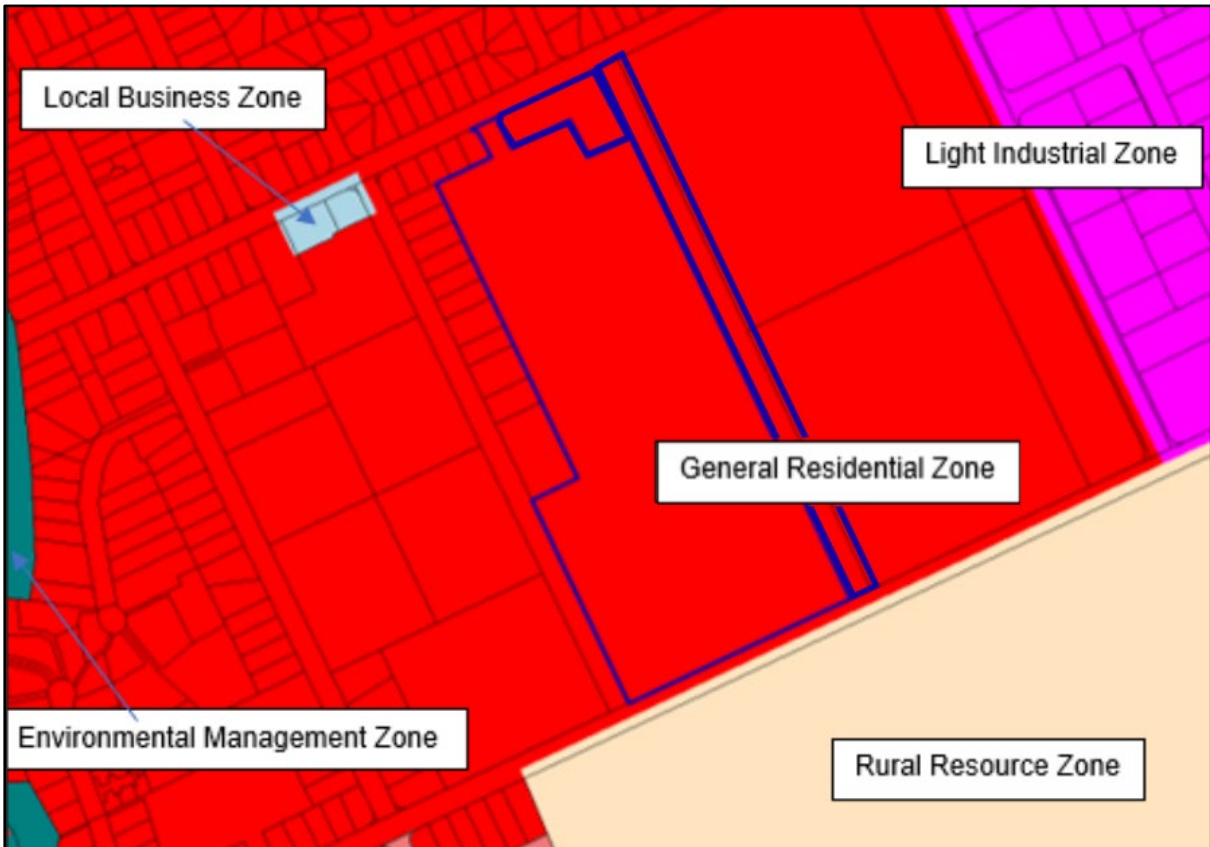


Figure 1: Zoning of subject site (outlined in blue) and surrounding land.



Figure 2: Aerial photo of subject site (outlined in blue) and surrounding land.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

The land area of Lot 1000 is 9.412ha. The land has been previously cleared of vegetation, but currently exhibits a small amount of remnant vegetation. Further vegetation clearance has been underway recently, likely in preparation for this application.

The land to the north and west of the property is in the General Residential Zone and has been developed with dwellings.

The land to the east contains the South George Town Primary School and a vacant block of Crown land, both within the General Residential Zone.

To the south of the subject site is the Rural Resource land that acts predominantly as a 'buffer' between the general residential areas of George Town and the industrial precinct of Bell Bay.

The land at is relatively flat with a modest general fall from the southwest to the northeast.

The proposal incorporates the unmade Crown road reserve to the immediate east of the development, adding an additional 1ha of land area to the proposed development. A portion of the road reserve is intended to transfer to the property at 38 Victoria Street. This property currently has an area of 4678m² and has been developed with multiple dwellings.

Access to the land is currently taken from Victoria Street and Edgar Street. The land can be serviced by reticulated water, sewerage and stormwater.

Some infrastructure works will be required in Victoria Street and in the riparian reserve adjacent to the Tamar/kanamaluka.

7. DEVELOPMENT AND USE DESCRIPTION

The application proposes to subdivide the subject property, Lot 1000, along with the adjoining unmade road reserve to the immediate east, into 115 new lots intended for residential use and development. The development will incorporate a new internal loop road, with links to Victoria Street, and South Street. In addition to the internal roads, the proposal will include an extension of Edgar Street and South Street within the existing road reserves. A future road stub will connect the lot to the vacant land immediately to the east.

The proposed lots range in size from 524m² to 996m². No internal lots are proposed.

In order to provide adequate stormwater drainage, a new stormwater main is proposed to connect the development to the Tamar / kanamaluka, via Victoria Street, duplicating the existing stormwater mains in this area.

A portion of the unmade road reserve (lot 116 on the plan of subdivision) will be added to 38 Victoria Street, increasing the area of this title by 1349m².

A new stormwater main is proposed to be constructed in Victoria Street, which will extend into the riparian reserve, which is in the Environmental Management Zone.

No private open space is proposed as part of this development.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

An indicative copy of the subdivision plan is included below. A full copy of the plans and supporting documentation are included in the attachments.



Figure 3: Proposed Plan of Subdivision (Woolcott Surveys, 2022)

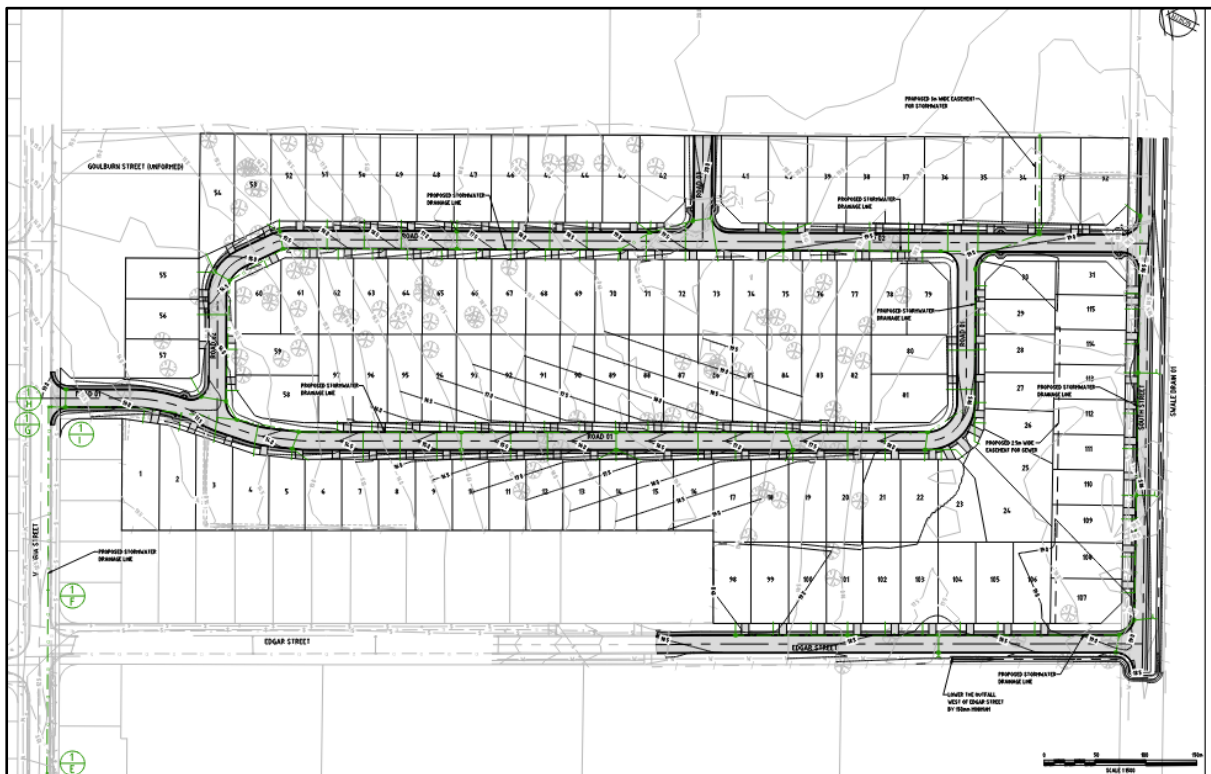


Figure 4: Proposed Servicing Plan (CSE Tasmania Pty Ltd, 2022)

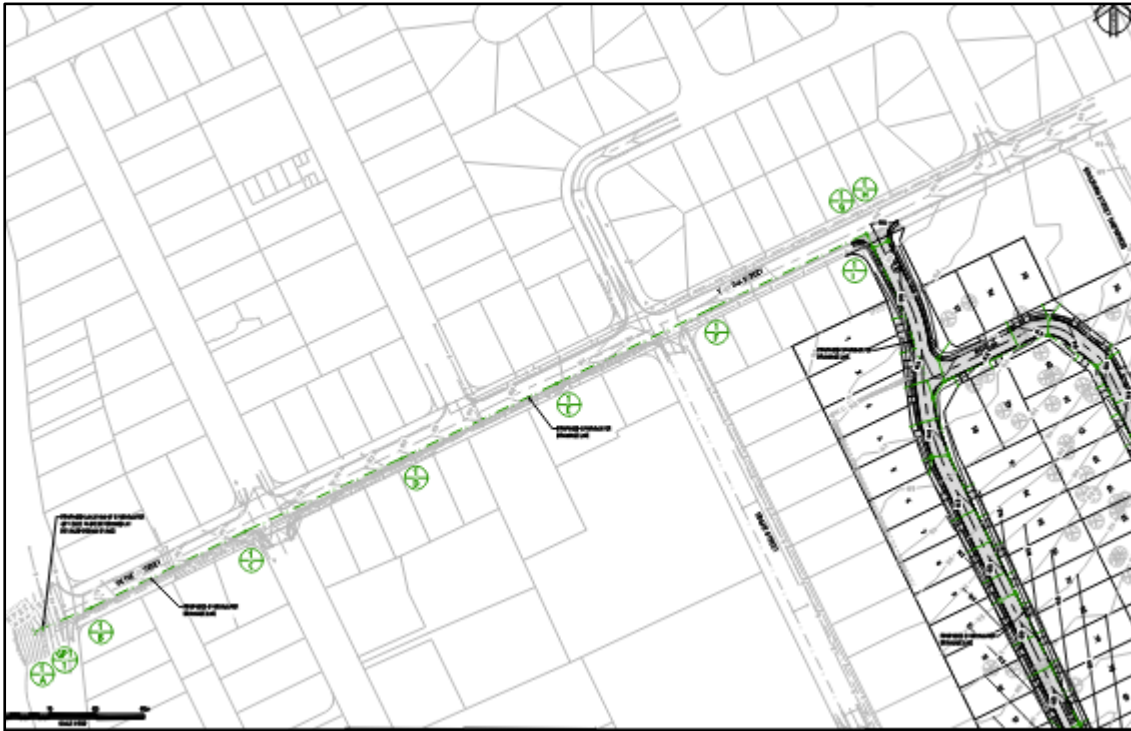


Figure 5: Proposed Servicing Plan (CSE Tasmania Pty Ltd , 2022)

8. REPRESENTATIONS

The application was advertised for community consultation from the Saturday, 4 March 2023 to Tuesday, 21 March 2023. Three (3) representations were received and are summarised below.

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

Issues Raised in Representations	Council Response
<p>The increased traffic flow in Victoria Street and past 34 Victoria Street due to proximity of the access into the subdivision.</p> <p>Not being able to facilitate visitors parking outside 34 Victoria Street as there would be visibility zone required.</p>	<p>The application includes a traffic impact assessment prepared by a suitably qualified person. The assessment demonstrates that Victoria Street has adequate capacity to absorb the additional traffic generated by the proposed development and is supported by Council's Infrastructure Department. The impacts of the additional traffic on both Victoria Street and the proposed subdivision access will remain consistent with the general impacts of roads in built up urban environments and are considered to be reasonable.</p> <p>Ample parking remains on Victoria Street to provide for visitor parking in close proximity to the subject property.</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

The existing driveway into 34 Victoria Street, noting from the DA plans that curvature for the access road would impact on the driveway and access to 34 Victoria Street.

At some point in the past (likely 1972 when the dwelling was constructed) a driveway crossover servicing 34 Victoria Street has been constructed, crossing the subject title. The circumstances in which this has occurred are unknown.

Due to the inappropriate location of the crossover, on third party private property and its interference with access to the proposed subdivision, it is recommended that a condition be included on the planning permit to relocate the current driveway, to the side of the property off the new proposed road.

In order to accommodate parking and space for manoeuvring, it is recommended that the driveway be wider than standard (up to 8m).

It is also recommended that the side boundary fence be replaced.

These provisions have been discussed with both the applicant and representor and are generally acceptable to both parties.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Subdivision requires public open space.

Suggests a central “Green Space” – not a formal playground with equipment - perhaps say taking four (4) lots in the vicinity of Lots 70/71 and 89/90 for a green space with trees and pathway to link the two main streets.

Council is entitled to 5% of the value of the land.

Lack of green space is not a good look. The space would require modest upkeep but would be beneficial to the town’s image still suffering from unimaginative subdivisions of the past.

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.

The closest open space to the proposed subdivision, the Currong Reserve, is 120m from entrance of the proposed subdivision and is within reasonable walking distance for more than 50% of the lots in the proposal.

In addition Council is investigating a lease over Crown Land to the east of the site, to the south of South George Town Primary. This area is intended to provide for both public open space and a buffer between the light industrial estate and future residential development. It is within walking distance of the proposed subdivision and has been strategically identified in the George Town Structure Plan as being a preferred site for public open space.

It is acknowledged that public open spaces provide many functions for a community including social, environmental and water management, and the scale of this proposal will certainly increase demand for public open space. However, the incorporation of a public open space in this area is not determined to be necessary given the proximity to existing underutilised public open spaces. A cash in lieu contribution is preferable for the improvement of existing spaces and the procurement of space in strategically identified locations.

Improved Council standards relating to street trees and footpaths will improve the walkability and amenity of the street.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

<p>It is quite possible that over 100 school aged children will seek access to the neighbouring school. Linkage may be a safe solution but importantly no provision is being made for a footpath along Victoria St to the school entrance.</p> <p>A solution may be if Council was to seek from the Crown (Lot 116 – see plan page 1) instead of it being acquired by the developer. Council could put on the services from Victoria St and sell the allotment to fund the footpath. A win/win</p>	<p>The applicant has provided a path up to the junction of Victoria Street and the proposed road network. Victoria Street has a collector road function and provides the primary access to the residential areas to the south of George Town.</p> <p>While there is currently a footpath on the north side of Victoria Street, this would require pedestrians to cross Victoria Street twice to access the school. Given the proximity to the South George Town Primary School and the higher traffic volumes on this road an additional footpath on the south side of the road is warranted.</p> <p>It is recommended that a condition be included on the permit to connect the proposed footpath network to the pedestrian crossing adjacent South George Town Primary School.</p> <p>It is appropriate that the cost of this footpath be defrayed in the form of an offset against payment in lieu of public open space.</p> <p>Purchase of Lot 116 from the Crown would occur at a market rate and result in no tangible benefit to Council.</p>
<p>Visibility at Edgar Street currently deficient due to parking associated with the dance studio on the corner of Edgar and Victoria. This will potentially become a major safety issue with potentially hundreds more vehicles movements every day.</p>	<p>The Traffic Impact Assessment (TIA) provided within the application has surmised that the Edgar Street intersection has capacity to facilitate the additional traffic generated by the subdivision.</p> <p>Council's Infrastructure Department have inspected the intersection and consider the sight distances to be adequate.</p> <p>Management of street parking on Victoria Street is not the responsibility of the developer.</p> <p>Council has regulatory functions that allow for action to be undertaken to manage parking as a road authority if this matter is ongoing.</p>
<p>Title is subject to a significant accumulation of water in the bushland and ditches surrounding the property. Concerns the stormwater plans do not</p>	<p>Council is required under the Urban Drainage Act 2004 to ensure sufficient stormwater drainage so as not to cause a nuisance to neighbouring properties.</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

adequately consider the volumes of water on the lot.	<p>The application includes a stormwater management plan which demonstrates the stormwater generated by development of the catchment can be managed.</p> <p>The application includes substantial earthworks in the central portion of the title to remove low points and ensure sufficient fall is achieved to allow a significant portion of accumulated stormwater to be captured and directed directly to the Tamar/kanamaluka. This will be via a new stormwater mains on Victoria Street.</p> <p>A smaller portion of the stormwater will be directed into the existing Mary Street drainage system, however, the application has demonstrated that the volumes directed here will be generally consistent with the current flow rates into this system.</p>
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9. STATUTORY REQUIREMENTS

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

- 9.0 Special Provisions
- 10.0 General Residential Zone
- E1.0 Bushfire-Prone Area Code
- E4.0 Road and Railway Assets Code
- E9.0 Water Quality Code
- E6.0 Car Parking and Sustainable Transport Code

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

9.1 Use Class

The application is classified as 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.”

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

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

9.2 Planning Scheme Assessment

Please see Attachment 1 for a full planning assessment against all of the relevant Acceptable Solutions of the Planning Scheme.

The Zone Purpose and those aspects of the development which require Council to exercise discretion are outlined and addressed in the following tables. The Performance Criteria outlines the specific things that Council must consider in exercising its discretion and determining whether to approve or refuse an application.

In cases where Council considers an application does not comply with the relevant Performance Criteria the use of conditions to achieve compliance should always be considered prior to refusal of the application.

9.0 Special Provisions

9.7 Access and Provision of Infrastructure Across Land in Another Zone

- 9.7.1 If an application for use or development includes access or provision of infrastructure across land that is in a different zone to that in which the main part of the use or development is located, and the access or infrastructure is prohibited by the provisions of the different zone, the planning authority may at its discretion approve an application for access or provision of infrastructure over the land in the other zone, having regard to:
- (a) whether there is no practical and reasonable alternative for providing the access or infrastructure to the site;
 - (b) the purpose and provisions of the zone and any applicable code for the land over which the access or provision of infrastructure is to occur; and
 - (c) the potential for land use conflict with the use or development permissible under the planning scheme for any adjoining properties and for the land over which the access or provision of infrastructure is to occur.

Planners Response:

In this instance the application proposes the extension of stormwater utilities associated with a residential subdivision into land in the Environmental Management Zone. Residential Use and Development is normally discretionary in the Environmental Management Zone. However, the proposal is unable to address the criteria set within the Environmental Management Zone and therefore is being considered under Special Provision 9.7.

The infrastructure entering the Environmental Management Zone is stormwater infrastructure. Disposal of stormwater necessitates discharge to the ocean. Given the

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

riparian reserve hugs the estuary edge, there is no practical or reasonable alternative to crossing the Environmental Management Zone.

The purpose of the Environmental Management Zone is:

29.1.1.1 To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

29.1.1.2 To only allow for complementary use or development where consistent with any strategies for protection and management.

29.1.2 Local Area Objectives

To protect recognised conservation values and manage land where environmental sensitivities exist.

29.1.3 Desired Future Character Statements

Restrict access to areas of relatively intact vegetation and landscape and supporting biodiversity and ecological process.

The subject riparian reserve provides a natural buffer between the Tamar/ kanamaluka and the urban area of George Town. This buffer is relatively narrow, with much of the riparian reserve being occupied by a road (Esplanade South) and existing utilities, including power, water, stormwater and sewerage. The land is maintained consistent with other road verges, and comprises a mowed verge, with a narrow strip of native vegetation.

Due to the narrowness, disturbed nature and urban location, the small area of the riparian reserve that will be impacted by the proposed stormwater mains is not considered to contain significant ecological, scientific, cultural or aesthetic values that are likely to be compromised by the proposed stormwater mains.

The proposed stormwater infrastructure is relatively low impact due to the concentration of stormwater utilities to the existing Victoria Street mains and a relatively small discharge point located in an already disturbed area of the riparian reserve.

The proposal includes a stormwater treatment system designed to maintain a reasonable water quality, prior to discharge. This is further assessed against the provisions of the Water Quality Code below and the impacts are considered to be reasonable.

The proposal is not considered to compromise the purpose of the Environmental Management Zone and is consistent with the Special Provision.

10.0 General Residential Zone

10.1 Zone Purpose

10.1.1	Zone Purpose Statements
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.
10.1.1.2	To provide for compatible non-residential uses that primarily serve the local community.
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.
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.
10.1.1.5	To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.

Planners Response:

The proposed subdivision is intended to provide lots suitable for residential use and development and is fully serviced by roads, reticulated stormwater, sewer and water.

Non-residential uses do not form this proposal. Future non-residential use will be addressed within a separate planning application to ensure compatibility if/when any such application is received.

Due to the residential nature of the development, it is anticipated that the sites will contain dwellings as the dominant form of future development.

The proposal is consistent with the surrounding neighbourhood character and provides fully serviced lots within an existing urban area.

The proposal is deemed consistent with purposes of the General Residential Zone.

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 subdivision is located on infill land within the serviced area of George Town and will support George Town' status as the main centre for residential development.

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.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

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 proposed subdivision will support future residential forms of use and development. Therefore, this development is consistent with the statement. Specific developments on the subject lots will be assessed if/when an application for development is received.

10.4.15 Subdivision

10.4.15.1 Lot Area, Building Envelopes and Frontage

Objective

To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking, easements and site features.

Acceptable Solutions

Performance Criteria

- A1 Lots must:
- a) have a minimum area of 720m² which:
 - i) is capable of containing a rectangle measuring 10m by 15m; and
 - ii) has new boundaries aligned from buildings that satisfy the setback standards.; or
 - b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or
 - c) be for the provision of utilities; or
 - d) be for the consolidation of a lot with another lot with no additional titles created; or
 - e) be to align existing titles with zone boundaries and no additional lots are created.

- P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:
- a) a dwelling to be erected in a convenient and hazard-free location; and
 - b) on-site parking and manoeuvrability; and
 - c) adequate private open space.

Planners Response:

Relies on Performance Criteria. The proposed subdivision includes 49 lots with an area less than 720m². Four of the proposed lots are less than 600m², the smallest being 524m².

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

It is considered that all of the proposed lots have sufficient area to accommodate the development of a single dwelling in a convenient and hazard free location with sufficient dimensions to position a dwelling and private open space areas in such that they can take advantage of direct solar access.

All of the lots are capable of containing a 10m by 15m rectangle and the new boundary of 38 Victoria Street will extend away from the existing buildings.

The proposed servicing layouts do not require easements over the proposed lots, resulting in minimal additional encumbrances to development.

While no-build areas are required for bushfire hazard management on the lots along the eastern boundary of the site, these have been made larger to accommodate the no-build area while still facilitating sufficient area for a dwelling. No lots smaller than 720m² are not encumbered by the no-build area.

Generally the plan of subdivision includes a range of lot sizes which will facilitate a range of options for development at different scales and positively contribute to the housing mix.

The proposal complies with the Performance Criteria and is consistent with the objective.

It is noted that the State Planning Provisions allow for subdivision down to 450m² as compliant with the Acceptable Solutions. Although not applicable to the current planning scheme, 450m² is considered to be generally sufficient for the development of a dwelling, including parking and private open space.

10.4.15.3 Solar Orientation of Lots

Objective	
To provide for solar orientation of lots and solar access for future dwellings.	
Acceptable Solutions	Performance Criteria
A1 At least 50% of lots must have a long axis within the range of: a) north 20 degrees west to north 30 degrees east; or b) east 20 degrees north to east 30 degrees south.	P1 Dimensions of lots must provide adequate solar access, having regard to the likely dwelling size and the relationship of each lot to the road.
<p>Planners Response:</p> <p>Relies on Performance Criteria. The proposed lots do not have a long axis in accordance with the parameters of the Acceptable Solution. With the exception of lots 24 and 25, all of the proposed lots are orientated approximately 5° outside of the Acceptable Solutions.</p> <p>This orientation is largely dictated by that of the existing road network, which conforms generally to a grid pattern on an axis 25.5° west of north.</p> <p>This orientation is a relatively minor deviation from the Acceptable Solutions and the proposed dimensions of the lots are considered to provide adequate potential to compensate and orientate to maximise solar access.</p>	

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

The proposal complies with the Performance Criteria and is consistent with the objective.

10.4.15.5 Integrated Urban Landscape

<p>Objective To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:</p> <p>a) character and identity of new neighbourhoods and urban places; or b) to existing or preferred neighbourhood character, if any.</p>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road, public open space or other reserves.	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <p>a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.</p>
<p>Planners Response:</p> <p>Relies on the Performance Criteria. The proposed development includes new roads.</p> <p>In this instance the proposed subdivision layout has had regard to the existing road network and other features. It includes the formation of South Street and Edgar Street within the existing road reserves, and provides direct connection from the internal road through to Victoria Street and South Street. An additional road stub is also provided to link the subdivision to any future development of the residential land to the east of the site.</p> <p>Although the proposal does not make use of the existing road reserve adjoining the South George Town Primary School, the application proposes an alternative north-south through road and absorbs the redundant road reserve into the lot layout.</p> <p>The proposal does not include any cul-de-sacs or dead end roads (with the exception of the connecting road stub) and is considered to provide adequate connectivity and through the urban environment.</p>	

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

It is considered appropriate that the planning permit be conditioned to provide for and include the planting of street trees, underground power and footpaths to enhance the amenity of the urban environment.

The development includes the formation of South Street within the South Street Road Reserve. Given the proximity of the current terminus of South Street, it is considered appropriate that the proposed road be extended to connect to the current end of South Street. It is recommended that the cost of this extension be defrayed by a reduction in the cash contribution required in lieu of public open space. The additional connectivity will increase the walkability of the road network and increase access to nearby public open space areas.

The proposal complies with the Performance Criteria and is consistent with the objective.

10.4.15.6 Walking and Cycling Network

Objective

- a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and
- b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible.
- c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.

Acceptable Solutions

A1 The subdivision must not create any new road, footpath or public open space.

Performance Criteria

P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:

- a) link to any existing pedestrian and cycling networks; and
- b) provide the most practicable direct access for cycling and walking to activity centres, community facilities, public transport stops and public open spaces; and
- c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and
- d) promote surveillance along roads and from abutting dwellings.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Planners Response:

The proposal relies on Performance Criteria due to the creation of new footpaths.

The proposal includes a new road network accompanied by footpaths. The footpaths will extend along one side of all of the proposed roads and road extensions and provides connectivity to the existing footpath network. The north-south footpaths provides the most direct path to the Currong Reserve to the north of the site, along with direct connections to the primary east-west roads to the riparian reserve.

Given the size of the proposed subdivision and the proximity to South George Town Primary, it is considered appropriate that safe pedestrian access be provided to the school. Given modern security requirements for schools, it is considered that a rear access is not appropriate without the full support of school management. As such, it is considered more desirable that the proposed footpath network be extended, along the south side of Victoria Street to the pedestrian crossing, approximately 240m.

It is recommended that the cost of this extension be defrayed by a reduction in the cash contribution required in lieu of public open space. The additional connectivity will increase the walkability of the road network and improve safety for pedestrians in the vicinity of the school.

The proposed footpath network otherwise provides an interconnected and continuous network of safe, efficient and convenient footpaths which enhance the walkability of the urban environment.

There are no dedicated cycle paths in the vicinity linking to the proposed local road network and no dedicated bike lanes or cycle paths are considered to be warranted within the proposed network.

The proposal complies with the Performance Criteria and is consistent with the objective.

10.4.15.7 Neighbourhood Road Network

Objective	
<p>a) To provide for convenient, safe and efficient movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood road network; and</p> <p>b) To design and construct road carriageways and verges so that the road geometry and traffic speeds provide an accessible and safe neighbourhood road system for all users.</p>	
Acceptable Solutions	Performance Criteria
A1 The subdivision must not create any new road.	<p>P1 The neighbourhood road network must:</p> <p>a) take account of the existing mobility network of arterial roads, neighbourhood roads, cycle paths, shared paths, footpaths and public transport routes; and</p>

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

	<ul style="list-style-type: none">b) provide clear hierarchy of roads and physical distinctions between arterial roads and neighbourhood road types; andc) provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport; andd) provide safe and efficient access to activity centres for commercial and freight vehicles; ande) ensure connector roads align between neighbourhoods for safe, direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles; andf) provide an interconnected and continuous network of roads within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles and minimise the provision of cul-de-sacs; andg) provide for service and emergency vehicles to safely turn at the end of a dead-end road; andh) take into account of any identified significant features.
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Planners Response:

The proposed development relies on Performance Criteria, as it requires the creation of new roads.

The proposed road respects the existing mobility network and provides both road and pedestrian connectivity to the surrounding road network, extending and connecting to existing roads and footpaths surrounding the site.

The proposed development respects the road hierarchy. The internal road network is largely of a local neighbourhood character and does not include or require any arterial roads.

The proposed looped nature of the subdivision results in a low speed residential environment by creating a less direct route through the urban environment. The low speed nature facilitates the safe movement of pedestrians and cyclists through the local network.

Access to Victoria Street at the northern end of the subdivision provides a direct route to Main Road and on to the Town Centre and West Tamar Highway.

The plan of subdivision does not include any cul-de-sacs or dead ends (with the exception stubs for future connections, but provides an interconnected and continuous network of

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

roads within and between neighbourhoods. As discussed above, it is recommended that connectivity between the existing terminus of South Street and the proposed portion of South Street will further enhance connectivity and is recommended as a condition of the planning permit.

The proposal complies with the Performance Criteria and is consistent with the objective.

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.

Acceptable Solution

Performance Criteria

A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day

P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.

Planners Response: Relies on Performance Criteria.

The proposal is estimated to generate approximately 1044 vehicle movements per day, with 99 vehicle movements expected per hour during peak activity hours. The Traffic Impact Assessment (TIA) written by a qualified person advises that the proposal does not impact the safety of pedestrians or other road users, if the recommendations advised within the TIA is followed.

There are no obvious traffic issues related to this proposal that can be identified within the existing transport network or within the proposal by either Council's Infrastructure Department or the TIA..

Pedestrians and bicycle traffic's access to the wider transport network is predominantly separate from vehicle traffic by use of separate footpaths setback from the street, mitigating any potential conflict.

The layout does not contain any significant deviations to the existing junction layouts on Victoria Street and are considered within the TIA to be a relatively low crash risk.

Therefore, the proposal satisfies the performance criteria.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

E9.6.2 Water Quality Management

Objective

To maintain water quality at a level which will not affect aquatic habitats, recreational assets, or sources of supply for domestic, industrial and agricultural uses.

Acceptable Solution	Performance Criteria
<p>A2.1 No new point source discharge directly into a wetland or watercourse.</p> <p>A2.2 For existing point source discharges into a wetland or watercourse there is to be no more than 10% increase over the discharge which existed at the effective date.</p>	<p>P2.1 New and existing point source discharges to wetlands or watercourses must implement appropriate methods of treatment or management to ensure point sources of discharge:</p> <ul style="list-style-type: none"> a) do not give rise to pollution as defined under the <i>Environmental Management and Pollution Control Act 1994</i>; and b) are reduced to the maximum extent that is reasonable and practical having regard to: <ul style="list-style-type: none"> i) best practice environmental management; and ii) accepted modern technology; and c) meet emission limit guidelines from the Board of the Environment Protection Authority in accordance with the <i>State Policy for Water Quality Management 1997</i>. <p>P2.2 Where it is proposed to discharge pollutants into a wetland or watercourse, the application must demonstrate that it is not practicable to recycle or reuse the material.</p>

Planners Response: Relies on performance criteria.

A new point of discharge is proposed to the Tamar Rive watercourse. The proposed stormwater main is intended to run parallel to an existing stormwater main along Victoria Street and although the location is the same is adjacent an existing main, it is still considered a new point of discharge.

Therefore, the proposal is required to address the performance criteria.

The application has advised that a gross pollutant trap will be installed as part of the new stormwater infrastructure. The trap is to be installed prior to discharge into the

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Tamar River and will allow for stormwater to be deposited in a manner conducive with the intent of the *Environmental Management and Pollution Control Act 1994*. This method proposed has been accepted by Council's Infrastructure Department as an appropriate and reasonable means of discharging stormwater.

A condition that is recommended as part of the permit is that the specifications of the gross pollutant trap proposed be reviewed as part of Council's Assessment of Public Works' in order to ensure suitability of the system.

Pollutants are not proposed to be discharged into a watercourse or wetland. Therefore the performance criteria addressing this does not require a response.

However, to ensure compliance a condition is recommended as part of the permit. The recommendation is that polluted or sediment laden runoff must not be directly or indirectly discharged into the stormwater system, watercourses or within the foreshore.

10. REFERRALS

Internal Referrals

Infrastructure Department

Council's Infrastructure Department have reviewed the civil works plans that have been provided by the applicant. Upon review they have concluded that these servicing plans are suitable to service the development.

Conditions have been included to ensure within the recommendation that ensures further reviews are conducted in accordance with some recommended conditions prior to commencement of work.

External Referrals

TasWater

The application was referred to TasWater. A submission to Planning Authority Notice (TWDA 2022/01510-GTC) was issued by TasWater pursuant of the *Water and Sewerage Industry Act 2008* (TAS) Section 56P(1) on the 28 February 2023.

TasNetworks

The application was referred to TasNetworks. TasNetworks advised there were no concerns with the proposal on the 26 September 2022.

11. SERVICES

Road

New roads are proposed as part of the subdivision, these will provide access to the newly created lots. An extension to Edgar Street will provide access to lots 98 to 106. Access is available to Victoria Street via a proposed junction or from existing Edgar Street junction.

Sewer

The subdivision is proposed to be connected to the reticulated sewer system.

Water

The subdivision is proposed to be connected to the reticulated water system.

Stormwater

The subdivision proposes to pipe a large portion of the stormwater to the Tamar/kanamaluka via Victoria Street creating an additional discharge point in proximity to the existing discharge. While stormwater from lots 31 to 32 and 98 to 115 are intended to be directed to the existing natural watercourse through the Mary Street catchment, the application has demonstrated that water volumes will be consistent with those currently entering this catchment and there will be no net increase in discharge.

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 a Subdivision (116 Lots, Roads and Footpaths) at Lot 1000 & 38 Victoria Street, George Town (CT's 82609/1000 & 161484/21) has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. Three representations were received, and the concerns raised in the representations have been considered. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

14. RECOMMENDATION

That the application for use and development of a Subdivision (116 Lots, Roads and Footpaths) at Lot 1000 & 38 Victoria Street, George Town (CT's 182609/1000 & 161484/2) and adjoining road reserves 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. Woolcott Surveys, job no. L220429, sheet no. 1, edition V01, dated: 21 June 2022;
- b. CSE Tasmania Pty Ltd, ref no. 7606-02, drawing no P02 to P30 inclusive, revision P2, dated July 2022;
- c. Chris Martin, DA 2022/76 Lot 1 and 38 Victoria St George Town – Contract 7606-02 (Mary Street Catchment Stormwater Assessment Report), undated.
- d. Request for Stormwater Management Information
- e. Traffic & Civil Services, Traffic Impact Assessment, Victoria Street – 116 Lot Subdivision, pages 1 to 11 inclusive, dated July 2022;
- f. Pitt & Sherry, Noise and Odour Assessment - 38 Victoria Street, George Town, pages 1 to 8 inclusive, dated 15 February 2023;

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

- g. Woolcott Surveys, Bushfire Hazard Report, dated July 2022;

to the satisfaction of the Council, except where otherwise provided in the conditions below. Any other proposed development and/or use will require a separate application to and assessment by the Council.

2. SUBMISSION AND APPROVAL OF ENGINEERING PLANS

Prior to the commencement of works, detailed engineering drawings and specifications must be submitted for an 'Assessment of Public Works' to the satisfaction of Council's Director Infrastructure and Development. Such drawings and specifications must:

- (a) include all infrastructure works shown on the endorsed plans and specifications or otherwise specified by the conditions below:
- i. Roads, footpaths, crossovers, drainage infrastructure and landscaping;
 - ii. All necessary line marking and traffic signage;
 - iii. Reticulated water and sewage;
 - iv. Electricity infrastructure including street lighting;
 - v. Communications infrastructure.
- (b) all roads are designed in accordance with the Austroads Guide to Road Design, State Growth Specifications and LGAT Standard Drawings and Specifications.
- (c) all sealed roads with a minimum carriageway width of 8.9m, kerb and channel on both sides of the road, and 1.5m concrete footpath on one side, unless specifically provided for otherwise.
- (d) include designs for a public stormwater drainage system to drain all roadways, footpaths and nature strips within the road reserves and all land draining onto the road reserve, connection to the lowest point of each lot, and provision of an overland flow path for flows up to a 100-year ARI storm event.
- (e) show all side entry pits located a minimum of 1.5m offset from any crossover.
- (f) include a new 1200mm concrete stormwater trunk mains on Victoria Street extending from the development to the approved discharge point in the Tamar/kanamaluka. The reasonable costs of works required by this clause, above and beyond the servicing requirements of the proposed subdivision, will be reimbursed by Council to the subdivider in the form of an offset against payment in lieu of public open space made by the subdivider pursuant to clause 10 of this permit, subject to the subdivider supplying Council with evidence of said costs to the reasonable satisfaction of Council's Director Infrastructure and Development.
- (g) show a 1.5m concrete pedestrian footpath from the proposed Victoria Street/Road Lot 200 junction, connecting to the existing pedestrian road crossing adjacent to 'South George Town Primary School'.
- (h) show the extensions of Edgar Street as a sealed road connecting to the existing Edgar Street terminus.
- (i) show the construction and extension of South Street as a sealed road connecting to the existing South Street terminus. The reasonable costs of works required by this clause will be reimbursed by Council to the subdivider in the form of an offset against payment in lieu of public open space made by the subdivider pursuant to clause 10 of this permit, subject to the subdivider supplying Council with evidence of said costs to the reasonable satisfaction of Council's Director Infrastructure and Development.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

- (j) the design of the stormwater system is to include a gross pollutant trap on the Victoria Street mains to screen hard litter from the drainage system prior to discharge. The design of the trap must be to the satisfaction of Council's Director Infrastructure and Development.
- (k) the means of connection to power reticulation services to each lot and street lighting in accordance with a design approved by TasNetworks. All services must be underground. A copy of the approved design must be submitted to Council upon approval by TasNetworks.
- (l) the means of connection for all lots to telecommunications. Where physical infrastructure is provided, services are to be underground. Written advice regarding the preferred means of connection and/or a plan approved by Telstra or other approved supplier must be submitted to Council upon approval by the supplier.
- (m) a landscape plan showing a minimum of one street tree per lot, and a minimum spacing between tree centres not exceeding 20m. Where possible, a 1.5m offset, on all sides from the centre of the tree trunk to be maintained free of services and footpaths on both sides of all roads to accommodate a corridor for planting trees. The species of trees are to be approved by Council's Director Infrastructure and Development.
- (n) be prepared strictly in accordance with the *Tasmanian Subdivision Guidelines* applicable at the date of approval of the plans, except where deviations are strictly necessary and approved by Council's Director Infrastructure and Development. These Guidelines are available at www.lgat.tas.gov.au
- (o) all the intersections designs required by the permit or shown in the endorsed plans shall be in accordance with the endorsed Traffic Impact Assessment and relevant standards.
- (p) All drawings are to be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.

In all instances where the detailed design requires deviation from the standards identified above, approval must be sought from Council's Director Infrastructure and Development.

Once approved by Council's Director Infrastructure and Development, engineering design drawings are valid for a period of five (5) years from the date of such approval, following which they will automatically lapse if they have not been carried into effect via works. Where any engineering design drawings have lapsed, Council may require the re-submission and review of the relevant engineering design drawings, any associated calculations and any other relevant information to ensure compliance with current infrastructure standards and applicable legislation.

3. CONSTRUCTION OF WORKS

Prior to the sealing of the Final Plan, all private and public infrastructure works must be constructed in accordance with the engineering design drawings approved by the Council's Director Infrastructure and Development in accordance with Condition 2.

All works, including infrastructure and landscaping, must be commenced under the direct supervision of a civil engineer and completed to the satisfaction of the Council's Director Infrastructure and Development. Certification from the supervising engineer that all works have been carried out in accordance with the approved engineering design plans and to Council standards will be required prior to issue of the Certificate of Practical Completion.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

4. DRIVEWAY CROSSOVERS

Prior to the sealing of the Final Plan, the driveway crossovers servicing each lot are to be constructed in accordance with the endorsed plans, Tasmanian Standard Drawing TSD-R09-v3 and to the satisfaction of Council's Director Infrastructure and Development.

5. 34 VICTORIA STREET

Prior to the sealing of the Final Plan:

- a) a new driveway crossover is to be constructed to access 34 Victoria Street from the new road (Lot 200) on the east side boundary, directly in front of the existing garage. The driveway is to be constructed in accordance with the TSD-R09-v3 of LGAT Standard Drawing, with an increased width of 8m, and to the satisfaction of Council's Director Infrastructure and Development.
- b) the east side boundary fence of 34 Victoria Street, extending level to the front corner of the dwelling, is to be replaced to the satisfaction of Council's Director Infrastructure and Development.

6. LANDSCAPING

Prior to the sealing of the Final Plan (relative to any staging):

- a) all landscaping (street plantings) as identified on the approved engineering drawings are to be selected, located, installed and managed in accordance to the satisfaction of the Director Infrastructure and Development; and
- b) all roadside verges and any other land impacted by infrastructure installation are to be filled/graded to all hard surfaces, finished to a mow-able condition and reseeded with appropriate grass.

At the discretion of Council's Director Infrastructure and Development, and in accordance with the 'policy' Council may accept a bond to allow planting to occur at the most opportune time of the year to ensure survival of the vegetation.

7. CONSTRUCTION DOCUMENTATION

At the time of practical completion of the infrastructure, Council must be provided with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation is to consist of:

- a) An "As Constructed" plan in AutoCAD compatible format (.dwg) and Adobe (.pdf). Provide the following essential information:
 - i. All dimensions, levels and connection details of the Works.
 - ii. All equipment dimensions, connections, etc.
 - iii. Dimensions relative to boundaries for all pipes, pits, manholes, junctions and service connection points, fire plugs, stop valves, etc.
 - iv. Diameter, material, joint type and flow direction.
 - v. Depth of cover for pipes.
 - vi. Surface RLs and invert RLs of all inlet and outlet pipes at all stormwater nodes.
- b) A Closed Circuit Television inspection report for all stormwater mains constructed or incorporated in the works.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

- c) Compaction and soil test results for all earthworks or pavement works.
- d) An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.

8. STAGING

The proposal may be staged with the approval of Council's Town Planner and Director Infrastructure and Development. Prior to the sealing of the Final Plan each lot in a stage all works, including landscaping and servicing, relative to each stage must be completed to the satisfaction of Council's Director Infrastructure and Development.

9. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

Prior to the commencement of works a construction environmental management plan is to be submitted to the satisfaction of the Director Infrastructure and Development. The plan is to include plans and procedures for the management of:

- a) dust;
- b) erosion, including stabilisation of exposed soils within reshaped drains;
- c) soil and water management to minimise discharge of polluted or sediment laden runoff directly or indirectly into Council's drains and watercourses; and
- d) noise,

during construction. The plan is also to include a plan and procedure for receiving and addressing complaints from surrounding land owners. All works are to be undertaken in accordance with the approved soil and water management plan.

10. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, (or sealing of any individual stage), the subdivider must pay to the Council a sum of up to 5% of the value of the newly created lots as determined by a registered land valuer procured at the subdivider's expense (minus any offsets agreed to by condition of this permit) comprised in the Final Plan but excluding road lots, to be determined:

- a) following the completion of all works required by this permit, including but not limited to all private and public infrastructure and landscaping works; and
- b) by a registered land valuer procured at the subdivider's expense.

11. COVENANTS ON SUBDIVISIONS

Covenants or similar restrictive controls must not be included on or otherwise imposed on the titles to the lots created by the subdivision permitted by this permit unless:

- a) such covenants or controls are expressly authorised by the terms of this permit; or
- b) such covenants or similar controls are expressly authorised by the consent in writing of the Council.

12. TRANSFER OF ROAD LOT

ROAD Lot 200 is to be transferred to Council on sealing (the lot is to be directly issued in the name of George Town Council). All costs incurred in the surveying and transfer of the ROAD Lots are to be borne by the subdivider.

13. EASEMENTS

Easements are required over all Council and third-party services located in private property. The minimum width of any easement must be 3 metres for Council (public) stormwater mains. A greater or lesser width may be approved/required in appropriate circumstances.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

14. TASWATER

The development must be in accordance with the Amended Submission to Planning Authority Notice issued by TasWater (TWDA 2022/01510-GTC attached)

15. 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.

16. DEFECT LIABILITY PERIOD

Prior to the sealing of the Plan of Survey, the person responsible must lodge with Council a bond and bank guarantee/cash deposit for the duration of the Defect Liability Period for the amount of 5% of the construction value of the public works.

17. 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 2022/75. 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. This permit takes effect after:
 - i. the 14 day appeal period expires; or
 - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - iii. any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or 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 Tasmanian Civil & Administrative 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 Tasmanian Civil & Administrative Tribunal website www.tascat.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.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

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. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
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.
9. If this development application has been subject to the advertisement process, the applicant is requested to remove any planning advertising signs from the property boundary, and to dispose of it in a thoughtful and sustainable manner.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

8 OFFICE OF GENERAL MANAGER

8.1 COUNCIL WORKSHOPS - FEBRUARY, MARCH AND APRIL 2023

REPORT AUTHOR: General Manager - Mr S. Power
REPORT DATE: 20 April 2023
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 28 FEBRUARY 2023

- Planning and Building Update
- Capital Works Update
- kanamaluka Trail
- BBAMZ Presentation
- Goulburn Street
- Governance Issues
 - Policy Review Update
 - Youth Appreciation
 - Event Invitees
- Councillor/General Manager Discussions

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

Apologies: Director Corporate & Community Services

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

Guests: BBAMZ CEO

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

TUESDAY 14 MARCH 2023

- Unconfirmed Minutes 28 February 2023
- Closure Notice Report
- Discussion with Resident
- Solar Farm Update
- Hillwood crown Land Acquisition discussion
- Anzac Drive Building DA
- NTDC
- Leads Avenue – Removal of Part V Covenant
- Fees and Charges Policy
- Colonial Trail
- Policy Review GTC-27 – Information Disclosure Policy
- By-Laws Update
- LGAT Voting Preferences
- NTDC
- Governance
 - Competitive Neutrality
 - Covid Act – Emergency Cessation
- Councillor/General Manager Discussions

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

Apologies: Cr Jason Orr
Director Corporate & Community Services

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

Guests: Local Resident
Solar Farm Representatives
NTDC Representatives

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

TUESDAY 28 MARCH 2023

- Planning and Building Update
- Capital Works Update
- Agenda Review
 - Merit-based recruitment in Councils
 - Addressing Councillor Misconduct
- Governance Issues
- Councillors/General Manager Discussions

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

Apologies: Cr Tim Harris
Director Corporate & Community Services

In Attendance: General Manager
Director Operational Performance, Strategy and Engagement
Director Infrastructure & Development
Executive Governance & Support Officer

Guests: Nil.

TUESDAY 12 APRIL 2023

- Unconfirmed Minutes 28 March 2023
- Policy Review – GTC 12 – Policy Framework
- Policy Review – GTC 26 – Youth Policy
- Closure Notice
- Loan Council Allocation for 023/2024
- Compliance 2023/2024 Fees and Charges
- Northern Tasmania Sports Facility Plan
- Psych Safety Workshop – Council and Leadership Development
- Governance Issues
 - General Manager's Performance Update
 - Petition
 - Colonial Trail – Update
 - Youth Week Update

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.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

In Attendance: Acting General Manager
Director Operational Performance, Strategy and Engagement
Director Infrastructure & Development
Executive Governance & Support Officer

Guests: LeaderLab representatives

TUESDAY 18 APRIL 2023

- Budget 2023/2024

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

Apologies: Cr Heather Ashley

In Attendance: General Manager
Director Corporate & Community Services
Director Operational Performance, Strategy and Engagement
Director Infrastructure & Development
Executive Governance & Support Officer

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

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 28 February 2023, 14 March 2023, 28 March 2023, 12 April 2023, and 18 April 2023.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

OFFICER'S RECOMMENDATION

That Council receives the report on the Council Workshops held on 28 February 2023, 14 March 2023, 28 March 2023, 12 April 2023, and 18 April 2023.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

8.2 POLICY REVIEW - GTC-12 POLICY GOVERNANCE POLICY

REPORT AUTHOR:	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
REPORT DATE:	17th April 2023
FILE NO:	14.13
ATTACHMENTS:	1. GT C-12 Policy Governance V 1.3 [8.2.1 - 7 pages]

SUMMARY

To submit the George Town GTC-12 Policy Governance Policy (**the Policy**) to Council with a recommendation that the existing Policy – Version 1 be rescinded and replaced by attached version, effective 26th April 2023.

BACKGROUND

It is intended that all Council's existing policies and strategies will be reviewed in relation to their purpose, objective and alignment in accordance with the requirements of Council's GTC-12 Policy Governance Policy.

This brief is in relation to Policy GTC- 12 Policy Governance Policy.

Current version:	Version 1
Date Approved:	17 th December 2019
Minute Reference:	228/19
Procedure:	PR1 – Policy Governance Categorisation and Classification Structure 2019

In 2019 Council Officers proposed a reclassification of the existing policy structures, including reclassifying various policies as either Council (public documents) or General Manager (Internal) policies. A new classification structure, framework and procedure was adopted by Council in 2019, together with a schedule for ongoing reviews of all policies.

The reclassification was only partially applied to various policies and due to the global COVID-19 pandemic, the review schedule was not adhered to.

Due to the above, an in-depth review of the policy structure has been conducted. This review has concentrated on:

- A review of the existing Policy Governance Policy
- The drafting of a new policy framework
- A review of the categorisation and classification structure procedure

STRATEGIC PLAN

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

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Future Direction Four - Leadership and Accountable Governance

1. A culture of engagement and participation
 - i. Trusted, transparent and inclusive community engagement processes.

Future Direction Four - Leadership and Accountable Governance

6. Difficult issues are managed in an open manner without conflict
 - i. Building capacity in change management, understanding and responding to complexity.
 - iii. Communicating well.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

GTC12 Policy Governance Policy
GTC-15 Risk Management

RISK CONSIDERATIONS

The risk involved is low and, in the main, reputational. In order to promote good governance, Council must be seen to be reviewing and maintaining a comprehensive and up to date suite of policies.

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

The Policy Framework was discussed at March Audit panel.
Discussion was also held at the Council Workshop on the 12th of April 2023.

OPTIONS

Council may choose to:

1. Accept the changes to the Policy Governance Policy; or
2. Accept the changes to the Policy Governance Policy with amendment; and
3. Not accept the changes to the Policy Governance Policy

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

OFFICER’S COMMENTS

Due to the in-depth nature of this review, it has been split into sections for ease of reference.

1. Policy Governance Policy review

A tracked changed version of the policy is attached for Council’s consideration and comment. Amendments have been made in order to bring the policy into line with the new proposed Policy Framework and sections updated as required.

2. New Policy Framework

A comprehensive framework has been drafted in order to clarify and maintain the structure, classification and record keeping strategies which surround Council’s policies.

The interactive spreadsheet is designed in order to list all policies, procedures, processes, policy related strategies and frameworks. As per figure 1 below, the front page is designed to show every policy in place within Council and allow the following information to be seen at a glance:

- Policy Classification – This links to the folder which holds all records of that policy.
- Policy Name – this links to the details of the policy within the spreadsheet.
- Directorate – where responsibility for the policy lies.
- Version – the current version number.
- Council/Operational - Whether a policy is Operational or Council implemented.
- Date of implementation of the current version.
- Minute Number: The minute reference for that implementation (if applicable).
- Current Review due date – this column is formatted to turn red should the review be overdue to provide a visual reminder that a review is required.

Policies							
Policy Classification	Name	Directorate	Version	Council/Operational	Date of Implementation current version	Minute Number	Current Review due date
GTC-1	Audio Recording of Council Meetings	Office of the General Manager	5	Council	21/02/2018	023/18	Jul-23
GTC-2	Code for Tenders and Contracts	Corporate & Community	8	Council	28/07/2020	112/20	Mar-22
GTC-3	Councillors Code of Conduct	OPSE	1	Council	28/02/2023	26/23	Jan-24

Figure 1

The spreadsheet has been designed to provide as much information as possible for any Council Officer wishing to review a policy. By following the link to the policy Council Officers will be provided with details as listed above, together with details of all related policies, strategies, procedures, processes, frameworks and any other sub-documents which are required to be reviewed in conjunction with the policy in question. Further details of legislation relevant to that policy are also provided.

This should allow any Council Officer wishing to review a policy the means to easily see all information relevant to it.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

3. Updated Policy Governance Procedure

The original procedure focused solely on Classification and Categorisation of policies.

The Procedure has now been renamed the Policy Governance Procedure and covers a more comprehensive range of procedures in relation to policy governance.

The procedure now provides for:

- Classification of policies and procedures
- Record keeping
- Version control
- Content and Design specifications
- Development of new policies and procedures

The structure originally proposed in 2019, on review, is considered overly complicated and has not been routinely applied.

The procedure has been developed to simplify the categorisation of documents for ease of reference.

The main proposed change is that each policy, whether Council or Operational, is now classified as "GTC-xx". Any new policy will be given the next number in line. No policy number will be re-used if a policy has been rescinded.

OFFICER'S RECOMMENDATION

That Council:

1. Rescind the existing GTC-12 Policy Governance Policy (Minute number 048/19)
2. Adopt the draft GTC-12 Policy Governance Policy version 1.3, effective 26th April 2023
3. Update the Version number to Version 2; and
4. Authorise the General Manager to make the following Minor Amendments:
 - (a) the correction of a minor typographical error; and
 - (b) the update to a Responsible Director where organisational changes have been made which require such an update.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

9 INFRASTRUCTURE AND DEVELOPMENT

Nil.

10 CORPORATE AND COMMUNITY

10.1 LOAN COUNCIL ALLOCATION FOR 2023/2024

REPORT AUTHOR:	Director Corporate & Community - Ms C. Hyde
REPORT DATE:	18 April 2023
FILE NO:	32.20
ATTACHMENTS:	Nil

REASON

The purpose of this brief is to provide Elected Members with review of loan borrowings for 2023/2024.

BACKGROUND

Each year the Council is required to seek Treasury approval for its borrowing intentions. Council is restricted in its capacity to borrow funds by sections 78 and 80 of the Local Government Act 1993.

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
 - iv. Understanding processes and participating in decision making.

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.

Future Direction Four - Leadership and Accountable Governance

6. Difficult issues are managed in an open manner without conflict
 - iii. Communicating well.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The following sections of the Local Government Act 1993, regulate Council's borrowing activities.

78. Borrowings

(1) A council, for the purpose of raising a loan or obtaining any form of financial accommodation, may decide by an absolute majority to provide any of the following forms of security:

- (a) debentures;*
- (b) bills of sale, mortgages or other charges;*
- (c) inscribed stock;*
- (d) guarantees;*
- (e) any other document evidencing indebtedness other than bearer instruments.*

(2) A council may not raise a loan in any financial year exceeding any amount the Treasurer determines for that financial year.

*(3) In this section, **loan** includes any financing arrangement as determined by the Treasurer.*

80. Limit on borrowing

(1) Except with the approval of the Minister, a council may not borrow additional money for any purpose if the annual payments required to service the total borrowings would exceed 30% of its revenue of the preceding financial year.

(2) Grants made to a council for specific purposes are to be excluded in calculating 30% of revenue of the council.

RISK CONSIDERATIONS

In considering Councils, debt position the following should be considered.

Net financial liabilities is an indicator of the level of debt being managed. If the net financial liabilities ratio is positive, Council has no "net debt". If it is negative then the council will be managing some level of debt.

	Description	Indicator Results
Net financial liabilities	Liquid assets less total liabilities	Net financial liabilities equals total liabilities less financial assets.
Net financial liabilities ratio	Liquid assets less total liabilities/Total operating revenue	Where the value is falling over time Council's capacity to meet its financial obligations from operating income is improving.

Aims and Targets (from Council's Financial Strategy)

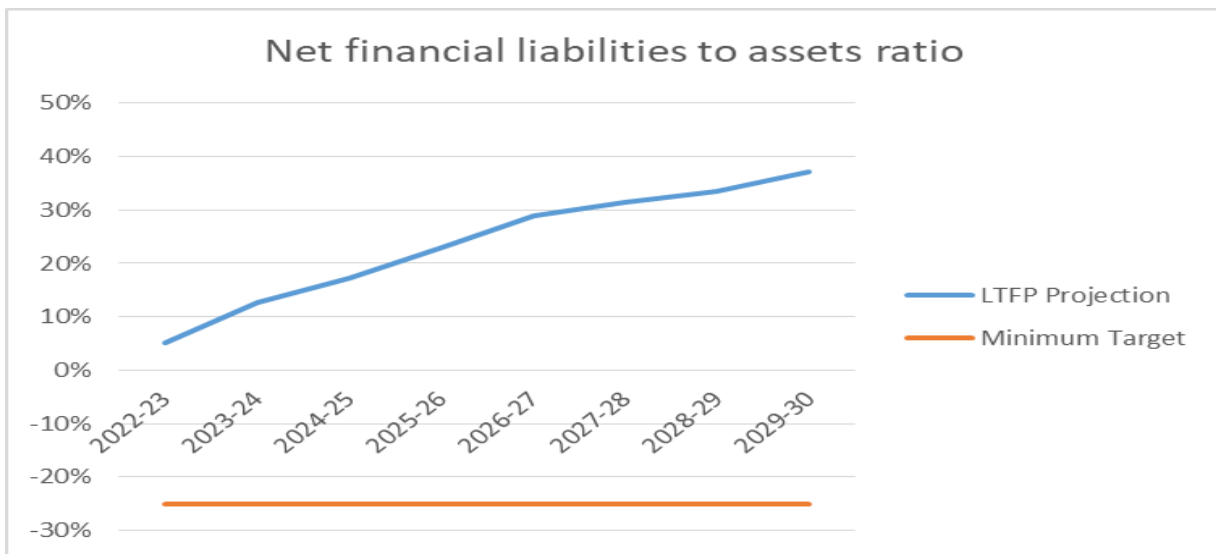
Performance measure	Net financial liabilities ratio
Performance calculation	Liquid assets less total liabilities/Total operating revenue
Aim	Between 0 and negative 50%
Target	Negative 25% (assumes a level of modest debt).

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Council's net financial liabilities ratio as estimated based on the assumptions made in the Long Term Financial Plan are included in the graph below.

Comment from the current Long Term Financial Plan

The net financial liabilities ratio remains within the target set (0% to negative 25%) in the financial strategy. From 2022 the target is exceeded as cash balances increase and loans are paid down. Any new borrowings within the timeframe of the long term financial plan will impact on the ratio going forward.



FINANCIAL IMPLICATIONS

Any new borrowings will impact on the financial position of Council in line with repayments and interest charges.

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

Consultation is limited to Council Workshops only.

OPTIONS

Council may choose to:

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

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

OFFICER'S COMMENTS

On reviewing the long-term financial plan and considering the timing of current and proposed capital works projects for 2023/2024, there does not seem to be any indication that new borrowings over and above those already existing will be required for the 2023/2024 financial year.

OFFICER'S RECOMMENDATION

That Council:

1. Authorises the General Manager to advise Treasury that no further borrowings are required by George Town Council for the 2023/2024 financial year.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

10.2 GEORGE TOWN COUNCIL AUDIT PANEL COMMITTEE MINUTES 12 JANUARY 2023

REPORT AUTHOR:	Director Corporate and Community – Cheryl Hyde
REPORT DATE:	22/6/22
FILE NO:	29.11
ATTACHMENTS:	1. 2023 01 12 Confirmed Audit Panel Minutes [10.2.3 - 4 pages]

SUMMARY

This report is to provide Council with a copy of the confirmed Audit Panel Minutes from the meeting dated 12 January 2023, in accordance with the George Town Council Audit Panel Charter.

BACKGROUND

George Town Council Audit Panel meets quarterly to consider reports presented by Council Officers in line with the adopted and Council endorsed Audit Panel Annual Work Plan. In accordance with the George Town Council Audit Panel Charter, meeting minutes of the Audit Panel are to be presented to Council at an ordinary Council meeting.

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
 - iv. Understanding processes and participating in decision making.

Future Direction Four - Leadership and Accountable Governance

4. Positive and productive working relationship with all levels of government and their agencies
 - ii. Understanding the outcomes and directions sought by all levels of government.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The Local Government Act 1993.
The Local Government (Audit Panels) Order 2014 Statutory Rules 2014.
George Town Audit Panel Charter.

RISK CONSIDERATIONS

No risks identified.

FINANCIAL IMPLICATIONS

Costs associated with the Audit Panel are included in the operational budget of Council.

CONSULTATION

The minutes are confirmed by the Audit Panel Committee on Thursday 30 March 2023.

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

Nil.

OFFICER'S RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Audit Panel meeting held on 12 January 2023 as an accurate record of that meeting.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT

11.1 COMPLIANCE 2023/2024 FEES AND CHARGES

REPORT AUTHOR:	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
REPORT DATE:	17th April 2023
FILE NO:	45.24
ATTACHMENTS:	Nil

SUMMARY

This report recommends the rate at which Environmental Health fees and charges and Dog Registration and Management fees and charges are to be set for the budget year 2023/2024.

BACKGROUND

Environmental Health

This report recommends the rate at which Environmental Health fees and charges are to be set for the budget year 2023/2024. The Food Business Registration Program operates from 1 July to 30 June each year. The proposed schedule for fees and charges is being brought before Council for approval to enable the new fees and charges to take effect at the commencement of the Food Business Registration Program.

The Council every year as a part of its budget deliberations sets its fees and charges for several functions. These fees reflect Council's desire to maintain a system of fees and charges based on the user pays principle while also recognising the community service obligation inherent in Environmental Health regulatory functions. The recommended schedule of fees and charges forms part of this report.

Dog Registration and Management

This report also provides Council with the proposed dog registration and management fees for the 2023/2024 financial year.

Council has authority under the *Dog Control Act 2000* to determine the fees payable for dog registrations and management. The *Local Government (Rates and Charges) Remission Act 1991* provides Council with the ability to provide a reduction in fees to some members of the community who meet the relevant requirement.

Dog registration fees are set earlier than other Council fees in order to allow Council time to issue registration notices and to provide opportunity for owners of dogs to re-register their dogs prior to the start of the new financial year.

The proposed fees and charges suggest an increase in fees and charges of 8.11%.

Council's current fee structure provides a financial incentive for early payment of fees by a lower fee for registration of dogs prior to 30th June 2023.

STRATEGIC PLAN

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

Future Direction One - Community Pride

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

Future Direction One - Community Pride

3. A strong, recognisable, positive reputation
 - ii. Branding our produce and products.

Future Direction One - Community Pride

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

Future Direction Two - Prosperity for All in All Aspects of Life

12. Protected local natural landscapes and values
 - i. Caring for our environment.

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.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Section 205 of the Local Government Act 1993 as amended states:

205. (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;*
 - (d) providing information or materials, or providing copies of, or extracts from, records of the council;*
 - (e) any application to the council;*
 - (f) any license, 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 8(1) of the *Dog Control Act 2000* states:

- 8. (1)** *The owner of a dog that is over the age of 6 months must register the dog.*

Section 15A(1) of the *Dog Control Act 2000* states:

15A. Implanting of microchips

- (1)** *The owner of a dog that is over 6 months of age must ensure that the dog is implanted in an approved manner with an approved microchip.*

Section 80 of the *Dog Control Act 2000* states:

80 Fees

- (1)** *A council may determine any fees payable under this Act*
- (2)** *A general manager may –*
- (a) waive a fee; or*
 - (b) refund part or all of a fee; or*
 - (c) discount a fee.*

RISK CONSIDERATIONS

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

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

A failure to implement a fee schedule is identified as a medium risk as it would have a negative budgetary impact on Council.

Implementation of a fee structure will mitigate this risk.

FINANCIAL IMPLICATIONS

It is prudent for Council to review its Environmental Health fees and charges each year to ensure that they are appropriate. Council needs to ensure that the services provided by Council do not have a negative budgetary impact.

Council currently provides the community with an 'out of hours' animal management service which requires Council's Community Compliance Officer to be on-call for emergencies and dangerous situations.

While predominantly focused on Animal Management, it should be noted that the duties associated with the Council Community Compliance Officer position provides other economic and community benefits which are not reflected in the revenue collected and would be an additional expense to Council and likely to be detrimental to the community should that service cease. A Regulatory Charter is currently being drafted and will be brought before Council in the near future which will set service standards and clarify what the community can expect when making complaints to Council in relation to issues of Community Compliance and Environment Health.

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

Council's Environmental Health and Dog Registration and Animal Management fees are set annually as part of the budget process. Any submissions received by Council in relation to Environmental Health fees and charges are considered during this process.

OPTIONS

Council may choose to:

1. Support the proposed fees and charges as presented; or
2. Support the proposed fees and charges with amendment; or
3. Not support the proposed fees and charges.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

OFFICER'S COMMENTS

Environmental Health

Facility or Service	Fee Description	GST Inc.	2021/22 Fees	2022/23 Fees	Proposed 2023/24 Fees
Environmental Health					
Food Business Inspection	Additional inspection where initial inspection has failed	N	\$151	\$160	\$180 (per inspection)
Food Business Notification	Notification Only	N	\$15	\$16	\$20
Food Business Registration (incl. state wide)	Low Risk premises [1]	N	\$151	\$160	\$160
Food Business Registration (incl. state wide)	Medium Risk premises [2]	N	\$292	\$309	\$309
Food Business Registration (incl. state wide)	High Risk premises [3]	N	\$292	\$309	\$309
Food Business Registration (incl. state wide)	Late fee	N			Standard fee above + \$50
*Food Business Registration (incl. state wide) – New Business (Dec-June)	Low Risk premises [1]	N			\$80
*Food Business Registration (incl. state wide) New Business (Dec-June)	Medium Risk premises [2]	N			\$150
*Food Business Registration (incl. state wide) New Business (Dec-June)	High Risk Premises [3]	N			\$150
Food Business Registration** (sporting clubs where facility is not used on a permanent basis)	3 months	N	\$52	\$55	\$55
	6 months	N	\$94	\$100	\$110
	12 months	N	\$188	\$199	\$200
Food Business Registration	Temporary Food (non-commercial/charity) (fee waived if application received more than 7 days prior to event)	N	\$33 (waived for NFP groups as in kind support if submitted at least 7 days prior)	\$35 (waived for NFP groups as in kind support if submitted at least 7 days prior)	\$40
Water and Food Sampling	Food Sampling	Y	\$126	\$134	Laboratory fees plus 10%

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

On-site Wastewater Management System Design Assessment	Subdivision assessment (1 lot)	Y	\$323	\$342	\$350 + \$50 per additional lot
On-site Wastewater Management System Inspection	Reinspection due to incomplete or faulty work	Y	\$151	\$160	\$180 per inspection
Water Supply Registration - Water carters Food premises Tourist accommodation	Registration as a supplier of bulk potable water, or water from a private source (other than from Tas water). Includes registration, inspection, and water sample on costs.	N	\$151	\$160	\$165 per vehicle/tanker \$165 per food premises \$165 per tourist accommodation site
Public Health	Place of Assembly License (new or renewal)	N	\$151 (waived for NFP groups as in kind support)	\$160 (waived for NFP groups as in kind support)	\$170
Public Health	Registration of premises for public health risk activity (e.g. skin penetration)	N	\$151	\$160	\$165
Public Health	Registration of a Regulated System (e.g. cooling towers)	N	\$151	\$160	\$170
***Pre-purchase	Inspection of Food Business	Y			\$180

Public Health – notes:

- [1] Premises are ranked in accordance with a Risk Classifications System, low risk includes cafes.
- [2] Premises are ranked in accordance with a Risk Classifications System, medium risk includes restaurants.
- [3] Premises are ranked in accordance with a Risk Classifications System, high risk includes nursing homes.

Registrations of less than a year - Fee may be reduced by 6% per month for registrations less than 12 months.

Refunding fees where business changes hands or closes – Calculate refunds at 6% per month of balance of registration period.

*Food Business Registration (incl. statewide) – New business (Dec- June)

** (sporting clubs where facility is not used on a permanent basis) – provides clearer definition to staged fee.

*** New. Covers off on fee where pre-purchase inspection of a food business is requested.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Dog Registration fees

A comparison of the fees charged by West Tamar Council and Launceston City Council are also provided in the below table for elected members' information.

1. Re-registration of dog on or before 30th June 2023 or first registration of dog reaching the age of 6 months

	Fee 2022/2023	WTC	LCC	Proposed fee 2023/2024
Whole Dog	\$55	\$62	\$64	\$60
Desexed Dog	\$27	\$27	\$22	\$29
Pensioner Concession – Whole Dog	\$27	\$21	\$22	\$29
Pensioner Concession – Desexed Dog	\$17	\$21	\$22	\$18
Working Dog	\$27	\$32	\$22	\$29
Registered Breeding Dog	\$27	\$32	\$22	\$29
Greyhounds Registered	\$27	\$32	\$22	\$29
Guide Dog	Exempt	Exempt	Exempt	Exempt
Companion Dog	Exempt	Exempt	Exempt	Exempt
Guard Dog	\$110	\$112	\$65	\$119
Dangerous Dog	\$472	\$371	\$568	\$510

2. Re-Registration of dog after 30 June 2023

	Fee 2022/2023	WTC	LCC	Proposed fee 2023/2024
Whole Dog	\$78	\$84		\$84
Desexed Dog	\$35	\$38		\$38
Pensioner Concession – Whole Dog	\$29	\$26		\$31
Pensioner Concession – Desexed Dog	\$18	\$26		\$19
Working Dog	\$35	\$51	\$22	\$38
Registered Breeding Dog	\$35	\$51	\$22	\$38
Greyhounds Registered	\$35	\$51	\$22	\$38
Guide Dog	Exempt	Exempt	Exempt	Exempt
Companion Dog	Exempt	Exempt	Exempt	Exempt
Guard Dog	\$153	\$166		\$165
Dangerous Dog	\$506	\$487		\$547
Lifetime Registration – Whole	\$273	N/A	N/A	\$295
Lifetime Registration – Desexed	\$137	N/A	N/A	\$148

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Lifetime Registration – Pensioner Concession Whole Dog	\$136	N/A	N/A	\$147
Lifetime Registration – Pensioner Concession Desexed Dog	\$70	N/A	N/A	\$76
Transfer Registration dog registered in other Tasmanian Council	\$11	N/A	N/A	\$12

Rules for Lifetime registration – no refunds given for deceased dogs

Rules for Lifetime registration – no refunds given for transfer to other Local Government Areas

3. Miscellaneous fees

	Fee 2022/2023	WTC	LCC	Proposed fee 2023/2024
Replacement registration tag	\$11	\$2	\$6	\$12
Fee for notice of complaint	\$28	\$28	\$31	\$30
Annual renewal of Kennel licence	\$27	\$56	\$75	\$29
Kennel licence – 3 to 5 dogs	\$82	\$135	\$134	\$89
Kennel licence – more than 5 dogs	\$120	\$149 plus \$17 per dog over 4 dogs	\$134	\$130
Declared dangerous dog	\$487	\$487	\$577	\$510
Dangerous dog sign, collar, etc.	\$115	Cost plus 10%	\$93 for sign \$62 for collar	\$124
Surrendered Dog	\$105	\$112	\$56	\$113
Microchip booked through Council	\$50	\$88	N/A	\$58

4. Impounding/Release fees

	Fee 2022/2023	WTC	LCC	Proposed fee 2023/2024
Pound maintenance charge per dog per day	\$47	\$36	\$33	\$51
Dog release for 1 st seizure of dog	\$70	\$66	\$34	\$75
Dog release for 2 nd & subsequent seizure of dog	\$173	\$177	\$78	\$187
Microchip required prior to release when found at large without chip	\$75	As per normal fee	N/A	\$83

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Launceston City Council also have Fire Abatement / Weed Hazards / Abandoned vehicles charged at cost plus \$109

West Tamar Council have Fire Abatement, etc. charged at cost plus \$202, and vehicles charged at \$154 per week plus the cost to tow vehicle.

OFFICER'S RECOMMENDATION

That Council:

1. adopt the below Environmental Health fees and charges for the 2023/2024 financial year; and
2. adopt the below Dog Registration and Management fees and charges for the 2023/2024 financial year.

Environmental Health

Facility or Service	Fee Description	GST Inc.	2021/22 Fees	2022/23 Fees	Proposed 2023/24 Fees
Environmental Health					
Food Business Inspection	Additional inspection where initial inspection has failed	N	\$151	\$160	\$180 (per inspection)
Food Business Notification	Notification Only	N	\$15	\$16	\$20
Food Business Registration (incl. state wide)	Low Risk premises [1]	N	\$151	\$160	\$160
Food Business Registration (incl. state wide)	Medium Risk premises [2]	N	\$292	\$309	\$309
Food Business Registration (incl. state wide)	High Risk premises [3]	N	\$292	\$309	\$309
Food Business Registration (incl. state wide)	Late fee	N			Standard fee above + \$50
*Food Business Registration (incl. state wide) – New Business (Dec-June)	Low Risk premises [1]	N			\$80
*Food Business Registration (incl. state wide) New Business (Dec-June)	Medium Risk premises [2]	N			\$150
*Food Business Registration (incl. state wide) New Business (Dec-June)	High Risk Premises [3]	N			\$150
Food Business Registration** (sporting clubs)	3 months	N	\$52	\$55	\$55

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

where facility is not used on a permanent basis)					
	6 months	N	\$94	\$100	\$110
	12 months	N	\$188	\$199	\$200
Food Business Registration	Temporary Food (non-commercial/charity) (fee waived if application received more than 7 days prior to event)	N	\$33 (waived for NFP groups as in kind support if submitted at least 7 days prior)	\$35 (waived for NFP groups as in kind support if submitted at least 7 days prior)	\$40
Water and Food Sampling	Food Sampling [4]	Y	\$126	\$134	Laboratory fees plus 10%
On-site Wastewater Management System Design Assessment	Subdivision assessment (1 lot)	Y	\$323	\$342	\$350 + \$50 per additional lot
On-site Wastewater Management System Inspection	Reinspection due to incomplete or faulty work	Y	\$151	\$160	\$180 per inspection
Water Supply Registration - Water carters Food premises Tourist accommodation	Registration as a supplier of bulk potable water, or water from a private source (other than from Tas water). Includes registration, inspection, and water sample on costs.	N	\$151	\$160	\$165 per vehicle/tanker \$165 per food premises \$165 per tourist accommodation site
Public Health	Place of Assembly License (new or renewal)	N	\$151 (waived for NFP groups as in kind support)	\$160 (waived for NFP groups as in kind support)	\$170
Public Health	Registration of premises for public health risk activity (e.g. skin penetration)	N	\$151	\$160	\$165
Public Health	Registration of a Regulated System (e.g. cooling towers)	N	\$151	\$160	\$170
***Pre-purchase	Inspection of Food Business	Y			\$180

Public Health – notes:

- [1] Premises are ranked in accordance with a Risk Classifications System, low risk includes cafes.
- [2] Premises are ranked in accordance with a Risk Classifications System, medium risk includes restaurants.
- [3] Premises are ranked in accordance with a Risk Classifications System, high risk includes nursing homes.

Registrations of less than a year - Fee may be reduced by 6% per month for registrations less than 12 months.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

Refunding fees where business changes hands or closes – Calculate refunds at 6% per month of balance of registration period.

*Food Business Registration (incl. statewide) – New business (Dec- June)

** (sporting clubs where facility is not used on a permanent basis) – provides clearer definition to staged fee.

*** New. Covers off on fee where pre-purchase inspection of a food business is requested.

Dog Registration fees

1. Re-registration of dog on or before 30th June 2023 or first registration of dog reaching the age of 6 months

	Fee 2022/2023	Proposed fee 2023/2024
Whole Dog	\$55	\$60
Desexed Dog	\$27	\$29
Pensioner Concession – Whole Dog	\$27	\$29
Pensioner Concession – Desexed Dog	\$17	\$18
Working Dog	\$27	\$29
Registered Breeding Dog	\$27	\$29
Greyhounds Registered	\$27	\$29
Guide Dog	Exempt	Exempt
Companion Dog	Exempt	Exempt
Guard Dog	\$110	\$119
Dangerous Dog	\$472	\$510

2. Re-Registration of dog after 30 June 2023

	Fee 2022/2023	Proposed fee 2023/2024
Whole Dog	\$78	\$84
Desexed Dog	\$35	\$38
Pensioner Concession – Whole Dog	\$29	\$31
Pensioner Concession – Desexed Dog	\$18	\$19
Working Dog	\$35	\$38
Registered Breeding Dog	\$35	\$38
Greyhounds Registered	\$35	\$38
Guide Dog	Exempt	Exempt
Companion Dog	Exempt	Exempt
Guard Dog	\$153	\$165
Dangerous Dog	\$506	\$547

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Lifetime Registration – Whole	\$273	\$295
Lifetime Registration – Desexed	\$137	\$148
Lifetime Registration – Pensioner Concession Whole Dog	\$136	\$147
Lifetime Registration – Pensioner Concession Desexed Dog	\$70	\$76
Transfer Registration dog registered in other Tasmanian Council	\$11	\$12

Rules for Lifetime registration – no refunds given for deceased dogs

Rules for Lifetime registration – no refunds given for transfer to other Local Government Areas

3. Miscellaneous fees

	Fee 2022/2023	Proposed fee 2023/2024
Replacement registration tag	\$11	\$12
Fee for notice of complaint	\$28	\$30
Annual renewal of Kennel licence	\$27	\$29
Kennel licence – 3 to 5 dogs	\$82	\$89
Kennel licence – more than 5 dogs	\$120	\$130
Declared dangerous dog	\$487	\$510
Dangerous dog sign, collar, etc.	\$115	\$124
Surrendered Dog	\$105	\$113
Microchip booked through Council	\$50	\$58

4. Impounding/Release fees

	Fee 2022/2023	Proposed fee 2023/2024
Pound maintenance charge per dog per day	\$47	\$51
Dog release for 1 st seizure of dog	\$70	\$75
Dog release for 2 nd & subsequent seizure of dog	\$173	\$187

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

Microchip required prior to release when found at large without chip	\$75	\$83
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DECISION

Moved:

Seconded:

VOTING

For:

Against:

11.2 POLICY REVIEW - GTC-26 YOUTH POLICY

REPORT AUTHOR:	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
REPORT DATE:	17th April 2023
FILE NO:	21.12, 14.12
ATTACHMENTS:	1. GTC-26 Youth Policy V 1.2 [11.2.1 - 16 pages] 2. Submission 1 [11.2.2 - 1 page] 3. Submission 2 [11.2.3 - 2 pages]

SUMMARY

To submit the George Town GTC-26 Youth Policy - Version 1.2 (**the Policy**) to Council with a recommendation that the existing Policy – Version 1 be rescinded and replaced by the draft GTC-26 Youth Policy Version 2 effective 26th April 2023.

BACKGROUND

The proposed GTC-26 Youth Policy V1.1 was tabled for discussion at the Council Workshop on 17 January 2023.

Following discussion, the proposed Policy was put out for community consultation from Thursday 23rd February 2023 to close of business on Thursday 23rd March 2023.

Council has received two submissions in relation to the Youth Policy.

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.
 - vi. Encouraging volunteering across all ages.
 - vii. Building community pride in our young people.

Future Direction Two - Prosperity for All in All Aspects of Life

2. Employability skills in young people
 - i. Building understanding of work and working.
 - ii. Building the employability skills of young people.
-

Future Direction Three - Progressive Well-Resourced Communities

3. Social infrastructure meets community needs
 - ii. Responding to the needs of young people.

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.
 - iii. Including young people in all engagement.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

GTC-12 Policy Development, Approval and Review Policy

RISK CONSIDERATIONS

The current Youth Policy would not be considered as adequate. The risk level would be considered moderate as the current Youth Policy could expose Council to both reputational and legal risk if its adequacy is not addressed.

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

The policy was sent out for community consultation for the period Thursday 23rd February 2023 to close of business on Thursday 23rd March 2023.

Consultation was also held at Council Workshops on the 17th of January and 12th of April 2023.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

OPTIONS

Council may choose to:

1. Adopt draft Policy V1.2
2. Adopt draft Policy V1.2 with amendment

3. Not adopt draft Policy V1.2

OFFICER'S COMMENTS

Council Officers have reviewed the policy and the submissions.

The first submission lists a number of suggestions in relation to the policy. Council officers have reviewed the submissions in conjunction with the policy and have made some changes in line with the suggestions.

The submission makes some comments regarding the lack of the term “bullying” in the list of unacceptable behaviours, or a definition of the term and states it is “a little understood term and needs to be clarified in relation to this policy”. Council officers advise that the words “bullying” or “bully” do not appear in this policy specifically for the reason that the term has a broad meaning and can be interpreted differently. Council officers have instead opted to use more specific phrases (e.g. physical violence, verbal abuse and threats of violence, disruptive behaviour, discriminatory behaviour) all of which could fall under the banner of “bullying” but provide a much clearer understanding of the types of behaviour which are considered unacceptable in this policy.

The first submission also points to a lack of a reference to local support services provided by the Department for Children and Young People (DECYP) such as school Social Workers and Psychologists. Council staff are not able to refer children to or utilise these services. The information provided on the DECYP website advises that access to the school social workers is by referral by teaching or senior staff, guardians, and in some cases by self-referral by the student and as such no changes have been made to the Policy in relation to this.

The second submission was received in response to Council officers contacting the Office of the Commissioner for Children and Young People. The Senior Policy and Engagement Officer provided details of some of its policies which may be of use to Council but also noted that these policies are currently under review.

The Policy has been updated to include reference to the Commissioner’s website and the Victorian CCYP Empowerment and Participation Guide in the references and legislation section.

As the Office of the Commissioner for Children and Young People is currently reviewing its policies, this Policy will be reviewed in 12 months.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

OFFICER'S RECOMMENDATION

That Council:

1. Rescind the existing GTC-26 Youth Policy Version 1 (minute number 121/04);
2. Adopts the draft version 1.2 as GTC-26 Youth Policy Version 2, effective 26th April 2023 with an initial review date of April 2024.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

12 MAYOR

12.1 MATTERS OF INVOLVEMENT - MAYOR

REPORT DATE: 20 April 2023

FILE NO: 14.11

Mayor Cr Greg Kieser		
<i>March</i>	23	Presided over Citizenship Ceremony as part of Harmony Week at the Low Head Community Garden
	28	Chaired Council Workshop
	28	Chaired Ordinary Council meeting
	30	Met with local resident
	30	Attended Audit Panel meeting
	30	Met with Beechford Progress Association
	30	Presented with General Manager at Council Roadshow – George Town
<i>April</i>	5	Attended NTDC Board meeting
	12	Chaired Council Workshop (part of)
	18	Attended Budget Workshop (part of)
	18	Attended NTDC Board Meeting
	19	Guest Speaker at the Tamar Valley Leaders lunch
Deputy Mayor Cr Greg Dawson		
<i>April</i>	12	Chaired Council Workshop (part of)

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

For:

Against:

13 PETITIONS

13.1 PETITION - HEALTHY GEORGE TOWN

REPORT AUTHOR:	General Manager - Mr S. Power
REPORT DATE:	17 April 2023
FILE NO:	14.15
ATTACHMENTS:	1. Healthy George Town Petition [13.1.1 - 2 pages]

SUMMARY

The purpose of this report is to table the Petition received by Council on the 28 March 2023 regarding the Healthy George Town Program requesting Council support to continue the program from 1 July 2023 and beyond.

BACKGROUND

The General Manager conducted a preliminary review of the petition emailed to the Mayor Greg Kieser on the 28th March 2023.

The request of the petition is as follows:

“We the signatories below request that George Town Council continues the Healthy George Town Program in particular the Aqua Fitness classes from 1 July 2023 and beyond.”

The petition meets the basic requirements of the *Local Government Act 1993, Part 6, Division 1, Petitions, Section 57*, on the assumption that a petition signatory completed address meant as the suburb of residence ‘George Town’, which was absent.

As the petition does not seek a public meeting, it is not relevant if it complies with Section 59 of the Act.

A check of the signatures against the General Managers roll is not required as no action has been sort under Section 59.

A check of signatories does not indicate any duplicated signatures.

There are 61 signatories to the petition.

STRATEGIC PLAN

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

Future Direction Two - Prosperity for All in All Aspects of Life

11. Healthy, active communities

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

- i. Knowing how to stay healthy and active and valuing good health outcomes. Eating well, active living, preventative health approaches.
- ii. Getting and staying active. Participation in recreation, arts and cultural activities.

Future Direction Four - Leadership and Accountable Governance

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

ACTIONS TAKEN TO DATE:

In accordance with the *Local Government Act 1993, Part 6, Division 1, Petitions, Section 58, Paragraph (2)*, the petition is being tabled by the General Manager at the next ordinary meeting of the George Town Council, dated the 26 April 2023.

In accordance with the *Local Government Act 1993, Part 6, Division 1, Petitions, Section 60, Paragraph (1), sub-para (b)* The General Manager is to notify the person presenting the petition of when Council is to consider the petition, and in accordance with Paragraph (2), sub-para (a) and (b), within 42 days of tabling the petition, present the petition for consideration by Council to make a determination on any actions it might take regarding the petition.

OFFICER'S COMMENTS

The Council aqua fitness classes were run as part of the Healthy George Town Program which was grant funded but during 2022/2023 financial year it was funded by Council. The summer program for Healthy George Town included aqua fitness classes offered at the George Town swimming pool.

Legislative requirements of the petition have been met except for consideration by the George Town Council. It is a requirement of this meeting that the nature of the Petition be considered and action determined.

Council can consider this request during the 2023/2024 budget process or another action as determined by Council.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

OFFICER'S RECOMMENDATION

That Council:

1. Acknowledges the petition on the continuation of the Healthy George Town Program;
and
2. Considers the request for the continuation of the Healthy George Town Program
through the 2023/2024 financial year budget process.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

14 NOTICES OF MOTIONS

14.1 MT GEORGE SEMAPHORE AND MAST - LEASE

Moved: Cr Barwick

That Council authorise the General Manager to organise a lease agreement with Crown Land Services over Mt. George Semaphore site.

Reason:

Meeting Regulations 19 (1) (a)

It is my belief that the previous vote may not have accurately reflected the opinion held by the meeting due to the misunderstanding of the motion or for some other reason.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

14.2 MT GEORGE SEMAPHORE AND MAST - REPAIRS

Moved: Cr Barwick

That Council authorise the General Manager to get quotes for the repairs to the Semaphore Mast and steel Flag Mast while still standing on Mt. George.

Reason:

The General Manager has the approval from the Crown to go on the site seeking quotes while the items are standing on the site.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

15.1 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

Ordinary Council Meeting 28 March 2023

Cr Barwick

Q4. Hillwood Speakers for the Hillwood Hall

The Hillwood Progress Association has requested that the speakers for the Hillwood Hall be installed by Anzac Day. When will they go up?

The question was taken on notice.

Response

The speakers for the Hillwood Hall have been installed prior to Anzac Day.

Ordinary Council Meeting 26 April 2023

Cr Barwick

Question 1

Can you please advise when the Senior Exercise Equipment that was removed from Regent Square, will be returned to where it was removed?

n.b (Our last discussion General Manager you said Council could not afford to purchase new exercise equipment for Regent Square and the Senior Exercise Equipment would be reinstated.)

Response

Council commissioned a condition assessment of the Senior's exercise equipment which was provided at the 26 July 2022 Ordinary Council meeting recommending replacement of the equipment rather than reinstatement. Given budget constraints, officers will commission a second assessment and obtain quotes for repair and installation for Council consideration.

Question 2

Can you please give me a copy of the last Audit panel agenda?
I also request a copy of future agendas and the minutes of each meetings.

Response

Copies are available on the Councillors intranet. Hard copies will be provided to you also.

Question 3

I would request an Updated Road map of the George Town Municipality?

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

The last map was a google map and way out of date.

Response

An updated road map of the George Town municipality will be provided.

Question 4

Can I please have a copy of the quote received by Council for the repainting of the Water Tower?

Response

A hard copy of the quote has been provided to Cr Barwick which is not for public distribution.

Question 5

Does council include 10% contingency in all quotes it tenders out?

Response

It is industry practice that a contingency be allocated for large projects for which Council receives tenders. Contingency amounts vary according to project risk and scale. For those projects that require Council approval, an appropriate contingency percentage will be presented in the report for Council's approval.

Question 6

I asked a question what cost to Council was the transfer of the RSL Building on Anzac Drive. I am still waiting for the answer.

Response

A hard copy of the breakdown of costs for the purchase of the Anzac Drive building has been provided which is not for public distribution.

Question 7

As the Artisan Building is now open for business Can you advise who is staffing the site, and who is on the committee of management?

Response

The Artisan Building is not yet open, once open it will be staffed by members and volunteers on roster. Committee consists of Cheryl Hyde (Council Representative), Susan Long, Jo Hart, Steven Trimen, Mark Hoban, Kaija Kautto (Member representatives).

16 COUNCIL COMMITTEE REPORTS

16.1 PLACEMAKING COMMITTEE MINUTES - OCTOBER 2022

REPORT AUTHOR:	General Manager - Mr S. Power
REPORT DATE:	18 April 2023
FILE NO:	14.7
ATTACHMENTS:	1. Placemaking Minutes october 22 Confirmed minutes [16.1.1 - 2 pages]

SUMMARY

The purpose of this report is to provide information to Council on the confirmed Minutes and from the Placemaking Committee for receiving and noting.

BACKGROUND

The Placemaking Committee met on 14 April 2023 and accepted the Minutes as a true and accurate record of the meeting held on 3 October 2022.

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
 - ii. Maintaining public spaces so they are clean, tidy and appealing.
 - iii. Developing well-designed public spaces which are attractive, safe and support the area's identity and reputation.

Future Direction One - Community Pride

3. A strong, recognisable, positive reputation
 - iii. Promoting the area as the place to live, work, play and invest.

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

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

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

FINANCIAL IMPLICATIONS

There are no identified financial implications.

CONSULTATION

The Minutes were discussed at the Placemaking Committee meeting held on 14 April 2023.

OPTIONS

That Council:

1. Receives the Minutes of the Placemaking Committee held on 3 October 2022; or
2. Does not receive the Minutes of the Placemaking Committee held on 3 October, 2022.

OFFICER'S COMMENTS

Nil.

OFFICER'S RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the Placemaking Committee meeting held on 3 October 2022 as an accurate record of that meeting.

**George Town Council
2023 04 26 Ordinary Council Meeting
Agenda**

DECISION

Moved:

Seconded:

VOTING

For:

Against:

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

16.2 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE MINUTES - DECEMBER 2022

REPORT AUTHOR:	General Manager - Mr S. Power
REPORT DATE:	20th April 2023
FILE NO:	14.7
ATTACHMENTS:	1. 2022 12 06 George Town Safety Group Confirmed Minutes final [16.2.1 - 7 pages]

SUMMARY

The purpose of this report is to provide information to Council on the confirmed Minutes and from the George Town Community Safety Group Committee for receiving and noting.

BACKGROUND

The George Town Community Safety Group Committee met on 4 April 2023 and accepted the Minutes as a true and accurate record of the meeting held on 6 December 2022.

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.
 - ii. Making George Town drug free with no crime.
 - iii. Developing a plan to end domestic, family and sexual violence.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

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.

George Town Council
2023 04 26 Ordinary Council Meeting
Agenda

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 April 2023.

OPTIONS

That Council:

1. Receives the Minutes of the George Town Community Safety Group Committee held on 6 December 2022; or
2. Does not receive the Minutes of the George Town Community Safety Group Committee held on 6 December 2022.

OFFICER'S COMMENTS

Nil.

OFFICER'S RECOMMENDATION

That Council:

1. Receives and notes the Minutes of the George Town Community Safety Group Committee meeting held on 6 December 2022 as an accurate record of that meeting.

DECISION

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:

Agenda Item 17.2 Minutes of the Closed Ordinary Council Meeting held on 28 March 2023

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

Agenda Item 17.3 Closure Notice

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

DECISION

Moved:

Seconded:

VOTING

For:

Against:

**George Town Council
2023 04 26 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. 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**