



# GEORGE TOWN COUNCIL AGENDA

Notice is hereby given  
that the next Ordinary Council Meeting  
will be held on  
**Tuesday 27 June 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**

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**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.*

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

**1 PRESENT**

**1.1 APOLOGIES AND LEAVE OF ABSENCE**

**1.2 IN ATTENDANCE**

## **2 CONFIRMATION OF MINUTES**

### **2.1 ORDINARY COUNCIL MEETING HELD 23 MAY 2023**

#### **RECOMMENDATION**

That the Minutes of Council's Ordinary Meeting held on 23 May 2023 numbered 76/23 to 88/23 and 95/23 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.*

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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.*

**4.2 PUBLIC QUESTIONS ON NOTICE**

Nil.

**4.3 PUBLIC QUESTION TIME**

Commenced at:

Concluded at:

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**4.4 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME**

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

Nil.

## **5 DECLARATIONS OF INTEREST**

## **6 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**

*Councils are a planning authority Each council acts as the planning authority for their municipality. In this role, councillors consider development applications and make administrative decisions that are based on the council's planning scheme. While councillors are obliged to consider the community's views, this does not mean they can vote in favour of those views while fulfilling the role of a planning authority. Councillors must make planning decisions based on whether a planning application is consistent with the local planning scheme, even if members of the community object to the planning proposal.*

### **7.1 DA 2022/60 - LOT 1 MAIN ROAD, GEORGE TOWN - HYDROGEN PRODUCTION FACILITY**

<b>REPORT AUTHOR:</b>	Statutory Town Planner - Mr J. Simons
<b>REPORT DATE:</b>	15/06/2023
<b>FILE NO:</b>	DA 2022/60
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Assessment of Compliance with the Acceptable Solutions - DA 2022-60 [7.1.1 - 25 pages]</li><li>2. Plans for advertising - DA 2022-60 [7.1.2 - 478 pages]</li><li>3. Representation - G Mitchell - Redacted - DA 2022-60 [7.1.3 - 1 page]</li><li>4. Representation - R Richardson - Redacted - DA 2022-60 [7.1.4 - 7 pages]</li><li>5. Representation (support) - Jack from Barclay Pearce - Redacted - DA 2022-60 [7.1.5 - 1 page]</li><li>6. TasWater - Submission to Planning Authority Notice - DA 2022-60 [7.1.6 - 4 pages]</li><li>7. Line Hydrogen Pty Ltd - George Town Hydrogen Production Facility - EAR - DA 2022-60 [7.1.7 - 56 pages]</li><li>8. EPA Permit Conditions No. 11288 - EPA file reference: 22/6283 - DA 2022-60 [7.1.8 - 18 pages]</li></ol>

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### **APPLICATION INFORMATION**

<b>Planning Instrument:</b>	George Town Interim Planning Scheme 2013
<b>Applicant:</b>	LINE Hydrogen (Australia) Pty Ltd
<b>Site Address:</b>	Lot 1 Main Road, George Town
<b>Titles Details:</b>	CT: 152504/1
<b>Property ID:</b>	2822518
<b>Zone:</b>	Light Industrial Zone
<b>Use:</b>	Manufacturing and Processing
<b>Proposed Development:</b>	Hydrogen production facility
<b>Application Received:</b>	07/07/2023

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## **1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Hydrogen production facility at Lot 1 Main Road, George Town (CT 152504/1).

The application proposes the development of a hydrogen production facility. The facility will utilise alkaline electrolysis to split water into hydrogen and oxygen. The hydrogen is generally intended for use as an alternative vehicle fuel and in industrial applications, in the domestic market.

The facility will produce up to 4,121 tonnes of hydrogen annually and has been assessed by the Environment Protection Authority (EPA) as a Level 2 Activity.

Three (3) representations were received during the advertising period. One (1) representation is in support of the proposal. The other representations raise concerns around potential noise and dust impacts, safety and the volatility of hydrogen gas, the management of waste water onsite and the standard of Agnes Street for the proposed traffic volumes.

These matters have been considered in detail in the assessment below and the impacts of the proposal are considered to be appropriately managed. Conditions managing impacts have been recommended by the EPA for inclusion on the permit, in addition to a condition recommended for the sealing of Agnes Street in proximity to the development.

With the recommended conditions, the proposal is considered to comply with all of the applicable Acceptable Solutions and Performance Criteria of the Planning Scheme. 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.
  - ii. Compliance customer service standards 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 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 Lot 1 Main Road, George Town (CT 152504/1). It has an area of 13.85 hectares and is relatively flat. A planning permit for a solar farm (DA 2020/41) has been issued for the site and the solar facility is currently under construction. The site has largely been cleared of standing vegetation as part of this development, with a narrow vegetation screen remaining on the Main Road frontage.

Access to the site is proposed to be taken via an extension of Agnes Street. While currently Crown Land, a gravel extension of Agnes Street is currently under construction as part of the approved solar farm.

The site is mapped as being in a bushfire prone area. However, the site is not identified as being subject to any other natural hazards.

The land is serviced by reticulated water and stormwater. However, it is not connected to reticulated sewerage services.

The site is located within the existing Light Industrial estate to the south of Victoria Street. A mix of industrial and commercial land uses occur on the land to the north and west of the site. The land to the south is currently vacant bushland, while the land to the east is vacant Light Industrial land. A residential subdivision is under construction adjacent the site on the north side of Main Road.

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

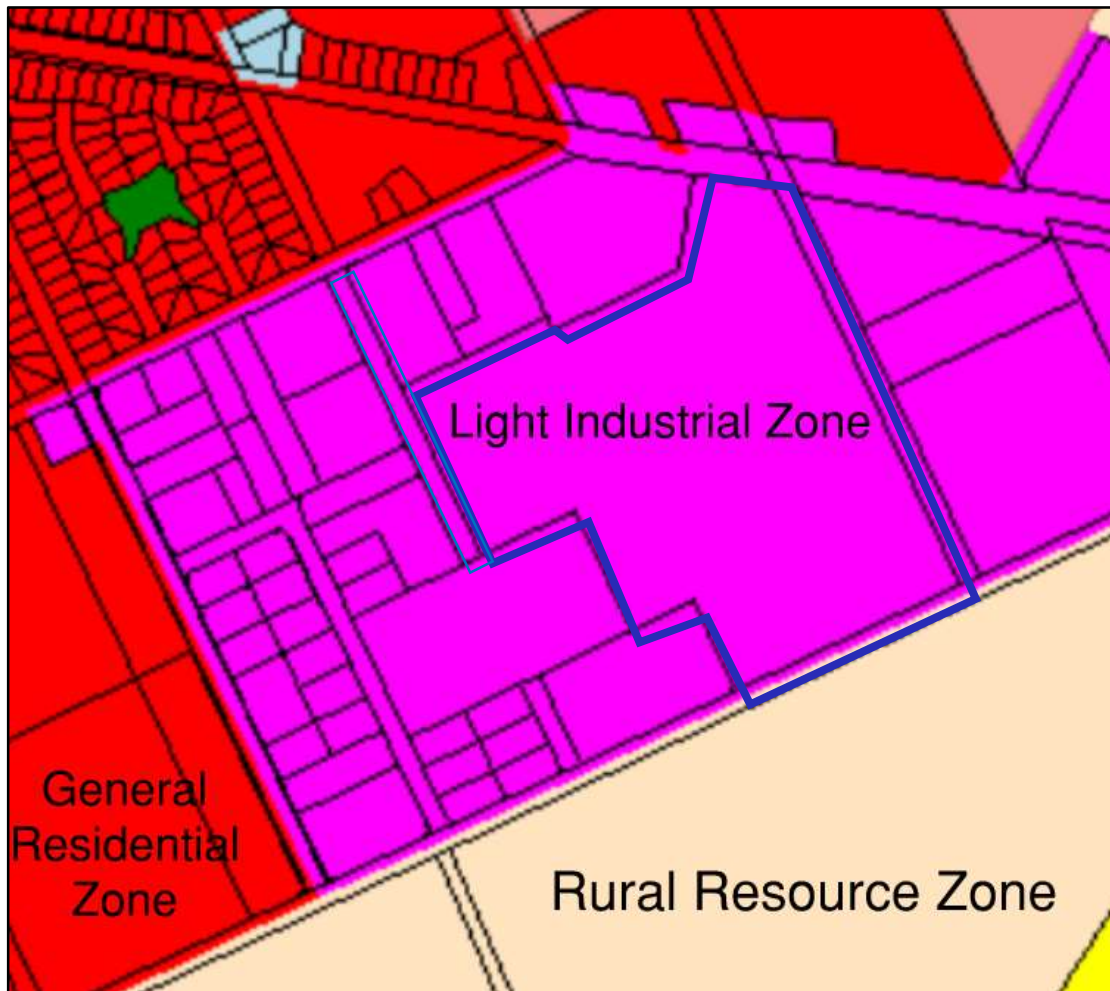


Figure 2: Zoning of subject title (outlined in blue) and surrounding land.

## 7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at Lot 1 Main Road, George Town (CT 152504/1) for a hydrogen production facility. The site will have an initial capacity to produce 620.5 tonnes of hydrogen, expanding to 1,241.0 tonnes annually within the 12-24 months of commencing production. The intent is to provide for a Tasmanian hydrogen market, for use in fuel cell vehicles and industrial applications.

Electricity will be sourced from a combination of the State Power Grid and directly from the solar farm currently under construction on the site.

At maximum production, the site will utilise approximately 15,687 kilolitres of water per day.

TasWater has advised that it is not possible to treat the waste water at the George Town Sewage Treatment Plant. As such the application proposes to treat and disperse approximately 7,668L of waste water onsite.

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Hydrogen gas will be stored and distributed via containerised tanks. A proposed refuelling station will be utilised by vehicles owned by the proponent and is not intended for general public refuelling at this time.

The facility is intended to operate 24 hours a day, 7 days a week.

The site will be surrounded by a 2.4m high security fence.

The proposed structures include the Electrolysis Plant, and a number of ancillary buildings as detailed in the Table below.

Table 1: Proposed Buildings

	Area	Height
Electrolysis Plant	900m <sup>2</sup>	8.4m
Workshop	129.6m <sup>2</sup>	6.3m
Transportable Ablutions	8.64 m <sup>2</sup>	2.9m
Crib Room	18 m <sup>2</sup>	2.7m
Office	18 m <sup>2</sup>	2.7m
Bulk Storage Containers (x6)	14.4m <sup>2</sup>	2.6m
Containerized Refuelling Station	28.8m <sup>2</sup>	2.6m
Security Fence		2.4m

Indicative plans and elevations are included below. A full copy of the plans and supporting documents are included in the attachments.

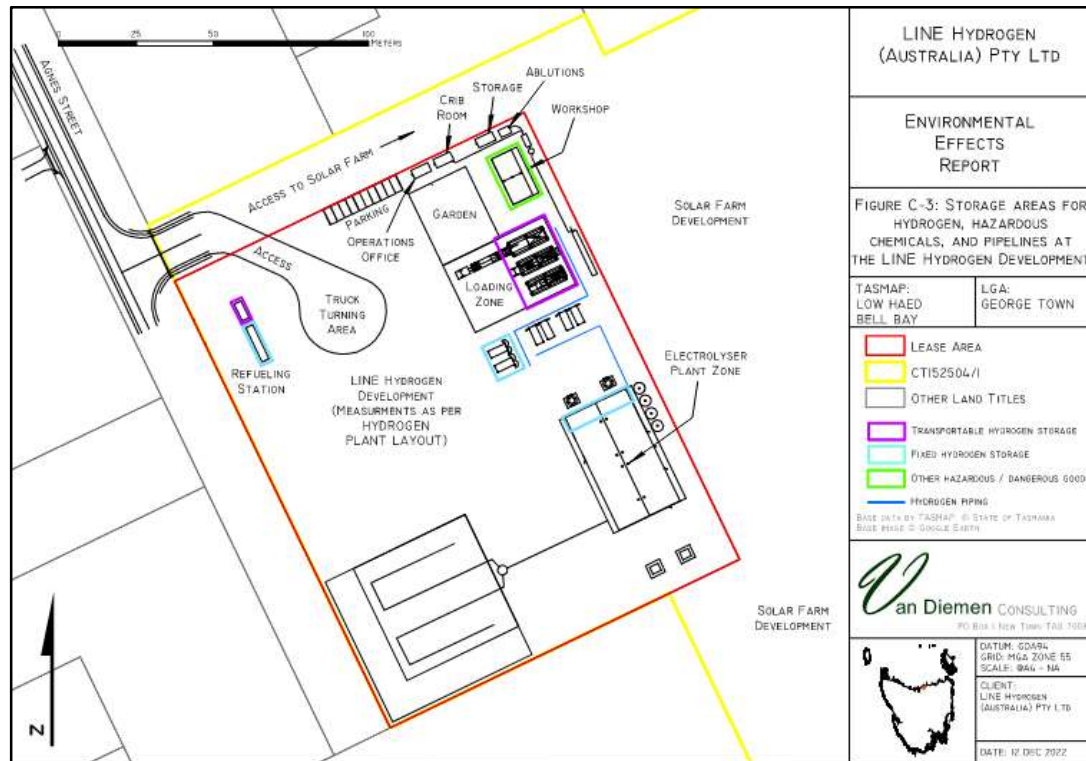


Figure 3: Proposed site plan (confined to the lease area).

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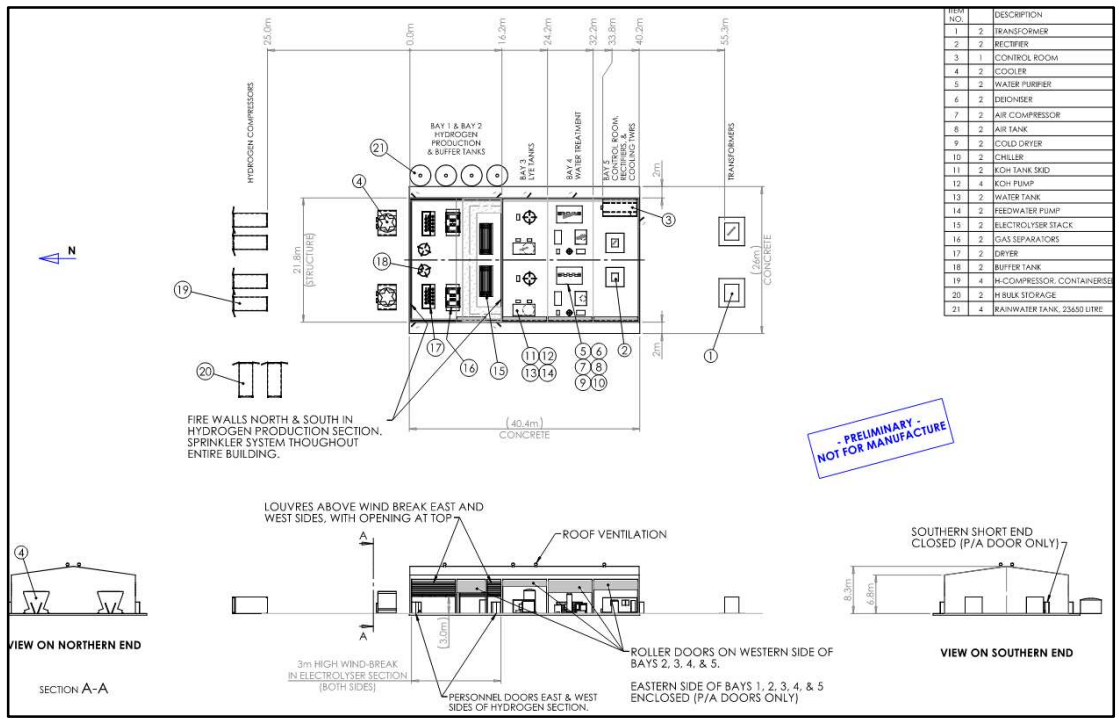


Figure 4: Proposed Electrolysis Plant - floor plan and elevations

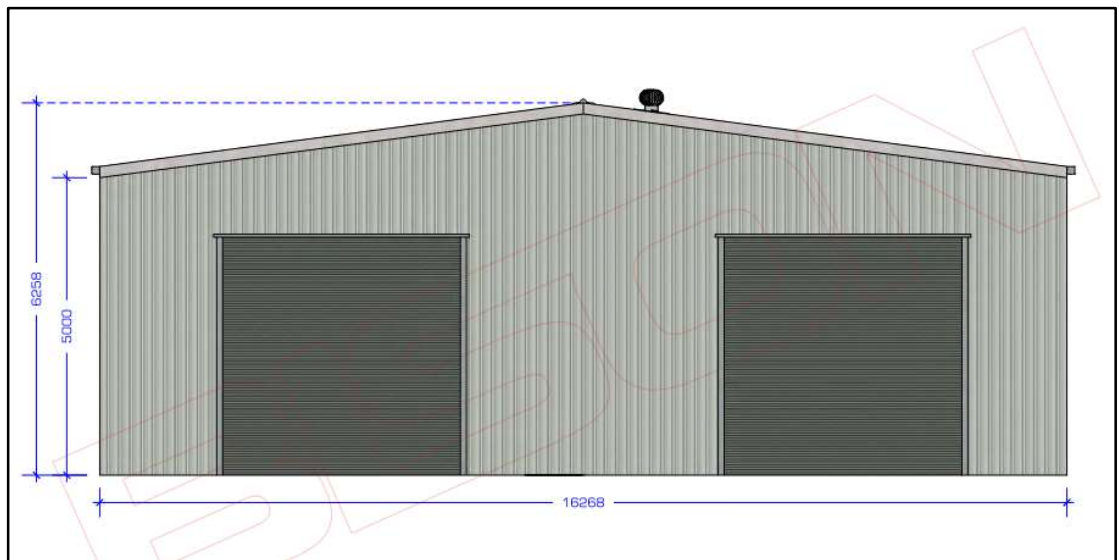


Figure 5: Workshop - elevation

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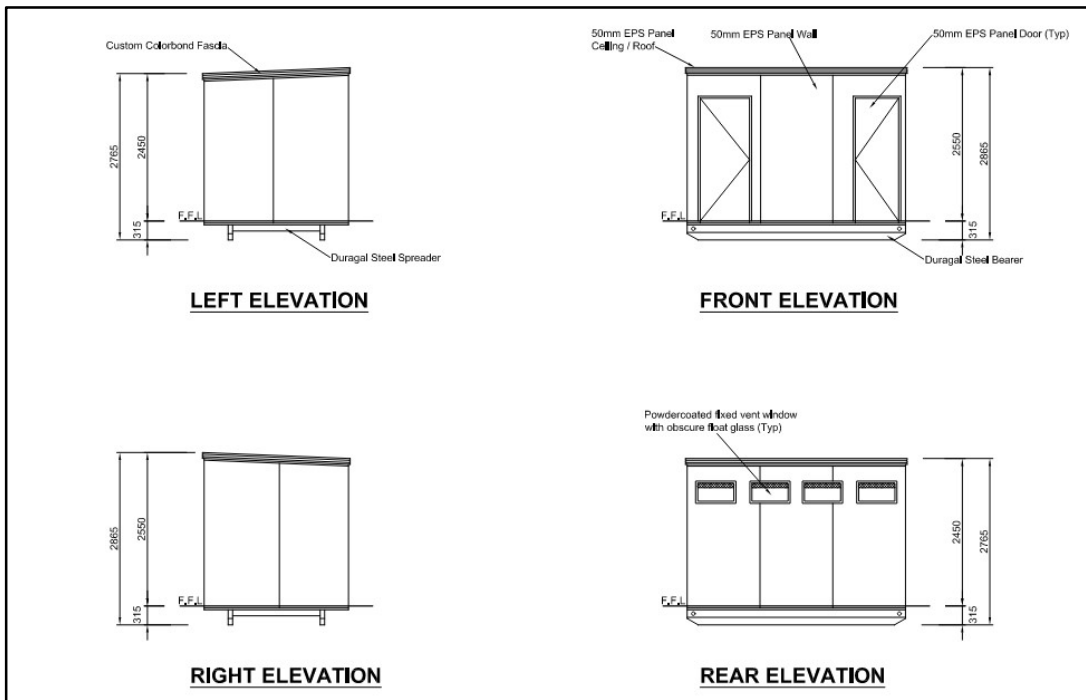


Figure 6: Ablutions – elevations

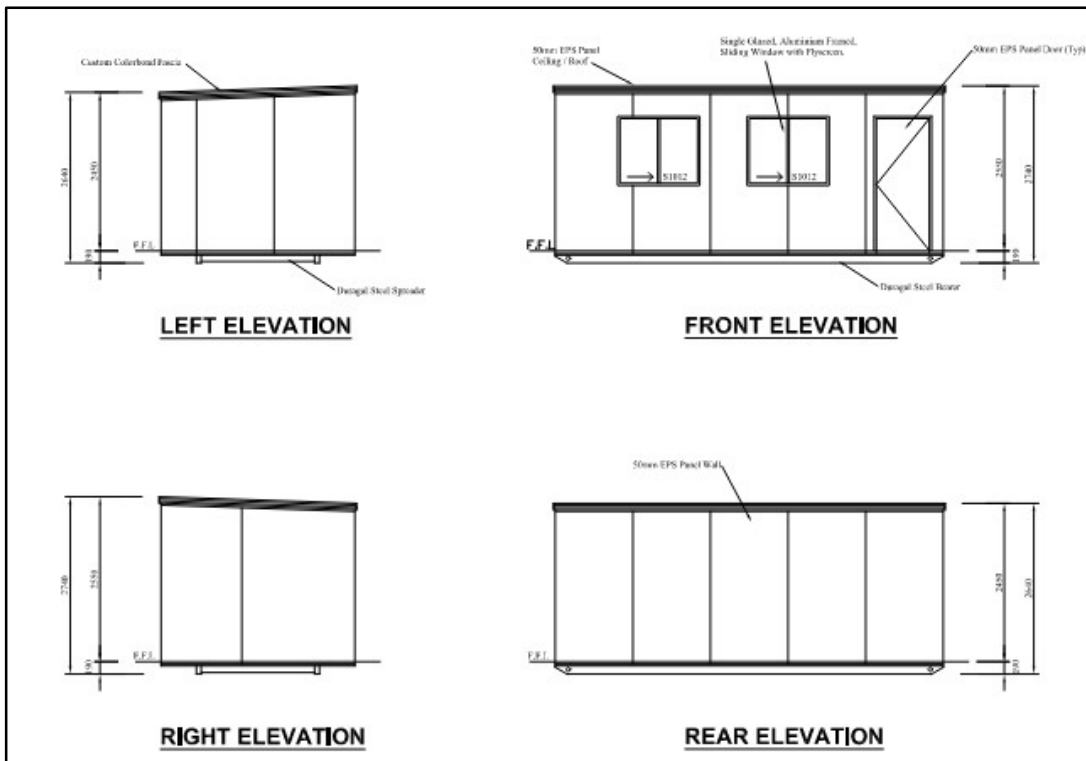


Figure 7: Office and Crib Room - elevations

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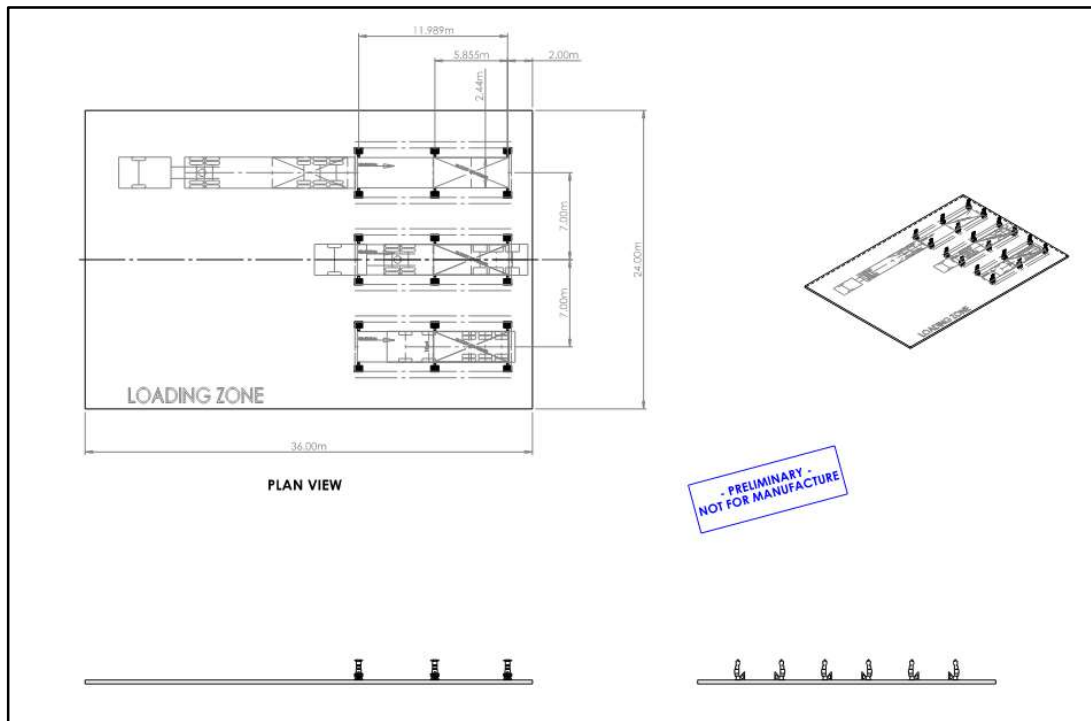


Figure 8: Container Lift Facility

**8. REPRESENTATIONS**

The application was advertised for community consultation from 22/04/2023 to 08/05/2023. 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>Unreasonable noise and dust impacts on residential areas in Beauty Point emanating from the existing Bell Bay area, and potential additional noise impacts resulting from the proposal.</p>	<p>Noise modelling included in the Environmental Effects Report indicates that the predicted noise levels during operation will be significantly below those of the existing background in the vicinity.</p> <p>The proposal is a Level 2 Activity and subject to an assessment by the Environment Protection Authority. The EPA has concluded that noise emissions will be inaudible at the nearest residential boundary.</p>
<p>Safety concerns, both at the site and in transport resulting from the</p>	<p>Council is responsible for undertaking an assessment of the</p>

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<p>volatility of hydrogen and some of its ammonia derivatives.</p>	<p>application against the provisions of the Planning Scheme in accordance with the <i>Land Use Planning and Approvals Act 1993</i>.</p> <p>Council does not have regulatory oversight of hazardous facilities, explosion and general fire risks.</p> <p>WorkSafe, the Director of Gas Safety (both within the Department of Justice) and the Tasmanian Fire Service play a regulatory role regarding these risks. The facility will require notification to WorkSafe as a potential Major Hazard Facility.</p> <p>Prior to construction, the facility will require Building Approvals in accordance with the <i>Building Act 2016</i>. The nature of the proposal means that it will require a referral to the Tasmania Fire Service's Building Fire Safety Unit as part of this process. A more in depth special hazards assessment report will need to be prepared as part of this process.</p> <p>The Director of Gas Safety, Consumer Building and Occupational Services in the Department of Justice will oversee the construction, commissioning and operation of the facility as well as transportation of hydrogen gas.</p>
<p>Questionable economic viability. There should be no subsidies relating to inputs such as power and water.</p>	<p>The economic viability of the proposal is not a matter considered under the Planning Scheme. Council does not determine the availability or eligibility for subsidies such as power and water and is generally not privy to such agreements if they do exist.</p>

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<p>Environmental efficiency of hydrogen as a fuel questionable. Article from Renew Magazine attached.</p>	<p>The efficiency of hydrogen as a fuel source is not relevant to an assessment of the proposal against the provisions of the planning scheme.</p> <p>There are a number of transport and industrial applications for hydrogen gas. While the applicant has indicated the intended market is for the local transport industry, demand for hydrogen extends beyond this one application.</p>
<p>Sewage system needs to connect to TasWater not a Septic Tank.</p>	<p>The lot is not serviced by a reticulated sewerage system. Onsite treatment of domestic waste water is not unusual and is the method used by most industries in the Bell Bay Industrial Precinct to the south of George Town. The area of the lot is significant (13.85 hectares) and there is ample opportunity to manage the domestic waste water onsite. The exact method of treatment will be subject to an assessment by Council's Environmental Health Officer as part of the Building approval process and the system will be required to meet mandatory minimum standards.</p>
<p>Why should LINE Hydrogen be allowed to discharge 3000 plus litres of water via a sprinkler system on the ground which used to be a refuge site.</p>	<p>TasWater has advised that even with a substantial extension of the reticulated sewerage system, it is unable to accept and treat the trade waste produced at the site. As such, the application has proposed to dispose of the waste water onsite.</p> <p>The EPA has assessed the proposed onsite management of trade waste water and have advised that the risks associated with the</p>

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	irrigation of RO wastewater are very low.
<p>The access road is unsealed. Water tanker dust control is unacceptable for volumes of traffic.</p>	<p>A gravel extension of Agnes Street was approved as part of the solar farm development; a proposal that would result in less than one vehicle movement per day while in operation. Given the substantial increase in traffic generated by the proposed hydrogen production facility, it is recommended that a condition be included on the planning permit requiring Agnes Street to be sealed from the access of the property through to the intersection with Victoria Street.</p> <p>While a gravel car park, marshalling area and manouvering space has been proposed, this is relatively common in large industrial sites. An assessment of the environmental impacts including dust impacts has been undertaken by the EPA. The EPA concludes that vehicle related dust within the site is appropriately managed.</p>
<p>Letter of support:</p> <ul style="list-style-type: none"> <li>• Vital that we decarbonise the economy.</li> <li>• Transport is the greatest source of Greenhouse Gas Emissions in Australia.</li> <li>• Line Hydrogen are pioneers in decarbonising commercial transport.</li> </ul>	<p>The letter of support is noted. No particular planning matters are identified.</p>

**9. STATUTORY REQUIREMENTS**

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

- 24.0 Light Industrial Zone

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- E1.0 Bushfire Prone Areas Code
- E4.0 Road and Rail Assets Code
- E6.0 Car Parking and Sustainable Transport Code
- E14.0 Signs 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 Manufacturing and Processing. The definition of the Manufacturing and Processing use as outlined in the *George Town Interim Planning Scheme 2013* is:

use of land for manufacturing, assembling or processing products other than Resource processing. Examples include boat building, brick making, cement works, furniture making, glass manufacturing, metal and wood fabrication, mineral processing and textile manufacturing.

The Manufacturing and Processing Use Class is classified as a Discretionary use in the Light Industrial 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.

### **Zone Purpose Assessment**

#### **24.0 Light Industrial Zone**

##### 24.1 Zone Purpose

24.1.1 Zone Purpose Statements
24.1.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or

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impact on the amenity of any other uses.

24.1.1.2 To focus light industrial use and development into appropriate areas suitable for its needs.

24.1.1.3 To provide for 'non-industrial' uses that either support, supply or facilitate industrial development.

**Planners Response:**

The proposal is consistent with the Zone Purpose. The offsite impacts generated by the use and development through normal day to day function have been assessed by the EPA and determined to have minimal impact on nearby residential areas.

The light industrial area to the south of George Town is well established and well serviced. Concentrating small scale industrial uses in this zone maximises the availability of land in the General Industrial areas of the Bell Bay Advanced Manufacturing Zone for larger scale industrial activities.

**24.1.2 Local Area Objectives**

To provide for low impact industry that will not compromise the future development of nearby residential zones

**Planners Response:**

The proposed development is consistent with the local area objective. Despite it's status as a Level 2 Activity, emissions from the subject use are demonstrated to be low and will not compromise residential amenity or future development in nearby residential zones.

**24.1.3 Desired Future Character Statements**

Development will compromise small to medium industrial style buildings. Off street car parking, external storage and on-site loading and unloading may be located of buildings and visible from the street.

**Planners Response:**

The proposal is consistent with the desired future character statement. The proposed development will be contained within two medium sized industrial buildings, with a number of small ancillary buildings.

Access to the site will be via an extension of Agnes Street. The short extension will comprise a no-through road. All properties accessed from the site are of a light industrial, storage or bulk commercial nature. While storage, parking and loading facilities will be visible form the street, residential traffic will be minimal and the existing properties fronting Victoria Street provide an adequate visual buffer from residential areas.

**Performance Criteria assessment.**

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**24.0 Light Industrial Zone**

The development complies with all of the acceptable solutions of the Light Industrial Zone (see Attachment 1: Assessment of Compliance with the Acceptable Solutions).

**E1.0 Bushfire Prone Areas Code**

E1.5.2 Hazardous uses

<b>Objective:</b> Hazardous uses can only be located on land within a bushfire-prone area where tolerable risks are achieved through mitigation measures that take into account the specific characteristics of both the hazardous use and the bushfire hazard.	
<b>Acceptable solutions</b>	<b>Performance criteria</b>
<b>A1</b> No Acceptable Solution.	<b>P1</b> A hazardous use must only be located in a bushfire-prone area if a tolerable risk from bushfire can be achieved and maintained, having regard to: (a) the location, characteristics, nature and scale of the use; (b) whether there is an overriding benefit to the community; (c) whether there is no suitable alternative lower-risk site; (d) the emergency management strategy and bushfire hazard management plan as specified in A2 and A3 of this Standard; and (e) other advice, if any, from the TFS.
<b>Planners Response:</b> Relies on Performance Criteria.  Hydrogen is a Category 1 flammable gas. As the site will manifest quantities greater than that set out in the Work Health and Safety Regulations 2012 – schedule 11, the proposal is defined as a hazardous use. It is also located on land identified as being in a bushfire prone area triggering a requirement for assessment under Clause E1.5.2.  A tolerable risk from bushfire can be achieved and maintained. Although, mapped as being prone to bushfire, the site is located on the periphery of George Town, immediately adjacent to non-bushfire prone areas. The proximity to the urban area ensures any bushfire in the vicinity will be a significant focus of firefighting efforts. The site also has sufficient area that it can be managed to achieve a BAL 12.5 classification, which is the lowest achievable classification.  The development is considered to have an overriding benefit to the community. The Bell Bay Advanced Manufacturing Zone has been identified as a Green Hydrogen Hub by the Federal and State Government and is a major focus for infrastructure provision and funding to establish a Hydrogen industry. Green hydrogen is a significant component of the Federal Government’s strategy to decarbonize the economy and convert to	

renewable forms of energy. The conversion to renewable energies is intended to assist the Federal Government to achieve emissions reduction targets related to climate change. This proposal, as a pioneer entrant, has significant potential to boost investment confidence in the broader Green Hydrogen Hub, with economic benefits of significance to the community at Municipal, State and Federal levels. As well as increasing the sustainability of energy sources, the proposal will also result in local employment opportunities.

There are not considered to be any suitable alternative low risk sites. The subject land is located in an established industrial precinct with direct access to industrial resources, including water, electricity and transport infrastructure. The proposal is also dependent on a solar farm development already approved and under construction on the site. The proximity to the urban area of George Town provides greater access to water and other firefighting resources that become further diminished the further the site is from the urban form. As the Bell Bay Advanced Manufacturing Zone has been declared to be a Green Hydrogen Hub and hydrogen related industries are intended to be concentrated in the vicinity, it is likely to be a focus of safety regulators such as WorkSafe. Other suitable sites, with access to essential resources, are considered to be subject to equal and greater risk.

An emergency management strategy and bushfire hazard management plan have been prepared by a suitably qualified person and endorsed by the Tasmanian Fire Service. The plan includes hazard management areas, a static water supply of 10,000L and an all-weather access, sufficient to achieve a BAL 12.5 classification.

The TFS has advised that the site will likely be classed as a special fire hazard site and will be referred to the Tasmania Fire Services Building Fire Safety area, and will be scrutinized for compliance with the NCC and appropriate Australian Standards as part of the approval process under the Building Act 2016. It is also noted that the hydrogen plant is highly regulated through the Department of Justice and WorkSafe and will be constructed to minimum standards requiring flammable materials to be kept in suitably contained tanks and buildings, with sufficient shutdown ability in case of emergencies.

It is considered that the subject site can achieve a tolerable degree of risk. The proposal complies with the Performance Criteria and is consistent with the objective.

## **E6.0 Car Parking and Sustainable Transport Code**

### **E6.6 Use Standards**

#### **E6.6.2 Bicycle Parking Numbers**

Objective
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To encourage cycling as a mode of transport within areas subject to urban speed zones by ensuring safe, secure and convenient parking for bicycles.	
Acceptable Solution	Performance Criteria
<p>A1.1 Permanently accessible bicycle parking or storage spaces must be provided either on the site or within 50m of the site in accordance with the requirements of Table E6.1; or</p> <p>A1.2 The number of spaces must be in accordance with a parking precinct plan contained in Table E6.6: Precinct Parking Plans.</p>	<p>P1 Permanently accessible bicycle parking or storage spaces must be provided having regard to the:</p> <p>a) likely number and type of users of the site and their opportunities and likely preference for bicycle travel; and</p> <p>b) location of the site and the distance a cyclist would need to travel to reach the site; and</p> <p>c) availability and accessibility of existing and planned parking facilities for bicycles in the vicinity.</p>
<p><b>Planners Response:</b> Relies on performance criteria.</p> <p>Table E6.1 requires 3 bicycle parking spaces for the estimated staff numbers, however, the site does not include bicycle parking facilities.</p> <p>While George Town is rapidly developing a recreational bicycle network, there is minimal infrastructure to support a commuter network and cars remain the dominant form of transport in the area for day to day activities. Given the relatively low number of employees at the site at any given time, there is not a high likelihood of generating a sustained demand for bicycle parking.</p> <p>While the site does not include bicycle parking facilities, it is noted that the site has a secure yard and has ample opportunity to provide informal bicycle parking adjacent to the administration and employee facilities. There is ample opportunity to provide more formalised bicycle parking in the event that there is sufficient demand.</p> <p>No further conditions are considered warranted.</p>	

**E6.7 Development Standards**

E6.7.1 Construction of Car Parking Spaces and Access Strips

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<p>Objective</p> <p>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:</p> <p>a) formed to an adequate level and drained; and</p> <p>b) except for a single dwelling, provided with an impervious all weather seal; and</p> <p>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><b>Planners Response:</b> Relies on performance criteria.</p> <p>The application proposes a gravel parking and manoeuvring area. Gravel parking and manoeuvring areas are not uncommon in industrial facilities where a significant area is required for the parking and manoeuvring of large vehicles. Properly constructed, they are usable in all weather conditions and allow for a much higher degree natural stormwater dispersal. This area is required by the bushfire hazard management plan submitted with the application to provide for access and manoeuvring of fully laden fire fighting vehicles. This standard of construction is adequate to provide reasonable all-weather access for daily vehicle movements.</p> <p>The application does not indicate how parking areas will be delineated. It is recommended that a condition be included on the planning permit requiring designated parking areas to be clearly delineated, via signage, wheel stops, cats eyes or other clear means.</p> <p>In this instance there is considered to be adequate separation between the site and residential areas to minimise potential impacts from dust. The EPA has also determined the risks associated with dust to be minimal.</p> <p>The proposal is considered to comply with the Performance Criteria and is consistent with the Objective.</p>	

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E6.7.2 Design and Layout of Car Parking

<p>Objective</p> <p>To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.</p>	
Acceptable Solution	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) the layout of the site and the location of existing buildings; and</li> <li>b) views into the site from the road and adjoining public spaces; and</li> <li>c) the ability to access the site and the rear of buildings; and</li> <li>d) the layout of car parking in the vicinity; and</li> <li>e) the level of landscaping proposed for the car parking.</li> </ul>
<p><b>Planners Response:</b> Relies on performance criteria.</p> <p>The proposed parking area is forward of the building line. In this instance the location of the parking is not considered to be detrimental to the streetscape. The extension of Agnes Street is a relatively short, no-through road and will provide access to four properties including the subject property. These properties are of an industrial character. The visual appearance of the proposed development is not out of keeping with the existing character.</p> <p>Given the industrial nature of the proposal, the existing industrial character of the other properties fronting the street in the vicinity and the lack of through traffic, no further landscaping is considered to be warranted.</p> <p>The proposal complies with the Performance Criteria and is consistent with the objective.</p>	

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<p>A2.1 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) have a gradient of 10% or less; and</li> <li>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</li> <li>c) have a width of vehicular access no less than prescribed in Table E6.2, and not more than 10% greater than prescribed in Table E6.2; and</li> <li>d) have a combined width of access and manoeuvring space adjacent to parking spaces not less than as prescribed in Table E6.3 where any of the following apply: <ul style="list-style-type: none"> <li>i) there are three or more car parking spaces; and</li> <li>ii) where parking is more than 30m driving distance from the road; or</li> <li>iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and</li> </ul> </li> </ul> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking.</i></p>	<p>P2 Car parking and manoeuvring space must:</p> <ul style="list-style-type: none"> <li>a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and the expected number and type of vehicles; and</li> <li>b) provide adequate space to turn within the site unless reversing from the site would not adversely affect the safety and convenience of users and passing traffic.</li> </ul>
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**Planners Response:** Relies on performance criteria.

The subject site is flat and does not have any particular constraints to tuning or maneuvering. Due to an expansive gravel staging area, vehicles can readily turn onsite and exit in a forward direction.

While the width of the access is proposed to be widened, more than 10% greater than Table E6.2, this is appropriate for the types of large vehicles likely to be accessing the facility. The access is in keeping with the industrial nature of the site and surrounding properties and is a reasonable expectation in an industrial area.

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The proposal is considered to provide safe and convenient parking and is not anticipated to adversely effect the safety and convenience of users and passing traffic. As such, it complies with the Performance Criteria and is consistent with the objective.

## **E14.0 Signs Code**

### **E14.6 Development Standards for Buildings and Works**

#### **E14.6.1 Design and Siting of Signs**

<b>Objective:</b>	<b>To:</b> (a) provide for appropriate signage that is well designed and sited; and (b) ensure that signs do not contribute to visual clutter or cause an unreasonable loss of visual amenity to the locality.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>A sign must:</p> <p>(a) be located within the applicable Zone for the relevant sign type set out in Table E14.6; and</p> <p>(b) meet the sign standards for the relevant sign type set out in Table E14.6;</p> <p>excluding for the following sign types, for which there is no Acceptable Solution:</p> <p>(i) roof sign;</p> <p>(ii) sky sign; and</p> <p>(iii) poster panel (billboard).</p>	<p><b>P1.1</b></p> <p>A sign must:</p> <p>(a) be located within an applicable Zone for the relevant sign type as set out in Table E14.6; and</p> <p>(b) be compatible with the streetscape or landscape, having regard to:</p> <p>(i) the size and dimensions of the sign;</p> <p>(ii) the amenity of surrounding properties;</p> <p>(iii) the repetition of messages or information;</p> <p>(iv) the number and density of signs on the site and on adjacent properties; and</p> <p>(v) the impact on the safe and efficient movement of vehicles and pedestrians.</p> <p><b>P1.2</b></p> <p>If a roof sign, sky sign or poster panel (billboard), the sign must:</p> <p>(a) be located within the applicable Zone for the relevant sign type set out in Table E14.6;</p> <p>(b) meet the sign standards for the relevant sign type in Table E14.6; and</p> <p>(c) not contribute to visual clutter or cause unreasonable loss of amenity to the locality having regard to:</p>

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- (i) the size and dimensions of the sign;
- (ii) the amenity of surrounding properties;
- (iii) the repetition of messages or information;
- (iv) the number and density of signs on the site and on adjacent properties; and
- (v) the impact on the safe and efficient movement of vehicles and pedestrians.

**Planners Response:** Relies on performance criteria.

The application includes a wall sign mounted on the gable end of the electrolosis plant building. Wall signs are an acceptable sign in the Light Industrial Zone in accordance with Table E14.6.

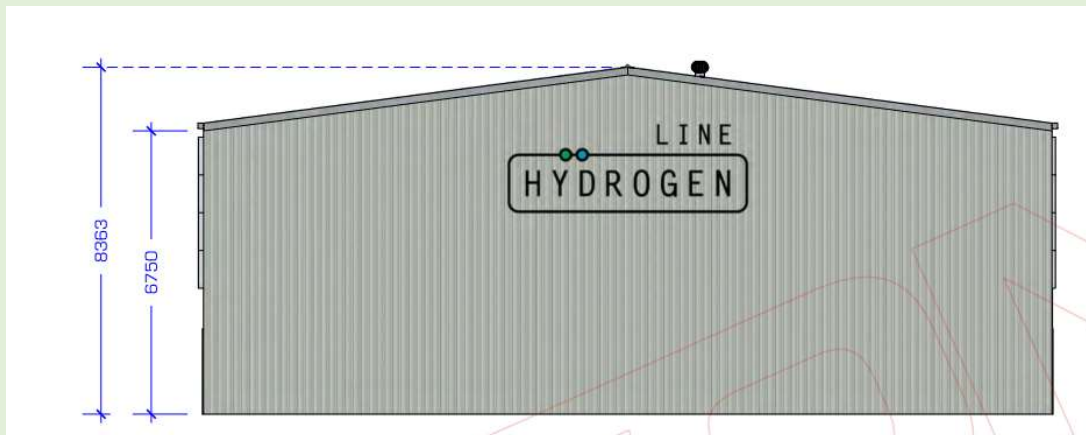


Figure 9: Proposed signage.

The wall sign does not extend above or beyond the wall to which it is attached.

The sign occupies less than 25% of the wall.

Although the area of the sign exceeds 4.5m<sup>2</sup>, it is considered to be compatible with the streetscape. Although a larger sign, the setback of the building from the frontage is considered sufficient to mitigate the bulk of the sign.

The surrounding properties are generally industrial in nature and the proposed sign will not impact the amenity of these properties. The nearest residential property is more than 150m from the proposal.

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The site includes minimal signage, with the exception of incidental signage, such as safety and access procedures. The proposed wall sign is not an unreasonable repetition of information.

The sign is a substantial distance from the frontage and is not of a nature that is likely to impact the safety and efficiency of vehicles or pedestrians.

The proposed sign is appropriately designed and located and will not impact the amenity of adjoining properties. The development complies with the Performance Criteria and is consistent with the objective.

## **10. REFERRALS**

### **Internal Referrals**

The application was referred to Council's Infrastructure Officers:

### **External Referrals**

#### **TasWater**

The application was referred to TasWater. A submission to Planning Authority Notice was provided on the 14/03/2023 primarily relating to the provision of a connection to the potable water supply. TasWater has also advised that the Trade Waste from the development cannot be accepted into the public sewerage system.

#### **Environment Protection Authority (EPA)**

The application was referred to the EPA as a Level 2 Activity in accordance with the *Environmental Management and Pollution Control Act 1994*. The EPA has undertaken an assessment of the environmental impacts of the proposal, provided an Environmental Effects Report (attached) and a Permit Part B containing conditions. The report prepared by the EPA demonstrates the environmental impacts of the proposal can be effectively managed by conditions.

Due to the wide ranging nature of the assessment undertaken by the EPA and the extensive conditions imposed, the details of the assessment are not repeated here, but are attached for information.

In accordance with Section 25 (2)(f) of the *Environmental Management and Pollution Control Act 1994*, the planning authority is not required to assess any matter addressed in the Board's assessment.

## **11. SERVICES**

### ***Road***

Access is available via an extension of Agnes Street, currently under construction as part of the approved solar farm development. As per the recommendation of Council's Infrastructure Department, a condition has been included on the planning permit requiring the extension of Agnes Street to be sealed.

### ***Sewer***

Reticulated sewerage is unavailable onsite, therefore the proposal relies on onsite wastewater management.

***Water***

The land is serviced by reticulated water.

***Stormwater***

The site is serviced by Council's reticulated stormwater network.

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

***Easements:***

The subject property contains a drainage easement, however, it is not within the development footprint and not anticipated to impact the proposed use and development or vice versa.

***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 not registered within the Tasmanian Heritage Register administered under Part 4 of the *Historic Cultural Heritage Act 1995*.

***Level 2 Activities:***

The application is for a use defined as a Level 2 activity within Schedule 2 of the *Environmental Management and Pollution Control Act 1994*. Advice from the EPA is included in the Referrals section above.

**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.

**13. CONCLUSION**

The application for construction and use for Manufacturing and Processing - Hydrogen production facility at Lot 1 Main Road, George Town (CT 152504/1), has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

**14. RECOMMENDATION**

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That the application for use and development for Manufacturing and processing - Hydrogen production facility at Lot 1 Main Road, George Town (CT 152504/1), with access via the Agnes Street Road Reserve, 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. Van Diemen Consulting, Development Application Supporting Information, dated 06/08/2022
- b. Richard Barnes, email dated 09/08/2022
- c. Line Hydrogen (Australia) Pty Ltd, Environmental Effects Report, Version 3, April 2023

to the satisfaction of the Council. Any other proposed development and/or use will require a separate application to and assessment by the Council. In any instance where the provisions of the endorsed documents are in conflict with a specific condition of this planning permit or the Permit Part B, issued by the EPA, the conditions and Permit Part B prevail.

**2. PERMIT PART B**

The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, Environmental No. 11288 which the Board of the Environment Protection Authority (EPA) has required the Planning Authority to include in the permit, pursuant to Section 25 (5) of the *Environmental Management and Pollution Control Act 1994* (see Permit Part B, attached).

**3. SEALING OF AGNES STREET**

- a) Prior to the commencement of use a sealed road is to be constructed in the Agnes Street Road Reserve between the access to the subject site and the intersection with Victoria Street in accordance with LGAT Standard Drawing, TSD R06, V3, including kerb and channel, and piped stormwater; and
- b) Prior to undertaking any work within the Agnes Street road reserve detailed design drawings for the construction and sealing of the road are to be submitted to Council's Director Infrastructure and Development for approval.

**4. PARKING**

Prior to the commencement of use:

- a. all access, parking and maneuvering areas are to be constructed and drained in accordance with the endorsed plans;

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- b. all parking spaces are to be delineated via signage, line marking, markers or other clear means;

to the satisfaction of Council.

**5. PUBLIC ACCESS**

The approved hydrogen fuel bowsers are only to be utilised to refuel vehicles owned or operated by the facility owners or operators. The site is not to provide refuelling services to the general public.

**6. TASWATER**

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2022/01102-GTC attached).

**7. 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.

**8. 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 and Development.

**Permit Notes**

1. This permit was issued based on the proposal documents submitted for DA 2022/60. 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.

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- 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](http://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.
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](mailto: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:

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**VOTING**

For:

Against:

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**7.2 DA2023/48 - 553 OLD AERODROME ROAD, LOW HEAD - UTILITIES - WIND FARM METEOROLOGICAL MASTS**

<b>REPORT AUTHOR:</b>	Statutory Town Planner - Mr J. Simons Graduate Planner - Mr A. Bowles
<b>REPORT DATE:</b>	15 June 2023
<b>FILE NO:</b>	DA 2023/48
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Assessment of Compliance with Acceptable Solutions - DA2023/48 [7.2.1 - 18 pages]</li><li>2. Advertisement Docs - DA2023/48 [7.2.2 - 37 pages]</li><li>3. Representation - R Harris - Redacted - DA 2023-48 [7.2.3 - 1 page]</li><li>4. Representation - B Davis - Redacted - DA 2023-48 [7.2.4 - 3 pages]</li><li>5. Applicant's response to representations - Low Head Met Masts - DA 2023-48 [7.2.5 - 3 pages]</li></ol>

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**APPLICATION INFORMATION**

<b>Planning Instrument:</b>	George Town Interim Planning Scheme 2013
<b>Applicant:</b>	Equis Development
<b>Site Address:</b>	553 Old Aerodrome Road, Low Head
<b>Titles Details:</b>	198926/1
<b>Property ID:</b>	6463698
<b>Zone:</b>	Rural Resource
<b>Use:</b>	Utilities
<b>Proposed Development:</b>	Utilities - Wind Farm Meteorological Masts
<b>Application Received:</b>	3 <sup>rd</sup> May 2023

**1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Utilities - Wind Farm Meteorological Masts at 553 Old Aerodrome Road, Low Head (CT 198926/1).

The application includes the erection of two (2) meteorological masts. One mast is temporary for calibration purposes and will be removed after approx. 12 months, once the permanent mast is installed.

The purpose of the masts is to provide meteorological information to support an approved wind farm development on the subject land. Council has previously made a strategic decision

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to support the development of a windfarm on the subject land and included enabling provisions in the planning scheme.

Two representations were received during the advertising period. Matters raised in the representations include the impact of the proposal on tourism, compliance with the Desired Future Character and Local Area Objectives, and general objection to the approved windfarm development.

The representations have been considered and the development assessed against the Acceptable Solutions and Performance Criteria of the planning scheme. The wind farm development is already approved and not subject to this assessment. The impacts on tourism are minimal, due to the minimal bulk of the structure and separation distance between the structure and areas accessible to tourists. The proposal also complies with the Desired Future Character and Local Area Objectives, which both support the development of a windfarm.

The proposal has been assessed against all of the applicable Acceptable Solutions and Performance Criteria of the planning scheme and 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. 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 553 Old Aerodrome Road, Low Head (CT 198926/1). It has an area of 184ha and is entirely contained within the Rural Resource Zone. The primary use of

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the land is for resource development, principally grazing, and it has been developed with a single dwelling and agricultural buildings.

The site is subject to a number of easements, including a drainage easement segmenting the south-west portion of the site and a power transmission easement, accommodating the Basslink cable, running generally in a southerly direction. A small section of the site to the southeast is also mapped as being within the gas pipeline corridor.

A coastal erosion hazard band and areas mapped as landslip prone are located along the coastline, and the entire site is identified as being prone to bushfire.

The land has largely been converted to pasture, with pockets of remnant coastal vegetation. The topography is varied across the site, but has a general fall towards the coastal reserve to the north-west.

Access to the site is from Old Aerodrome Road. It is not serviced by reticulated water, sewage or stormwater.

The site is largely surrounded by agricultural land to the south and east, with the Bellbuoy Beach settlement to the west and coastal reserve to the north-west.

Planning approval for the Low Head Wind Farm, comprising 10 turbines with a generating capacity of 42MW, has previously been approved for the site (DA 2017/42). Preconstruction documentation is in the process of being submitted to Council.



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

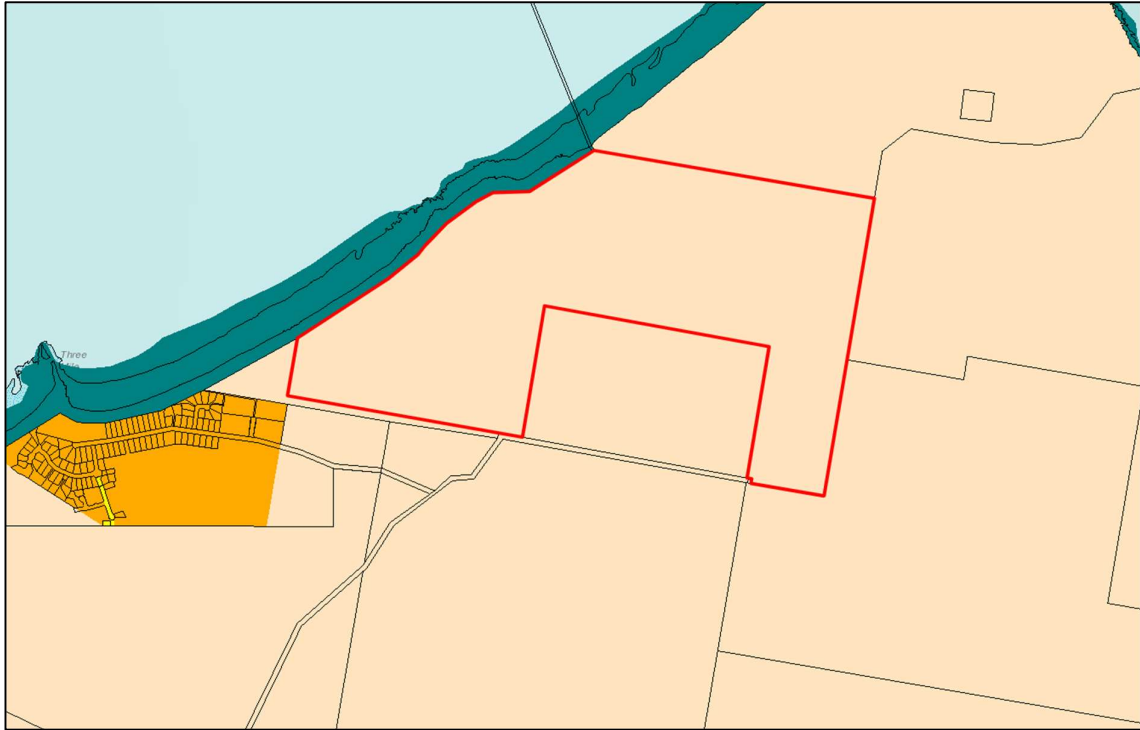


Figure 2: Zoning of subject title (outlined in red) and surrounding land.

## **7. DEVELOPMENT AND USE DESCRIPTION**

The application seeks approval for the development of the site at 553 Old Aerodrome Road, Low Head (CT 198926/1) to erect two meteorological masts associated with the Low Head Wind Farm development. The first mast is to be erected adjacent to the location of approved turbine 5 and will be used to calibrate the permanent mast. The permanent mast will be located closer to the southern boundary of the property and will be erected for the life of the wind farm (30 years approx.).

The masts will have a height of 100m and will be supported by guy wires extending approximately 100m +/- from the base of the mast.

Access to the development will be via an existing access to the property.

The proposed mast is approximately 850m to the east of the nearest existing dwelling at 599 Old Aerodrome Road. There are 4 other residences within 2km of the mast.

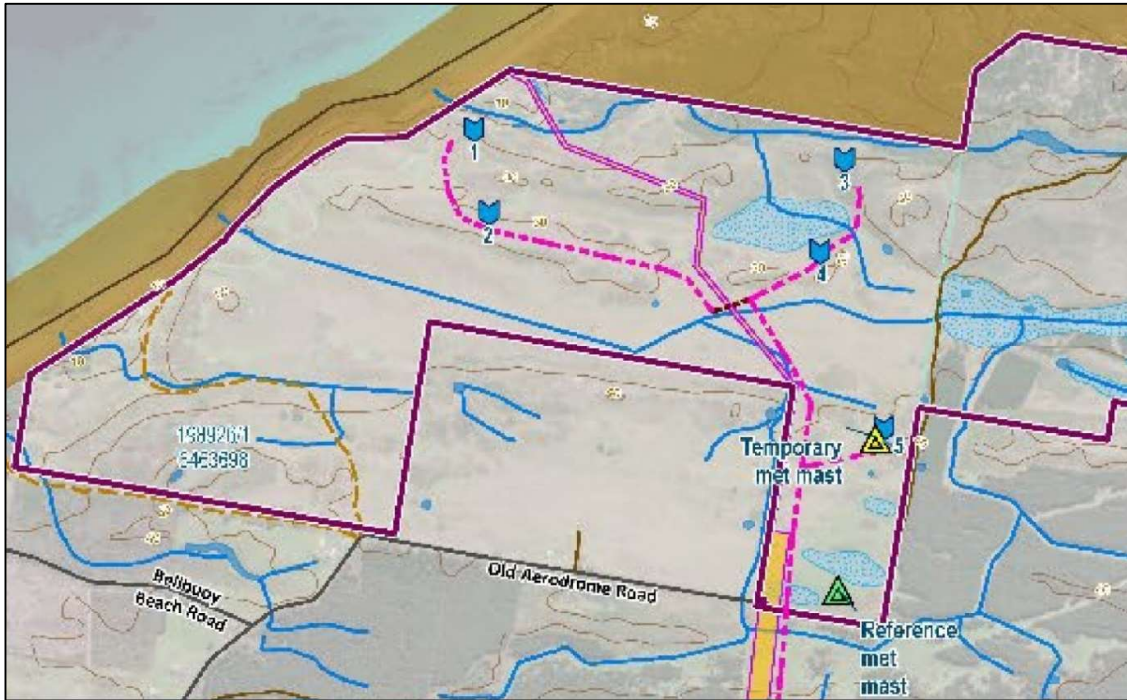


Figure 3: Proposed site plan, showing approved turbines (blue), temporary met mast (yellow) and permanent met mast (green).

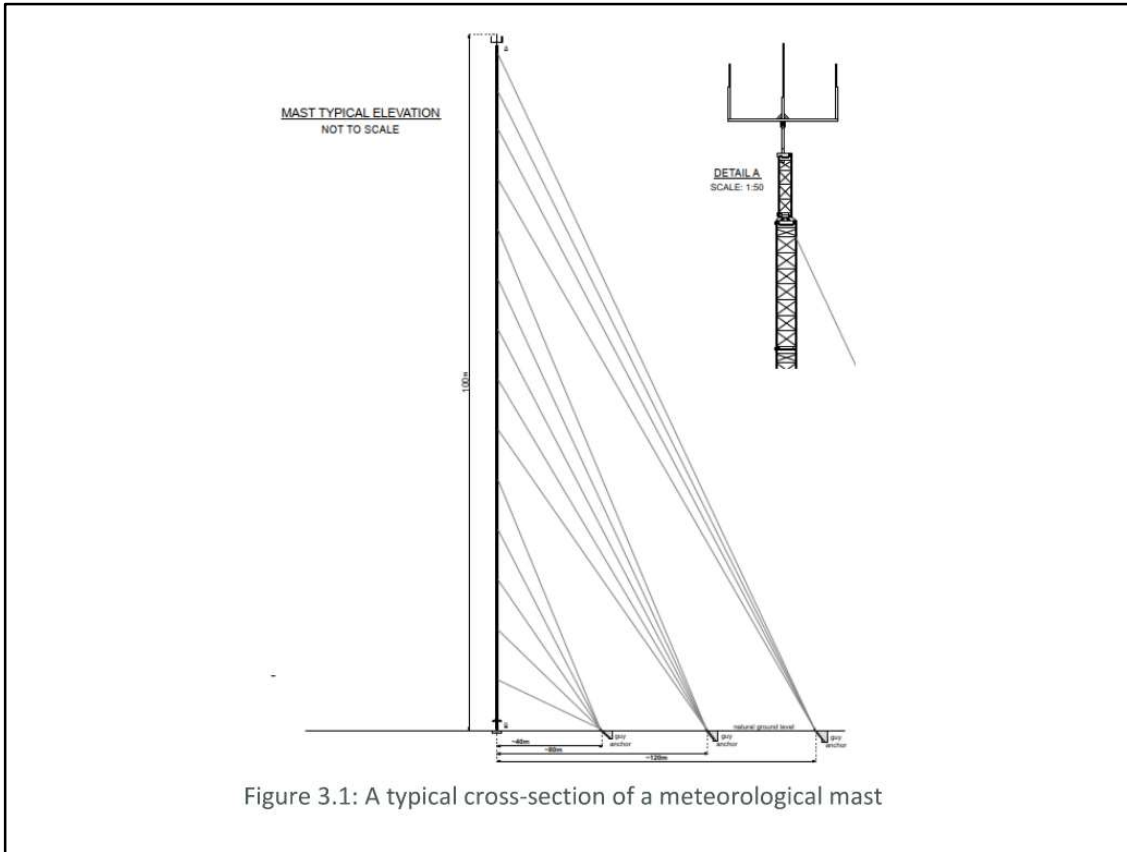


Figure 3.1: A typical cross-section of a meteorological mast

Figure 4: proposed elevation.



Figure 5: Approx. location of permanent met. Mast, viewed from Old Aerodrome Road.

The full plans submitted are included in the attachments.

## 8. REPRESENTATIONS

The Application was advertised for community consultation from 13 May 2023 to 29 May 2023. Two (2) representations were received and are summarised below.

In accordance with the *Gas Pipelines Act 2000*, the advice received from Zinfra/Palisade is also taken to be a representation, however this is more appropriately addressed in the section relating to referrals.

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

Issues Raised in Representations	Council Response
Oppose the development as it is to aid the Low Head Wind Farm. Approval of the wind farm has put restrictions on future development plans for 599 Old Aerodrome Road (proposed wind turbines and	This representation primarily raised concerns with the approved windfarm. The representation does not raise specific concerns related to the erection of a meterological mast.

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<p>meteorological masts being 830m from the dwelling).</p> <p>Angst and stress related illness attributed to preliminary works and realisation the development is going ahead.</p> <p>Noise impact assessment in the wind farm development application were misleading.</p>	<p>The approved 10 turbine wind farm has previously been considered by Council and approved. It is not considered as part of this application.</p> <p>Noise impacts associated with the turbines are not considered as part of this application. The meteorological mast is a static mast and is not anticipated to generate noise.</p> <p>It is noted that as a development that is incidental to a Level 2 Activity regulated by the EPA, the proposal will become subject to that regulation and any EPN imposed.</p>
<p>Clause 26.1.3 Local Area Objectives states the visual impacts of use and development within the rural landscape are to be minimised such the effect is not obtrusive.</p> <p>The proposal conflicts with the Local Area Objectives relating to tourism.</p> <p><u>D</u>evelopment will add to the scale and intensity of the Low Head Wind farm; inconsistent with Desired Future Character Statement, Clause 26.1.3 c).</p>	<p>The proposal is for a static, light weight, lattice mast. While two masts are proposed, one is located immediately adjacent the site of a future 170m tall wind turbine and will be removed on completion of the permanent mast. As such, the temporary mast will not have any lasting impact and is negligible compared to the wind turbine approved for the site, the impacts of which, have already been deemed to be acceptable by Council.</p> <p>The permanent mast is not anticipated to add to the scale and intensity of the wind farm to the extent that it compromises tourism values. While the mast will certainly be visible, it has a relatively small footprint, narrow frame (0.55m) and low visual bulk. The site of the permanent mast also has substantial separation from publicly accessible areas likely to be used by tourists, including 1.5km from Bellbuoy Beach Road and sealed portions of Old Aerodrome Road, 2.2km from Bellbuoy Beach community, 1.3km from the coast including 1.3 km. The</p>

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	<p>combination of separation and the low visual bulk of the mast and guy wires will substantially mitigate the visual impact of the structure such that the impact on the tourist experience is negligible.</p> <p>In the context of the approved wind farm, the met mast is a minor component and will result in negligible change to the scale of the wind farm.</p> <p>The Local Area objectives and Desired Future Character Statement are further discussed in the assessment below.</p>
<p>Concern that a wind farm project is exempt from Clause 26.4.1; conflicts with objectives relating to the preservation of the coastal landscape.</p>	<p>The Performance Criteria of Clause 26.4.1 do not apply to a wind farm and associated utilities infrastructure.</p> <p>Council has previously made a strategic decision to amend its planning scheme to include specific enabling provisions to facilitate the use and development of a wind farm on the subject property.</p> <p>The suitability of this site for a wind farm, the extent to which this inherently conflicts with other values was considered at the time the amendment was undertaken. While assessment is required specific to the impacts of this proposal, it is considered in the context of the strategic intent for the land.</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
- 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**

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

*“use of land for utilities and infrastructure including:*

*(a) telecommunications;*

*(b) electricity generation;*

*(c) transmitting or distributing gas, oil, or power;*

*(d) transport networks;*

*(e) collecting, treating, transmitting, storing or distributing water; or*

*(f) collecting, treating, or disposing of storm or floodwater, sewage, or sullage.*

*Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retarding basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir. “*

The Utilities Use Class is classified as a discretionary use in the Rural Resource Zone. It is noted that, due to the existing approval of the wind farm, it could be argued that the proposed development does not establish a new use and does not intensify the approved use. However, given the wind farm development remains in a preconstruction phase, a precautionary approach has been taken and the development treated as discretionary with regard to the use table.

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.

### **Zone Purpose Assessment**

## **26 Rural Resource Zone**

### **26.1 Zone Purpose**

<b>26.1.1 Zone Purpose Statements</b>
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- |          |  |
|----------|--|
| 26.1.1.1 | To provide for the sustainable use or development of resources for agriculture, aquaculture, forestry, mining and other primary industries, including opportunities for resource processing. |
| 26.1.1.2 | To provide for other use or development that does not constrain or conflict with resource development uses.  |
| 26.1.1.3 | To provide for economic development that is compatible with primary industry, environmental and landscape values.  |
| 26.1.1.4 | To provide for tourism-related use and development where the sustainable development of rural resources will not be compromised.   |

**Planners Response:**

The proposed development is consistent with the Zone Purpose Statements.

The proposal provides for economic development via its association with the approved wind farm. The impacts of the proposal on resource development activities is negligible. The land is Class 5 and 6 agricultural land; largely unsuitable for cropping but with capacity for grazing. The meteorological masts have a relatively small footprint and allow for grazing activity to continue largely uninterrupted.

**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 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

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relation to settlement activity centres and surrounding primary industries such that the integrity of the activity centre is not undermined and primary industries are not unreasonably confined or restrained.

**Planners Response:**

The development does not compromise the Local Area Objectives.

The proposal is for two meteorological masts, the first of which will be removed from the site on completion of the second. The land capability indicates the land is primarily suited to grazing. The proposed masts will have negligible impact on the use of the land for grazing and will not compromise the long-term sustainability of the resource.

While tourism is an important contributor to the local economy, the proposed development has sufficient separation from areas likely to be accessed by tourists. The separation and low visual bulk of the structure is sufficient to mitigate the impacts such that they are unlikely to impact the tourism experience. The impacts of separation can be seen in the photos below, which show an existing meteorological mast approximately 2km to the north-east of the site.



Figure 6: Existing met. mast showing the mitigating impacts of separation.

While visible, the separation from tourist accessible areas is adequate to mitigate the impacts such that the mast will not dominate or unreasonably detract from the landscape.

The proposal does not compromise the availability or access to goods and services for the rural community.

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It is noted that the Local Area Objectives b) and c) are framed as enabling statements intended to provide specific support for tourism uses and local services. However, they are not statements which prioritise or protect these uses over other non-agricultural activities.

**26.1.3 Desired Future Character Statements**

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

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

**Planners Response:**

The proposal is consistent with the Desired Future Character Statements which are unequivocally intended to provide for a wind farm, including turbines and other related infrastructure on the subject property. This includes the proposed meteorological mast.

Within the context of the approved wind farm, including ten turbines, with heights of 170m, rotor diameter of 136m and footprints of approx. 60m, the proposed static mast is a marginal increase in the scale of the proposal and the impacts on the adjoining rural area are not significantly changed.

**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.
- 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.

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<p>c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.</p> <p>d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.</p> <p>e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</p> <p>f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 If for permitted or no permit required uses.</p>	<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 250m<sup>2</sup>over the site.</p>
<p><b>Planners Response:</b> Relies on performance criteria.</p> <p>The proposal has been considered against the Local Area Objectives for the provision of non-primary industry uses in the zone and does not compromise those objectives. The primary agricultural use of the land is for grazing and land capability mapping indicates this is the most appropriate use for the land. Agricultural impacts of a wind farm were also considered both at the making of the planning scheme amendment and as part of the original wind farm application and determined not to unreasonably compromise agricultural capability.</p> <p>The Local Area Objectives relating to tourism and local services are considered to be enabling statements rather than protectionary statements. Regardless, while tourism is an important contributor to the local economy, the proposed development has sufficient separation from tourist areas to mitigate the impact of the proposal, such that it will not unreasonably compromise the tourist experience.</p> <p>The proposal complies with the Performance Criteria and is consistent with the objective.</p>	
<p>A3 If for permitted or no permit required uses.</p>	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <p>a) the amount of land converted is minimised having regard to:</p> <p style="margin-left: 20px;">i) existing use and development on the land; and</p> <p style="margin-left: 20px;">ii) surrounding use and development; and</p>

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	<ul style="list-style-type: none"> <li>iii) topographical constraints; or</li> <li>b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: <ul style="list-style-type: none"> <li>i) limitations created by any existing use and/or development surrounding the site; and</li> <li>ii) topographical features; and</li> <li>iii) poor capability of the land for primary industry; or</li> </ul> </li> <li>c) the location of the use on the site is reasonably required for operational efficiency.</li> </ul>
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**Planners Response:** Relies on performance criteria.

The proposed use and development is located in non-prime agricultural land, however the amount of land converted is negligible in the context of the 184 ha site. The mast is a perpendicular structure, approximately 0.5m wide, with a relatively small footprint. Although guy wires will extend for approximately 100m around the mast, grazing can continue to occur under the wires. As such the footprint of the development and the amount of land converted is minimal, both in real terms and in the context of the site.

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

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

The proposal is for a static mast. No emissions have been identified which are likely to give rise to a nuisance.

Due to the small footprint, the static and unmanned nature of the structure, it is not anticipated to unreasonably confine or restrain normal primary industry operations on the subject site or surrounding land.

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The use will generate some traffic during construction, however, this is not anticipated to be significant and can readily be accommodated by the existing road network. During operation the meteorological masts will be remotely operated and traffic will be less than one vehicle movement per day.

## 26.4 Development Standards

### 26.4.1 Building Location and Appearance

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

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	<p>104543/2) must not have a significant impact on neighbouring properties having regard to:</p> <ul style="list-style-type: none"><li>(i) the height, bulk and form of existing utilities and buildings;</li><li>(ii) the topography of the site;</li><li>(iii) separation from residential uses on neighbouring properties;</li><li>(iv) any buffers created by natural or other features;</li><li>(v) visibility when viewed from public roads; and</li><li>(vi) the landscape character of the surrounding rural area.</li></ul>
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**Planners Response:** Relies on Performance Criteria.

The proposed meteorological masts have a proposed height of 100m. As they are not specifically wind turbines, they do not benefit from the Acceptable Solution.

The proposed static tower is not anticipated to unreasonably impact the amenity of the adjoining properties. The nearest dwelling is located approximately 850m from the mast, with a total of four dwellings within 2km, all located to the west. This separation is considered adequate to protect the amenity of the dwellings from adverse impacts.

The tower is not anticipated to generate any emissions, such as noise, dust or smoke during normal operations. As the infrastructure will be unmanned, visitation to the site and associated vehicle movements will be minimal.

The development is to the east of the dwelling at 599 Old Aerodrome Road and shadows will be cast to the south. The shadow generated by the structure will not extend to the dwelling or private open space areas surrounding it.

The mast will be located in close proximity to existing utilities infrastructure, including overhead transmission lines associated with Basslink and nearby the site of an approved wind turbine with height of 170m. The proposed mast is not out of character with the other infrastructure in the immediate vicinity. The 850m separation is also sufficient to mitigate the impact of the mast, such that it does not dominate the landscape when viewed from the dwelling.

The surrounding land uses are otherwise agricultural in nature and generally will not be impacted by the proposal.

Performance Criteria a) specifically excludes wind turbines and associated infrastructure from needing to be unobtrusive or compliment the character of the landscape.

Performance Criteria C) relates specifically to wind turbines and is not applicable to the assessment.

The proposal complies with the Performance Criteria and is consistent with the objectives of the standard, which specifically support the development of a windfarm and associated infrastructure on

the subject property.

## **10. REFERRALS**

### **Internal Referrals**

No internal referrals were considered warranted.

### **External Referrals**

The application was referred to the Tasmanian Gas Pipeline. The relevant authority has confirmed that the proposed masts will not impact the safety of the gas pipeline.

The application was also referred to TasNetworks. TasNetworks advised that based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

## **11. SERVICES**

### ***Road***

Access is available to Old Aerodrome Road via the existing driveway crossover.

### ***Sewer***

The site is not connected to reticulated sewerage, however, the proposal is not of a nature that will generate sewerage.

### ***Water***

The site is not serviced with reticulated water. The proposal does not increase demand for water.

### ***Stormwater***

The site is not serviced with stormwater, however, the proposal is not anticipated to result in significant concentrated stormwater.

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

### ***Easements:***

The subject property contains a drainage easement and a transmission line easement. However, the development is not proposed to extend into the easements.

### ***Part V Agreements:***

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

### ***Covenants:***

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

***Heritage Register:***

The subject property is not registered within the Tasmanian Heritage Register administered under Part 4 of the *Historic Cultural Heritage Act 1995*.

***Level 2 Activities:***

The subject property has an approval for the development of a wind farm which was subject to an assessment as a Level 2 Activity in accordance with Schedule 2 of the *Environmental Management and Pollution Control Act 1994*. However, the proposal is ancillary to this Level 2 and does not constitute a new level 2 or intensify the Level 2 Activity. While the EPA were notified of the proposal, it does not require a referral under the Act.

**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.

**13. CONCLUSION**

The application for construction and use of Utilities - Wind Farm Meteorological Masts at 553 Old Aerodrome Road, Low Head (CT 198926/1), has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

**14. RECOMMENDATION**

That the application for use and development, Utilities - Wind Farm Meteorological Masts (x2) at 553 Old Aerodrome Road, Low Head (CT 198926/1) 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. Entura, Low Head Wind Farm Meteorological Masts – Development Application, dated 18 April 2023.

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

**2. HEIGHT**

The met masts are to have a maximum hub height of 100m above the natural ground level.

**3. NO POLLUTED RUNOFF**

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

#### **4. DAMAGE TO PUBLIC INFRASTRUCTURE**

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

#### **Permit Notes**

1. This permit was issued based on the proposal documents submitted for DA 2023/48. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
  - a. Plumbing approval
  - b. Building approval

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

3. This permit takes effect after:
  - 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](http://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.
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

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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](mailto: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:

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**7.3 DA2023/56 - 54 SEASCAPE DRIVE, LULWORTH - RESIDENTIAL - SINGLE DWELLING**

<b>REPORT AUTHOR:</b>	Senior Town Planner - Mr J. Simons Town Planner - Mr A. Bowles
<b>REPORT DATE:</b>	16 June 2023
<b>FILE NO:</b>	DA 2023/56
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Assessment of Compliance with the Acceptable Solutions - DA 2023-56 [7.3.1 - 14 pages]</li><li>2. Advertisement Plans - DA 2023-56 [7.3.2 - 16 pages]</li><li>3. Schedule Of Easements - DA 2023-56 [7.3.3 - 3 pages]</li><li>4. Representation - A &amp; C Rolland - Redacted - DA 2023-56 [7.3.4 - 2 pages]</li><li>5. Representation - T Sparkes - Redacted - DA 2023-56 [7.3.5 - 2 pages]</li></ol>

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**APPLICATION INFORMATION**

<b>Planning Instrument:</b>	George Town Interim Planning Scheme 2013
<b>Applicant:</b>	Adams Building Design
<b>Site Address:</b>	54 Seascape Drive, Lulworth
<b>Titles Details:</b>	139712/32
<b>Property ID:</b>	2213851
<b>Zone:</b>	Village Zone
<b>Use:</b>	Residential
<b>Proposed Development:</b>	Residential Single Dwelling
<b>Application Received:</b>	18 May 2023

**1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Residential Single Dwelling at 54 Seascape Drive, Lulworth (CT 139712/32)

Two representations were received during the advertising period and largely relate to the setback of the proposal from the primary frontage. While a setback of 3.2m is less than any other dwellings in the street, a marginal increase in the setback to 5m brings the setback close enough to that of other dwellings in the vicinity, such that the difference is not readily discernible and the dwelling will not stand out or dominate the frontage.

A condition is recommended for inclusion on the permit to relocate the dwelling to a setback of 5m. The development is relatively minor in scale, both in terms of visual bulk and impact and a greater setback is not considered necessary.

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With appropriate conditions, the proposal is considered to comply with the applicable Performance Criteria and Acceptable Solutions of the Villages Zone and Codes of the *George Town Interim Planning Scheme 2013* and 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. 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 54 Seascapes Drive, Lulworth (CT 139712/32). The total land area of the subject title is 1395m<sup>2</sup>.

The proposal is located within the Village Zone under the *George Town Interim Planning Scheme 2013*.

The site is a corner lot with two frontages, the western frontage being consistent with the definition of a primary frontage. An existing 7m x 10m outbuilding (see building permit BA 2021-42) is located on the eastern boundary of the site.

The site forms part of the Seascapes Drive residential subdivision located on the coastal headland (see subdivision permit IO 90/94). The lot has been approved with the expectation that it will be utilised for residential use and development.

The site has been previously cleared of vegetation, however, it currently exhibits some regrowth.

The site is not subject to any overlays or particular hazards.

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The land is not serviced by reticulated water or sewerage, therefore development will be required to manage these services on site.

The site does have access to Council's roadside stormwater network on Seascapes Drive, which development on the site may connect to.

Access to the site is via an existing crossover located on Seascapes Drive.

The land surrounding the property is mainly dwellings (both permanently occupied and shacks) with subservient outbuildings.

A private links golf course is located to the west and as the site is within the headland protrusion, there is coastal reserve further to the north-east and north-west (See figure 1).



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

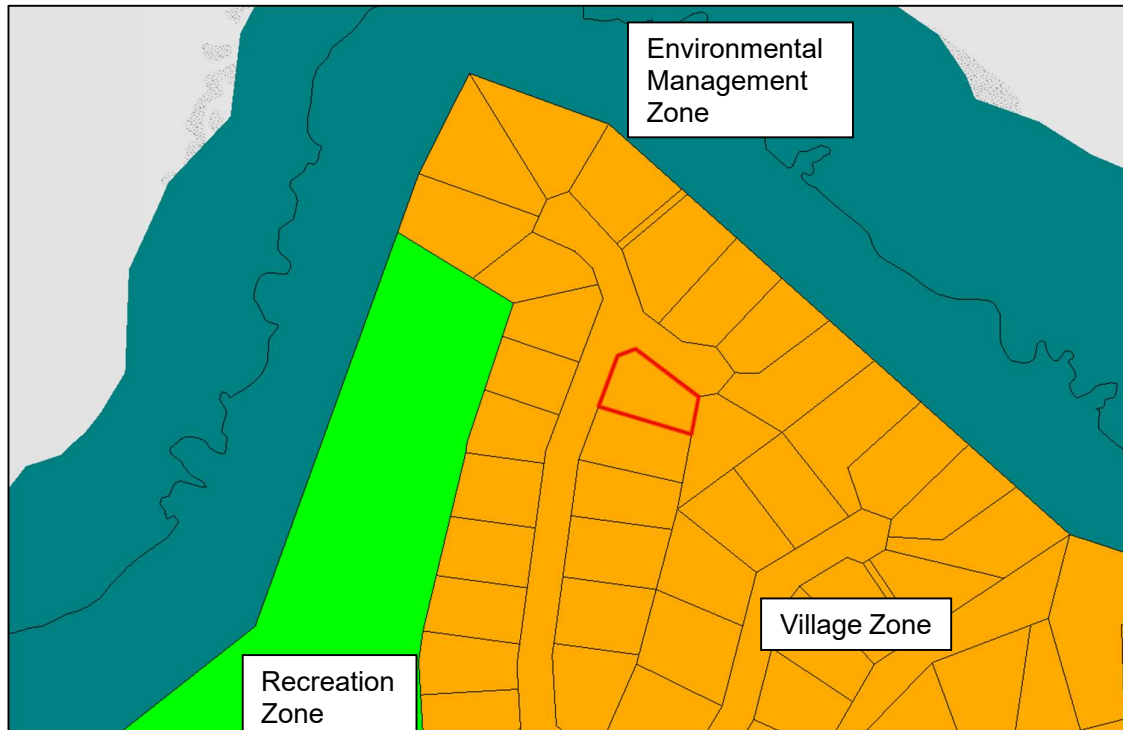


Figure 2: Zoning of subject title (outlined in red) and surrounding land.

## 7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 54 Seascape Drive, Lulworth (CT 139712/32) for Residential Single Dwelling.

The dwelling is rectangular in shape as is consistent with 'tiny homes' that are constructed using shipping containers. The length and width of the dwelling is consistent with the standard dimensions of a 40ft shipping container at approximately 12.2m x 2.44m.

The proposal is single storey structure, that will encompass an approximate total floor area of 30m<sup>2</sup>. Generally, the height of shipping containers is 2.4m, however with the inclusion of raised concrete piers and a skillion roof, the maximum height of the structure is increased to a maximum of 3.8m.

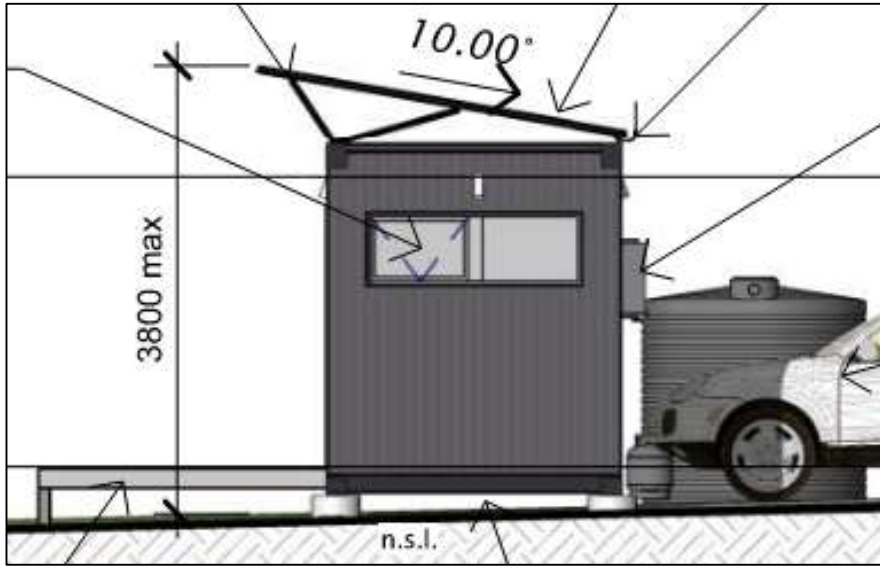


Figure 3: Proposed Western Elevation



Figure 4: Proposed Northern Elevation

The dwelling is located towards the primary frontage of the site with a 3.2m setback from the road reserve and 11.6m setback from the southern boundary.

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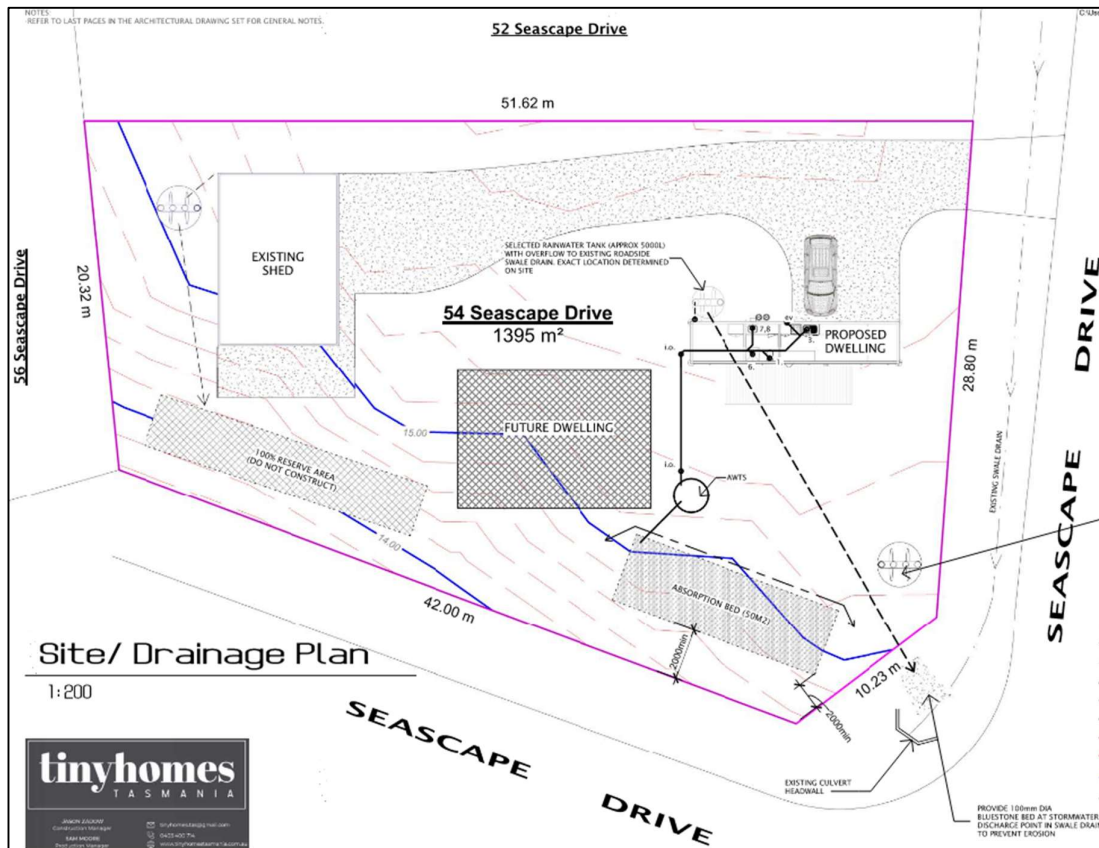
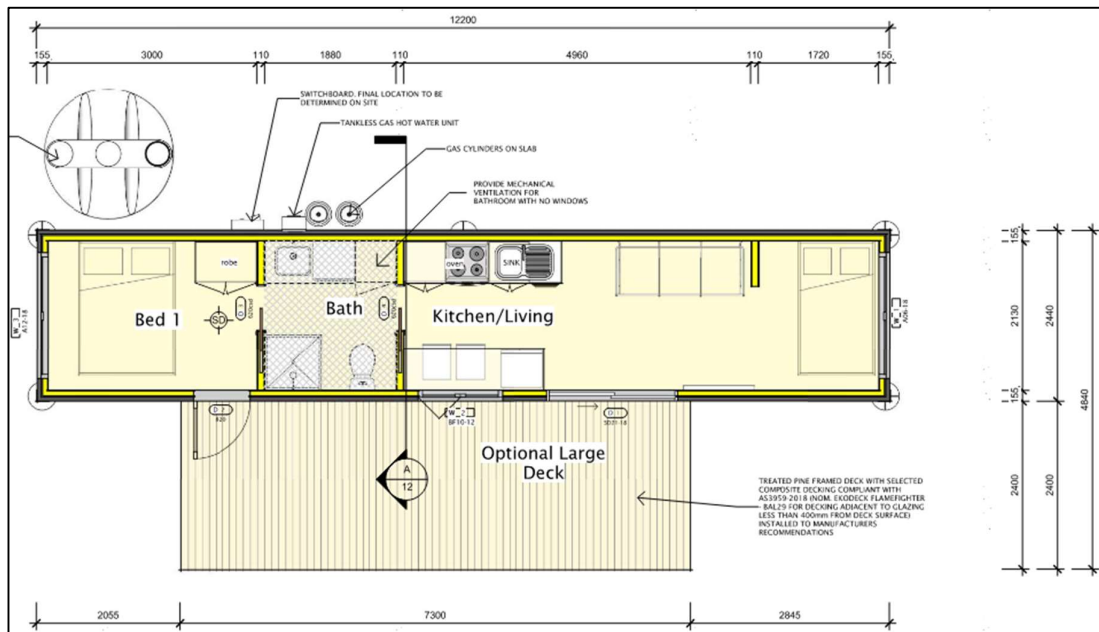


Figure 5: Proposed Site Plan

The layout of the dwelling accommodates one (1) bedroom, one (1) bathroom and open plan living/kitchen. The design demonstrates that a second bed can be accommodated in the living area, presumably to accommodate guests.



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Figure 6: Proposed Floor Plan

Included in the proposal is a deck providing an additional 17.5m<sup>2</sup> of floor area, with access via two (2) doors, from the main bedroom and open plan living/kitchen rooms respectively. The deck has a maximum height of approximately 500mm.

A fire fighting tank is additionally located within the frontage setback.

Due to the lack of reticulated services, an onsite wastewater system is required to service the dwelling. A 50m<sup>2</sup> absorption bed is proposed approximately 2m from both frontages.

Stormwater from the dwelling is to be directed to the Council's swale drain that services Seascape Drive.

The dwelling is proposed to be accessed via the existing crossover onto Seascape Drive, with the access currently leading into the double vehicle shed at the rear of the property.

Although not included within the proposal, the plans indicate a future dwelling is being considered. This dwelling will be considered if and when a detailed application is received, at which point an additional assessment would be required to determine if the current dwelling will transition to becoming an 'ancillary dwelling', a multiple dwelling, or other permitted alternative.

The full plans submitted are included in the attachments.

## **8. REPRESENTATIONS**



The Application was advertised for community consultation from 27 May 2023 to 13 June 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.

<b>Issues Raised in Representations</b>	<b>Council Response</b>
The planning report provided by the applicant is considered by the representor's to be an inaccurate representation of the existing site conditions	The planning report provided by the applicant is supplemental information relating to the development and not directly relied upon as evidence of compliance with the <i>George Town Interim Planning Scheme 2013</i> .  Council as planning authority conducts its own assessment of the proposal against the Performance Criteria in order to determine if the development is compliant with the planning scheme. The planning assessment provided, is informative, but in this instance is not relied on within this assessment and subsequent recommendation.

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<p>Lack of adherence with the frontage setback requirements of the Village Zone performance criteria [outlined within 16.4.1 P3 of the Village Zone]. The lesser setback is not an efficient use of the site and inconsistent with the streetscape.</p>	<p>Please see the body of the report 9.2 - Planning Scheme Assessment for an assessment of 16.4.1 - P3 of the Village Zone. This assessment demonstrates that the dwelling proposed is an efficient use of the site and meets the objectives of the standard.</p>
<p>The photos of the road utilised within the planning report to demonstrate safety of road users is not accurate due to the length of time since the images were captured [dated Jan 2010].</p>	<p>The planning report provided by the applicant is supplemental information relating to the development and not directly relied upon as evidence of compliance with the <i>George Town Interim Planning Scheme 2013</i>.</p> <p>Council planning officers complete an independent assessment, informed by site inspections.</p> <p>There are no safety issues that are identified, as the access is existing, and the road is a low speed area with sufficient sight lines in both a northerly and southerly direction. The below images taken on 15 June 2023 display an unimpeded view.</p> <div data-bbox="773 1037 1362 1278"></div> <p>Figure 7: sight distances looking south.</p> <div data-bbox="773 1381 1354 1736"></div> <p>Figure 8: sight distances looking north.</p> <p>The road reserve's existing swale drains, adds an additional 3.2m approximately from the road verge,</p>

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	<p>providing additional setback to adequately account for the sight distances of local traffic movement.</p> <p>Council's Infrastructure Department have additionally reviewed the proposal and have confirmed that there are no concerns regarding potential impacts to road users from this proposal. Traffic produced by this development is anticipated to be consistent with a residential use and does not result in an unreasonable increases to traffic.</p> <p>Therefore, the proposal will not compromise the safety of road users in any capacity.</p>
<p>Concerns regarding the efficient usage of the site regarding disturbances of natural vegetation. Additionally, the planning report suggests that only one (1) she-oak approximately 1.8m high is to be removed. This is inconsistent with the plans that show multiple she-oaks that are much larger than the report suggests, at approximately 7m.</p>	<p>The plan indicates that removal of regrowth/remnant vegetation is required to facilitate the dwelling. In this instance the native vegetation removal associated with residential use in the Village Zone is exempt from requiring further assessment in accordance with Clause E8.4.1 a) of the Biodiversity Code.</p>
<p>The setback proposed will spoil the visual amenity. There will be visual impacts to residents due to the lesser setback and additionally this will set a precedent of reduced frontage setbacks.</p>	<p>The visual impact of the proposal on the streetscape has been considered in the assessment below.</p> <p>The site is located within an existing residential subdivision, which has extensive variety of built form, both in relation to location and character. However, as there are no other dwellings in the street with a setback consistent with the proposed development, it is recommended that the dwelling be setback a minimum of 5m from the frontage.</p> <p>Due to the relatively small scale, and low visual bulk the dwelling will not dominate the streetscape. With a condition requiring a minimum setback of 5m, the variation between the setback of the proposed dwelling and the existing adjoining dwelling will not be readily discernible and the</p>

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	<p>proposal will not conspicuously extend forward of the building line.</p> <p>With the recommended condition, the proposal is considered to have an acceptable impact on the streetscape.</p> <p>Visual impacts are highly subjective and a greater setback can be conditioned if considered to be warranted by Council. However, at 5m the development is not radically different from other developments in the vicinity.</p> <p>The proposed amendment has been discussed with the land owner and they are comfortable with the change.</p>
<p>Lack of consideration regarding the covenants registered on the title of the subject site, with the particular concerns of the representor as follows:</p> <ol style="list-style-type: none"> <li>1) "That no building house or dwelling shall be constructed on any of the Lots which.....has not been sighted and designed to have minimal impact on existing vegetation .....where possible disturbances to natural vegetation should be reduced by grouping structures....." In contrast, the design depicts the current shed, the proposed single dwelling and a future residence being spread across the width of the block rather than considering grouping.</li> <li>2) That no more than one main dwelling be erected on any Lot. If the future residence is built, unsure of the single dwelling purpose but overall seems too many buildings crowded onto a seaside allotment which is out</li> </ol>	<p>The covenants registered against the property are considered as a private agreement between the parties with whom the agreement relates. In this instance it is the vendor and owners of each lot within the sealed plan.</p> <p>When acting as a Planning Authority, Council is limited to considering those matters contained within the Planning Scheme (unless where otherwise explicitly stated in legislation).</p> <p>Private covenants are not a matter that can be considered during an assessment of a planning application in accordance with the Land Use Planning and Approvals Act 1993.</p> <p>In order to enforce a covenant, a private party with a real interest at law, is required to conduct civil legal proceedings.</p> <p>It is noted the application at this time is for one dwelling. While an additional future dwelling may be considered under the planning scheme, such a dwelling does not form part of the proposal.</p>

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of character with the surrounding neighbourhood.	
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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*:

- 16.0 Village Zone
- E6.0 Car Parking and Sustainable Transport Code

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

### **9.1 Use Class**

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

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

The Residential Use Class is classified as a No Permit Required use in the Village Zone. However, in this instance, the proposal 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.

### **Zone Purpose Assessment**

## **16 Village Zone**

16.1 Zone Purpose

16.1.1 Zone Purpose Statements
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| 16.1.1.1 | To provide for small rural centres with a mix of residential, community services and commercial activities.                                |
| 16.1.1.2 | To provide for low impact, non-residential uses that support the function of the settlement.   |
| 16.1.1.3 | To provide for the amenity of the residents in a manner appropriate to the mixed use characteristics and needs of a particular settlement. |

**Planners Response:**

The proposal is for a residential use. No non-residential uses are proposed, the residential use will remain the dominant use on the title.

As shown in the assessment the development proposed will be low impact and as a residential dwelling it is consistent with the surrounding use and development, which comprises dwellings and associated outbuildings or vacant land.

**16.1.2 Local Area Objectives**

1. Recognise the historic development of the coastal settlements whilst supporting some infill and limited development subject to the availability of services and in a manner that does not create ribbon development.
2. Ensure the new use development in unserviced areas;
  - a) is self-sufficient in infrastructure provision,
  - b) does not cause material environmental harm; and
  - c) does not create significant additional demands on community resources.
3. Protects the amenity of existing and future occupants of residences on adjoining lots in terms of;
  - a) visual and acoustic privacy
  - b) overlooking habitable rooms and outdoor recreation areas; and
  - c) loss of sunlight to habitable rooms and outdoor recreation areas.
4. Ensure the design and layout of residential subdivision takes account of coastal protection requirements, solar access, waste disposal protection, protection of native vegetation, maintenance of the environmental and hydrological functions of streams and waterways and the visual amenity of surrounding areas.

**Planners Response:**

The proposed dwelling is located within the urban area of Lulworth and does not expand the urban footprint or create any ribbon development. The proposal is for a single residential dwelling and does not propose further subdivision or creation of new lots.

The existing lot is serviced by a roadside stormwater drain and will manage water and sewer onsite. It is considered self-sufficient with regard to water and wastewater management. This development will not cause any significant increased demands on the existing community services through the use of these systems.

The site is within an existing residential subdivision and the proposal is for a residential use. The environmental impacts caused by the development will be minimal and consistent with existing uses in the area.

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The impact to visual and acoustic privacy of the nearby dwellings is not considered unreasonable. The structure proposed is relatively small (at approximately 30m<sup>2</sup>), sufficiently setback from the side boundaries (at approximately 11.6m) and has a finished floor level less than 1m above the natural ground level. The setback and elevation is adequate to ensure reasonable privacy of the adjoining titles. There will be negligible impact to the sunlight received by the adjacent properties. The shadows cast by the development will fall to the south and, due to the low profile of the dwelling, will be contained within the subject property. Therefore, the privacy and amenity observed nearby properties will be maintained.

No subdivision forms part of the proposal.

The proposal is compliant with the local area objectives.

### 16.1.3 Desired Future Character Statements

In the small coastal settlements of:

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

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

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

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

#### **Planners Response:**

The proposal is for a residential dwelling located on a residential infill lot within the Lulworth settlement. The proposal does not include any commercial development or expand the footprint of the settlement. The formalization of the driveway and the existing outbuilding on the site provides ample opportunity for the parking of both cars and boats.

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

No subdivision forms part of the proposal.

The site is proposed to be self sufficient with respect to sewage and water management. Connection to the roadside stormwater system is proposed, consistent with other residential properties in the area.

The proposal is consistent with the local area objectives

### **Performance Criteria assessment.**

## **16.0 Village Zone**

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16.4 Development Standards

16.4.1 Building Design and Siting

Objective	
<p>a) To protect the residential amenity of adjoining lots by ensuring that the height, setbacks, siting and design of buildings provides adequate privacy, separation, open space and sunlight for residents; and</p> <p>b) To ensure that the siting and design of development furthers the local area objectives and desired future character statements for the area, if any.</p>	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A3 Primary frontage setbacks must be:</p> <p>a) a minimum distance of 6m; or</p> <p>b) for infill lots, within the range of the frontage setbacks of buildings on adjoining lots, indicated by the hatched section in Figure 16.4.1B below; and</p> <div style="text-align: center;"> </div> <p><b>Figure 16.4.1B – Primary Frontage Setback for Infill Lots</b></p> <p>c) for corner lots, side walls must be set back a minimum of 3m from the secondary frontage.</p>	<p>P3 Buildings must be set back from the frontage an appropriate distance having regard to:</p> <p>a) the efficient use of the site; and</p> <p>b) the safety of road users; and</p> <p>c) the prevailing setbacks of existing buildings on nearby lots; and</p> <p>d) the visual impact of the building when viewed from the road; and</p> <p>e) retention of vegetation within the front setback.</p>

**Planners Response:** Relies on performance criteria.

The proposed dwelling is located 3.2m from the frontage.

In this instance the setback of the dwelling is not consistent with the setbacks of other dwellings in the street. While there are ancillary elements such as tanks, fences and screens with a lesser setback, there are no substantial buildings with a setback of 3.2m. Being located on a sharp corner, the reduced setback will further increase the prominence created by the curvature of the road.

However, there are a number of buildings with a setback less than 6m and the proposal can be readily conditioned to achieve compliance. The dwelling at 59 Seascapes Drive includes a garage that is between 4m and 5m from the frontage. While the immediately adjoining dwelling at 52 Seascapes has an outbuilding setback 5.4m from the frontage. It is noted that the width of the road reserve and the distance between the buildings suggests that one or

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both of these buildings are less than 5m from the frontage, however a detailed site survey would be required to determine the exact setbacks.



Figure 9: Existing outbuilding at 52 Seascapes Drive.



Figure 10: Approx. footprint of proposed dwelling.

A planning permit has recently been issued for the development of a dwelling extension at 62 Seascapes Drive (see DA 2022/106). This development has a setback of 5m from the primary setback. While the height of the structure is similar to that proposed, the building is substantially larger in area and has a greater street presence than the proposed development.

It is recommended that the proposed container home be conditioned to maintain a minimum setback of 5m from the primary frontage on the west side of the property. This setback will

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bring the development into greater compliance with the other developments in the street, such that the variations are not readily discernable when viewed from the street.

The visual impact of the proposal on the streetscape is substantially mitigated by the scale and design of the structure. The structure is single story, with the primary impact stemming from the western wall when viewed from the primary frontage of the road. The dwelling is constructed from a shipping container and is orientated such that the smallest wall surface is presented to the street. Including the skillion roof and footings, the structure has a height of 3.8m above the natural ground level. The end wall of the container is 2.4m wide by 2.5m. Overall the structure has a relatively low visual bulk, does not conspicuously extend forward of the building line and will not dominate the streetscape.

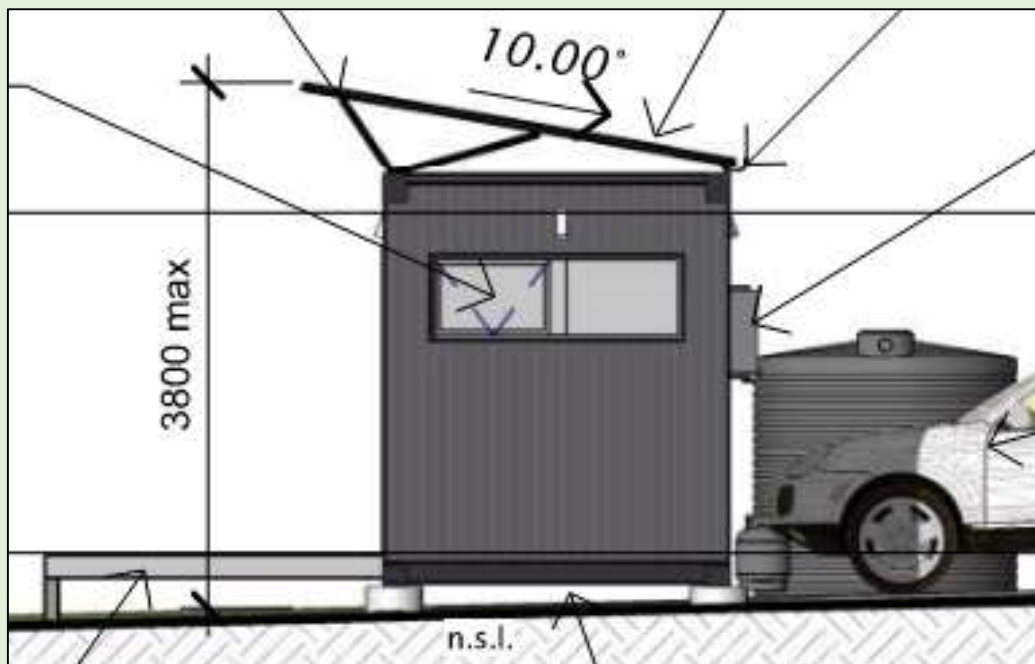


Figure 11: elevation of proposed dwelling facing the primary frontage.

Given the size and nature of the dwelling, it is reasonable to position the dwelling such that there is adequate space to accommodate a larger future dwelling. The proposal is not considered to be an inefficient use of the site.

The site has minimal vegetation in the front setback and, as such, vegetation does not provide any form of screening when viewed from the road and is not considered to be a mitigating factor. However, even without screening vegetation, the bulk of the structure and its presence in the streetscape is acceptable.

Council's Infrastructure Department have reviewed the proposal and advised there are no concerns regarding potential impacts to road users from this proposal. As Seascapes Drive

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is a no through road, traffic is predominately local residents and low-speed. The existing access allows for adequate sight distances along the road and will not be unreasonably obstructed by the proposal. Traffic produced by this development is consistent with that of a residential use and development and is readily accommodated by the existing road. The proposal will not compromise the safety of road users.

The application also includes a firefighting tank located within the front setback of the site. This is considered to be acceptable and is consistent with the location of other firefighting tanks in the vicinity. Due to the bushfire prone nature of the coastal settlements, clearance and a readily accessible firefighting tank is a regular requirement and is quickly becoming a frequent feature of residential properties. A number of dwellings in the vicinity, including 59, 58, 56, 66 Seascape Drive, include firefighting tanks at or close to the frontage. Therefore, this location in the frontage is consistent with the location of tanks found throughout Seascape Drive and is a common feature in the streetscape.



Figure 12: Firefighting tank at 56 Seascape Drive.



Figure 13: Firefighting tank at 59 Seascape Drive.



Figure 14: Firefighting tank at 58 Seascope Drive.

With the recommended condition, the proposal is considered to comply with the Performance Criteria and protects the residential amenity of adjoining lots by providing adequate privacy, separation, open space and sunlight consistent with the Objective.

Visual impacts are highly subjective and a greater setback can be conditioned if considered to be warranted by Council. However, at 5m the development is not radically different from other developments in the vicinity and further marginal changes are not likely to result in any perceivable benefit.

## **10. REFERRALS**

### **Internal Referrals**

#### ***Infrastructure***

Council's Infrastructure Department have reviewed the proposal and advised there are no concerns regarding potential impacts to road users from this proposal, as traffic in this area is low-speed and the existing access allows for adequate sight distances along the road. Therefore, the proposal will not compromise the safety of road users.

### **External Referrals**

#### **TasNetworks**

A TasNetworks referral was issued on 26 May 2023 under Section 44L of the *Electricity Supply Act 1995*.

TasNetworks responded to this request on 8 June 2023 with the following comments: "Based on the information provided, the development is not likely to adversely affect TasNetworks' operations."

## **11. SERVICES**

### ***Road***

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

### ***Sewer***

Reticulated sewerage is unavailable onsite, therefore the proposal relies on onsite wastewater management. Onsite waste water management will be considered as part of the Building approval process in accordance with the *Building Act 2016*.

### ***Water***

Reticulated water is unavailable onsite, therefore the proposal relies on onsite water systems to service the property.

### ***Stormwater***

Reticulated stormwater is available to the site in the form of a swale drain in the road reserve. The proposal intends to connect the overflow from the water tank to the roadside swale drain.

## **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 (also known as 'agreements under section 71 of the *Land Use Planning and Approvals Act 1993*') are registered against the subject property's title.

### ***Covenants:***

Covenants are registered against the subject property's title, the schedule of easements for the subject property is subject to a private agreement between the land owners, this is included as part of title information within the attachments.

Private covenants are not a matter that can be considered as part of an assessment of compliance against the *George Town Interim Planning Scheme 2013*.

### ***Heritage Register:***

The subject property is not registered within the Tasmanian Heritage Register administered under Part 4 of the *Historic Cultural Heritage Act 1995*.

### ***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.

## **13. CONCLUSION**

The application for construction and use of Residential Single Dwelling at 54 Seascap Drive, Lulworth (CT 139712/32), 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 Single Dwelling at 54 Seascap Drive, Lulworth (CT 139712/32) be **APPROVED** subject to the following conditions:

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**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. Adams Building Design, project no. 010523, drawing no. 1 to 9 inclusive, revision 3, dated 16 May 2023;

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

**2. AMENDED PLANS**

Prior to the commencement of works amended plans are to be submitted to the satisfaction of Council. Drawing no, 3 & 4 (project no. 010523) are to be amended to show the dwelling setback a minimum of 5m from the primary frontage (west frontage), to the satisfaction of Council's Director Infrastructure and Development. Once approved, the plans will be endorsed and will form part of the planning permit.

**3. NO POLLUTED RUNOFF**

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

**4. DAMAGE TO PUBLIC INFRASTRUCTURE**

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

**5. FUTURE DWELLING**

The "future dwelling" identified on the site plan has not been considered and no approval granted as part of this assessment.

**Permit Notes**

1. This permit was issued based on the proposal documents submitted for DA 2023/56. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
  - a. Plumbing approval
  - b. Building approval

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

3. This permit takes effect after:

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- 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](http://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.
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](mailto:aboriginal@heritage.tas.gov.au); and
  - c. The relevant approval processes will apply with state and federal government agencies.
9. 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.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

## **8 OFFICE OF GENERAL MANAGER**

### **8.1 MAKING OF RATES AND CHARGES FOR THE 2023/2024 YEAR**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power Director Corporate & Community – Mrs C. Hyde
<b>REPORT DATE:</b>	12/06/2023
<b>FILE NO:</b>	32.1
<b>ATTACHMENTS:</b>	1. Alternative rating resolution Option 1 [ <b>8.1.1</b> - 4 pages] 2. Alternative rating resolution Option 2 [ <b>8.1.2</b> - 4 pages] 3. Alternative rating resolution Option 3 [ <b>8.1.3</b> - 4 pages]

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#### **SUMMARY**

This report provides information on the making of rates and charges for the 2023/2024 financial year.

#### **BACKGROUND**

##### **RATES & CHARGES FOR 2023/2024**

Rates and charges as detailed in the recommendation below are in accordance with Council's current GTC -14 Rates and Charges Policy V4. This policy was reviewed and adopted by Council at the 28 March 2023 meeting.

The rates and charges resolution options are presented in the attachments for consideration by council in the making of rates and charges for the period 1 July 2023 to 30 June 2024. At the request of Council, Council Officers have presented three scenarios which reflect a general rate increase of either option 1 - 7.8%, option 2 - 8.11% and option 3 - \$93 minimum or 7.5% increase for the non-residential and residential sectors.

#### **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 Three - Progressive Well-Resourced Communities**

1. Recreational opportunities for all

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

**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**

4. Positive and productive working relationship with all levels of government and their agencies
  - i. Ensuring the area's needs and priorities are understood.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Part 9 of the Local Government Act 1993 contains the detailed requirements of Council in relation to rates and charges. Part 9 is considered too voluminous to reproduce in this report.

**RISK CONSIDERATIONS**

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

There is a medium risk if an appropriate rating structure is not set, including:

- Risks associated with inadequate maintenance and service levels resulting in community dissatisfaction.
- Risks associated with inadequate finances to ensure long-term financial sustainability.

**FINANCIAL IMPLICATIONS**

In accordance with Council's Financial Strategy, when setting rates and charges, Council's financial position will have a margin of comfort to enable it to absorb unexpected developments without having to resort to substantial rate increases. Council will ensure that it accumulates sufficient financial resources and has the borrowing capacity to deal with volatility and unexpected events. Council's operational budget will be flexible enough to ensure that volatile changes in revenues and expenses because of a changing economic environment can be absorbed.

**DIVERSITY, EQUITABLE ACCESS, AND INCLUSION CONSIDERATIONS**

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

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

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

### **CONSULTATION**

Council has workshopped the rates and charges in April, May, and June 2023.

### **OPTIONS**

Council may choose to:

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

### **OFFICERS COMMENTS**

### **DEFINITIONS AND INTERPRETATION**

1. **‘Planning Scheme’** means the George Town Interim Planning Scheme 2013 as amended or replaced pursuant to the *Land Use Planning and Approvals Act 1993* (Tas).
2. Where the context permits, terms used in this resolution have the meaning given to those terms in the *Local Government Act 1993* (Tas) or the *Fire Service Act 1979* (Tas) (as applicable).

In setting rates and charges council has considered the following:

1. A 26% increase in waste fees for Council at the Launceston Waste Centre, and 18% increase in kerb side recycling costs
2. Statutory obligations
3. Delivery of services to the community
4. Continued and forecast changes in prices for goods and service;
5. Council's 10-year Long Term Financial Plan, Council's Financial Strategy, and the objectives in Council's Community Strategic Plan

### **RATES OPTIONS**

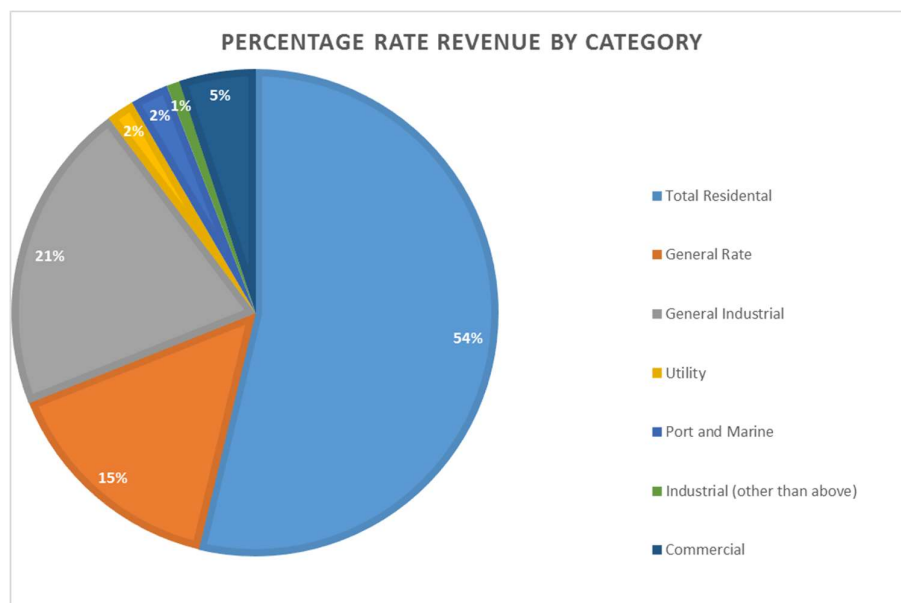
Council is presented with two scenarios for the setting of rates and charges for the 2023-2024 financial year. Estimated additional income from the option 2 scenario will result in an additional \$28,395 above option 1, whereas option 3 will result in a \$927 increase over option 1.

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Council officers' recommendation is to adopt the option 1 increases which will allow for a modest estimated surplus in the 2023/2024 budget estimates to be considered in a later report.

	Actual 2023	Option 1	Option 2	Option 3
Total AAR - residential	\$ 4,359,493	\$ 4,699,533	\$ 4,718,351	\$ 4,697,666
General Rates	\$ 1,225,760	\$ 1,333,392	\$ 1,335,572	\$ 1,350,024
General Industrial	\$ 1,686,758	\$ 1,818,132	\$ 1,823,026	\$ 1,813,078
Utility	\$ 150,892	\$ 162,665	\$ 163,126	\$ 162,243
Port and Marine	\$ 203,882	\$ 219,784	\$ 220,422	\$ 219,175
Industrial (other than above)	\$ 70,806	\$ 76,347	\$ 76,549	\$ 76,343
Commercial	\$ 412,842	\$ 440,458	\$ 441,660	\$ 439,737
<b>Total Rates</b>	<b>\$ 8,110,433</b>	<b>\$ 8,750,311</b>	<b>\$ 8,778,706</b>	<b>\$ 8,758,265</b>
<i>Estimated variance from 7.8%</i>			\$ 28,395	\$ 927



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**OFFICER'S RECOMMENDATION**

That Council, by absolute majority, make rates and charges for the period 1 July 2023 to 30 June 2024 in accordance with the resolutions which follow:

**1. GENERAL RATE & MINIMUM AMOUNT PAYABLE**

Pursuant to Section 90 of the *Local Government Act 1993* ('Act'), Council makes the following General Rate on all rateable land excluding land which is exempt pursuant to the provisions of Section 87 of the Act within the municipal area of George Town for the period commencing 1<sup>st</sup> July 2023 and ending on 30<sup>th</sup> June 2024:

1. pursuant to Sections 90(1) and 90(3)(b) of the Act, Council hereby makes a General Rate of **0.2429** cents in the dollar on the **adjusted capital value** of the land; and
2. pursuant to Section 90(4) of the Act, Council sets a minimum amount payable in respect of the General Rate of **\$861.00**.

**2. VARIATIONS TO THE GENERAL RATE**

Pursuant to Section 107 of the Act, Council hereby varies the General Rate of **0.2429** cents in the dollar (as previously made) as follows:

- a. For land used or predominantly used for industrial purposes, and which is zoned 'General Industrial' as defined in the Planning Scheme, the General Rate is varied by increasing it by **1.258** cents to **1.5009** cents in the dollar on adjusted capital value;
- b. For land used or predominantly used for industrial purposes, and which is zoned 'Utilities' as defined in the Planning Scheme, the General Rate is varied by increasing it by **1.2662** cents to **1.5091** cents in the dollar on adjusted capital value;
- c. For land used or predominantly used for industrial purposes, and which is zoned 'Port and Marine' as defined in the Planning Scheme, the General Rate is varied by increasing it by **1.2733** cents to **1.5162** cents in the dollar on adjusted capital value;
- d. For land used or predominantly used for industrial purposes, and which is not zoned 'General Industrial', 'Utilities' or 'Port and Marine' as defined in the Planning Scheme, the General Rate is varied by increasing it by **0.03859** cents to **0.6288** cents in the dollar on adjusted capital value;
- e. For land used or predominantly used for commercial purposes, the General Rate is varied by increasing it by **0.3982** cents to **0.6288** cents in the dollar on adjusted capital value;
- f. In the locality of Beechford, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.1697** cents to **0.4126** cents in the dollar on adjusted capital value;
- g. In the locality of Bellingham, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.1321** cents to **0.375** cents in the dollar on adjusted capital value;
- h. In the locality of George Town, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.1883** cents to **0.4312** cents in the dollar on adjusted capital value;
- i. In the locality of Hillwood, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing it by **0.048** cents to **0.1949** cents in the dollar on adjusted capital value;

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- j. In the locality of Lefroy, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.1797** cents to **0.4226** cents in the dollar on adjusted capital value;
- k. In the locality of Low Head, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing it by **0.0179** cents to **0.225** cents in the dollar on adjusted capital value;
- l. In the locality of Lulworth, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.0556** cents to **0.2985** cents in the dollar on adjusted capital value;
- m. In the locality of Mount Direction, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.0059** cents to **0.2488** cents in the dollar on adjusted capital value;
- n. In the locality of Pipers Brook, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing it by **0.023** cents to **0.2199** cents in the dollar on adjusted capital value;
- o. In the locality of Pipers River, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by decreasing it by **0.0209** cents to **0.222** cents in the dollar on adjusted capital value; and
- p. In the locality of Weymouth, for rateable land that is used, or predominantly used, for residential purposes, the General Rate is varied by increasing it by **0.0515** cents to **0.2944** cents in the dollar on adjusted capital value.

**3. AVERAGED AREA RATES**

Pursuant to Section 109A of the Act and Certificates issued to Council in accordance with Section 109H of the Act, Council hereby make the following Averaged Area Rates ('AAR') for all rateable land within the municipal area for the following categories and localities for the financial year commencing 1 July 2023 and ending 30 June 2024, noting no catch up be applied to the coastal and country localities:

- 1. In the locality of Beechford, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,259.00** using the General Rate as varied pursuant to paragraph 2 (f) of this resolution;
- 2. In the locality of Bellingham, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,259.00** using the General Rate as varied pursuant to paragraph 2 (g) of this resolution;
- 3. In the locality of George Town, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,335.00** using the General Rate as varied pursuant to paragraph 2 (h) of this resolution;
- 4. In the locality of Hillwood, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,284.00** using the General Rate as varied pursuant to paragraph 2 (i) of this resolution;
- 5. In the locality of Lefroy, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,259.00** using the General Rate as varied pursuant to paragraph 2 (j) of this resolution;
- 6. In the locality of Low Head, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,335.00** using the General Rate as varied pursuant to paragraph 2 (k) of this resolution;

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7. In the locality of Lulworth, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,259.00** using the General Rate as varied pursuant to paragraph 2 (l) of this resolution;
8. In the locality of Mount Direction, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,284.00** using the General Rate as varied pursuant to paragraph 2 (m) of this resolution;
9. In the locality of Pipers Brook, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,284.00** using the General Rate as varied pursuant to paragraph 2 (n) of this resolution;
10. In the locality of Pipers River, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,284.00** using the General Rate as varied pursuant to paragraph 2 (o) of this resolution; and
11. In the locality of Weymouth, for rateable land that is used, or predominantly used, for residential purposes, an AAR is made in the amount of **\$1,259.00** using the General Rate as varied pursuant to paragraph 2 (p) of this resolution.

**4. WASTE MANAGEMENT SERVICE CHARGES**

Pursuant to Section 94 of the Act, Council by absolute majority hereby makes the following service charges on all rateable land within the municipal area of George Town (including land which is otherwise exempt from general and separate rates pursuant to Section 87 of the Act but excluding Crown land to which Council does not supply waste management services) for the period commencing 1 July 2023 and ending on 30 June 2024, namely:

- (a) A service charge of **\$50.00** for waste management on all rateable land for the establishment, management, provision and rehabilitation by Council of waste management facilities, and
- (b) A service charge for waste management in respect of all land to which Council provides or makes available waste management services, including garbage and recycling removal and disposal using mobile garbage and recycling bins, pursuant to Section 94(3A) of the Act varied according to the level of service provided or made available-of:
  - (i) \$248.00 for land serviced by one 85 litre mobile garbage bin and one 140 litre mobile recycling bin;
  - (ii) \$312.00 for land serviced by one 140 litre mobile garbage bin and one 140 litre mobile recycling bin; and
  - (iii) \$446.00 for land serviced by one 240 litre mobile garbage bin and one 240 litre mobile recycling bin.

**5. SERVICE RATE FOR FIRE PROTECTION**

1. Pursuant to Section 93A of the Act, Council makes the following fire protection service rates for the purpose of collecting a fire service contribution from all rateable land in the municipal area sufficient to pay the contribution that Council is required to make pursuant to the notice received by Council from the State Fire Commission given

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accordance with Section 81B of the *Fire Service Act 1979* (Tas) for the 2021-2022 financial year as follows:

<b><u>District</u></b>	<b>Rate Cents in the dollar of Adjusted capital value</b>
George Town Volunteer Brigade Rating District	0.0150575
General Land	0.0102473

2. Pursuant to Section 93(3) of the Act and Section 81C(6) and Section 79B(2) of the *Fire Service Act 1979* (Tas), the minimum fire service contribution payable in respect of the fire service contribution is the amount of **\$48.00**.

**6. PAYMENT OF RATES**

Pursuant to Section 124 of the Act, Council determines that:

**all rates may be paid by rate payers by way of four (4) instalments in accordance with the following schedule:**

1. First instalment due on or before 31 August 2023;
2. Second instalment due on or before 31 October 2023;
3. Third instalment due on or before 31 January 2024; and
4. Fourth and final instalment due on or before 31 March 2024.

**7. PENALTY AND INTEREST**

Pursuant to Section 128(1)(c) of the Act, if any rate, instalment or charge is not paid on or before the date that it falls due for payment then:

(a) there is payable a penalty of five percent (**5%**) of the unpaid amounts of the rate, instalment or charge; and

(b) there is payable a daily interest charge of **0.0269863% (9.85% per annum)** in respect of the unpaid amount of the rate, instalment or charge for the period during which it remains unpaid.

**8. SEPARATE LAND**

For these resolutions, the rates and charges (including the minimum amounts) shall apply to each parcel of land shown as being separately valued in the valuation list prepared under the Valuation of Land Act 2001 (Tas).

**9. ADJUSTED VALUES**

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For these resolutions, any reference to adjusted capital value includes a reference to that value as may be adjusted pursuant to Section 89 of the Act.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

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**8.2 SETTING OF FEES AND CHARGES FOR THE 2023/2024 FINANCIAL YEAR**

<b>REPORT AUTHOR:</b>	Director Corporate and Community – Cheryl Hyde General Manager – Mr S. Power
<b>REPORT DATE:</b>	18/6/23
<b>FILE NO:</b>	32.4
<b>ATTACHMENTS:</b>	1. Fees and charges 2023-2024 - FINAL COPY for agenda [8.2.1 - 17 pages]

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**SUMMARY**

This brief is to present proposed the fees and charges for the financial year 2022/2023.

**BACKGROUND**

The Council every year as a part of its budget deliberations sets its fees and charges for a number of 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 certain service functions. The recommended schedule of fees and charges is in the form of an attachment to this report.

**STRATEGIC PLAN**

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

**Future Direction Three - Progressive Well-Resourced Communities**

3. Social infrastructure meets community needs
  - i. Developing and maintaining social infrastructure that meets the community's changing needs.

**Future Direction Three - Progressive Well-Resourced Communities**

8. Public infrastructure relevant to needs
  - ii. Understanding priorities and scheduling responses.

**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.

## **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), 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 licence, permit, registration or authorization granted by the council;
  - (g) any other prescribed matter.
- (2) A council may not impose a fee or charge in respect of a matter if –
- (a) a fee or charge is prescribed in respect of that matter; or
  - (b) this or any other Act provides that a fee or charge is not payable in respect of that matter.
- (3) Any fee or charge under subsection (1) need not be fixed by reference to the cost to the Council

## **RISK CONSIDERATIONS**

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

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 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.

## **DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

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

George Town Council is committed to maximising access and inclusion to services, facilities, features and activities for all within the community, regardless of ability, literacy, numeracy

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and language limitations, age, race, religion or other, within all aspects of Council. The aims are as follows:

- Provide a fees and charges structure which allows accessibility and inclusion for the community to Council facilities and services.

## **CONSULTATION**

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

## **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**

Attached for the information of Council are comparison tables, showing fees for the 2022/2023 year and those proposed for 2023/2024 financial year.

In particular, the following points should be noted.

- The fees and charges schedule has considered gazetted fees and charges based on decisions of the state government where applicable.
- The Waste transfer fees adjustment reflects the increase in disposal fees as per Launceston City Council landfill fees and the increase to 23.50 per tonne State Landfill Levy.
- Planning, Building and Plumbing charges have been amended in line with actual costs.

The following has been extracted from the Council's adopted financial strategy in relation to the setting of fees and charges.

## **7. Fees and Charges**

### 7.1 Overview and Purpose

Council has for a number of years implemented a user pays principle in charging for some services. This recognises the situation whereby some services are consumed by a discrete section of the community who may or may not be ratepayers or residents. This approach does not imply that every service or function is subject to the principle nor does it prevent Council from exempting some sectors of the community from paying for the service where it deems the service to be a community service obligation.

### 7.2 Strategies

- Review all fees and charges prior to the setting of budget each year.
- Determine those fees and charges to which the user pays principle applies.

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- Consider an appropriate increase for those fees and charges where the user pays principle applies.
- Align fees and charges set in the annual budget estimates with the long term financial plan.
- Consider the application of new fees or charges where a new service is introduced or amend fees and charges where service delivery is changed significantly.
- Maintain the percentage of total cash receipts from user charges at 4.2% or increase this if possible.

**7.3 Aims and Targets**

Performance measure	Percentage increase in fees and charges
Performance calculation as a percentage)	Last year's fee or charge/this year's fee or charge (expressed as a percentage)
Aim	Local government cost index percentage increase applied
Target	Local government cost index percentage increase applied
Performance measure	Percentage of cash receipts from user charges
Performance calculation	Receipts from user charges/total receipts
Aim	10%
Target	4.5%

**OFFICER'S RECOMMENDATION**

That Council, pursuant to Section 205 of the Local Government Act 1993 receive and adopt the schedules of fees and charges attached to this report for the 2023/2024 financial year.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.3 BUDGET ESTIMATES FOR THE 2023/2024 FINANCIAL YEAR**

<b>REPORT AUTHOR:</b>	Director Corporate and Community – Cheryl Hyde General Manager – Mr. S. Power
<b>REPORT DATE:</b>	06 June 2023
<b>FILE NO:</b>	29.11
<b>ATTACHMENTS:</b>	1. Operational budget by function [8.3.1 - 11 pages]

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**SUMMARY**

This report provides information on budget parameters, assumptions and strategies that have been applied in the preparation of the 2023/2024 budget presented for adoption.

**BACKGROUND**

There have been workshops held to discuss budget matters for the 2023/2024 budget including rating matters. Detailed budget work papers are provided to elected members to support discussions. Feedback has been sought and provided to elected members to frame the budget recommendation.

**STRATEGIC PLAN**

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

**Future Direction Four - Leadership and Accountable Governance**

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

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Budget Estimates

Local Government Act 1993 Section 82 – Estimates states:

- (1) The General Manager must prepare estimates of the Council's revenue and expenditure for each financial year.
- (2) Estimates are to contain details of the following:
  - (a) the estimated revenue of the Council;
  - (b) the estimated expenditure of the Council;
  - (c) the estimated borrowing by the Council;
  - (d) the estimated capital works of the Council;
  - (e) any other detail required by the Minister.
- (3) Estimates for a financial year must –
  - (a) be adopted by the Council, with or without alteration, by absolute majority; and
  - (b) be adopted before 31 August in that financial year; and

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- (c) not be adopted more than one month before the start of that financial year.
- (4) A Council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.

#### Rates and Charges

Part 9 of the Local Government Act 1993 contains the detailed requirements of Council in relation to rates and charges. Part 9 is considered too voluminous to reproduce in this report.

### **RISK CONSIDERATIONS**

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

There is a medium risk if an appropriate operational budget is not set, including:

- Risks associated with inadequate maintenance and service levels resulting in community dissatisfaction.
- Risks associated with inadequate finances to ensure long-term financial sustainability.

### **FINANCIAL IMPLICATIONS**

In accordance with Council's Financial Strategy, when setting operational budget, Council's financial position will have a margin of comfort to enable it to absorb unexpected developments without having to resort to substantial rate increases. Council will ensure that it accumulates sufficient financial resources and has the borrowing capacity to deal with volatility and unexpected events. Council's operational budget will be flexible enough to ensure that volatile changes in revenues and expenses as a result of a changing economic environment can be absorbed.

### **DIVERSITY, EQUITABLE ACCESS, AND INCLUSION CONSIDERATIONS**

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

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

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

### **CONSULTATION**

Community members and Councillors were invited to make submissions for funding considerations in the budget process. Several submissions have been received and considered as part of the budget preparation process.

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Council has workshopped the budget in April, May, and June 2023. Budget Estimates have also been presented to the Audit Panel on 22 June 2023.

**OPTIONS**

Council may choose to:

1. Adopt the Operating Budget Estimates for the 2023/2024 year as presented; or
2. Adopt the Operating Budget Estimates for the 2023/2024 year with amendment; or
3. Not adopt the Operating Budget Estimates for the 2023/2024 year.

**OFFICER'S COMMENTS**

Budget Estimates Key Assumptions, Influences and Application of Council Policy

External Influences

1. Council Cost Index 2023

The Council Cost Index provides an aggregated picture of cost movements at the State level. The mix of construction and non-construction activity varies from council to council. Similarly, there are parts of the State where construction costs have been increasing faster than the State average. Council cost index is set at 8.11%.

2. Consumer Price Index

The most recent CPI for Hobart was 7.4% for the March 2023 quarter, CPI for the 12 months to December 2022 was 7.8%.

3. Fuel price increase

Fuel prices increases experienced in 2022/2023 while somewhat stabilised, continue to impact budget estimates and are expected to maintain the same impact in 2023/2024, any further price rises will impact further on the estimated operating result.

4. Federal Assistance Grant Treatment

The Commonwealth Government has yet to advise the prepayment of the 2023/2024 Federal Assistance Grant. Financial Assistance Grant allocation has been maintained at the same level as 2022/2023, Council receives advice in the early new financial year of any changes to the grant at which time a report will be prepared for Council workshop.

5. Cash rate

Movements in the cash rate for investments continue to significantly impact on the budget estimates for interest received. Increases in the cash rate during 2022/2023 have had a positive impact on overall interest revenue on investments.

6. Bad debt write off

The level of bad debt write off is dependent on the economic circumstances that prevail and impact on rate payers in general. The budget papers include only a minimal estimate. Should

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there be a significant increase in the inability of ratepayers to meet rate demands the level of bad debt write-off will increase.

7. Capital Grants Received

Any changes in government policy regarding capital grants will impact on the prepared budget estimates.

8. Electricity and Water Increases

Council large premise electricity prices were significantly impacted in 2022/2023, similar prices have been budgeted for in the 2023/2024 year and TasWater costs will increase by 3.5% again for the 2023/2024 year.

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George Town Council Proposed Operational Budget 2023/24			
	2022/2023 Actual YTD 31 May 2023	Budget 2022/2023	Budget Estimate Option 1 2023/2024
Revenue			
Rates & Charges Total	-\$ 9,824,914	-\$ 9,836,983	-\$ 10,711,235
Statutory fees & charges Total	-\$ 458,984	-\$ 338,045	-\$ 571,236
User Fees Total	-\$ 486,407	-\$ 430,268	-\$ 655,729
Grants Total	-\$ 2,235,274	-\$ 2,162,985	-\$ 2,302,953
Other income Total	-\$ 144,042	-\$ 37,030	-\$ 343,234
Interest & Investment Revenue Total	-\$ 287,124	-\$ 241,000	-\$ 364,339
<b>Total Revenue</b>	<b>-\$ 13,436,745</b>	<b>-\$ 13,046,311</b>	<b>-\$ 14,948,726</b>
<b>Expenditure</b>			
Employee Benefits Total	\$ 4,099,832	\$ 4,891,031	\$ 5,505,382
Materials & Contracts Total	\$ 3,505,358	\$ 3,103,551	\$ 4,029,128
Other Expenses Total	\$ 1,834,251	\$ 1,972,867	\$ 2,170,275
Finance Costs Total	\$ 87,436	\$ 110,000	\$ 88,226
Depreciation & Amortisation Total	\$ 2,176,500	\$ 2,902,000	\$ 3,098,985
Impairment of Debts Total	\$ -	\$ 5,000	\$ 5,000
<b>Total Expenditure</b>	<b>\$ 11,703,377</b>	<b>\$ 12,984,449</b>	<b>\$ 14,896,996</b>
Future Impact Group Income	-\$ 158,800	-\$ 498,369	-\$ 339,569
Future Impact Group Expenditure	\$ 368,300	\$ 707,869	\$ 339,569
Future Impact Group Carry forward	-\$ 209,500	-\$ 209,500	\$ -
<b>Total Future Impact Group ( Deed of Funding Agreement)</b>	<b>-</b>	<b>\$ -</b>	<b>\$ -</b>
Underlying Surplus/Deficit	-\$ 1,733,368	-\$ 61,862	-\$ 51,730

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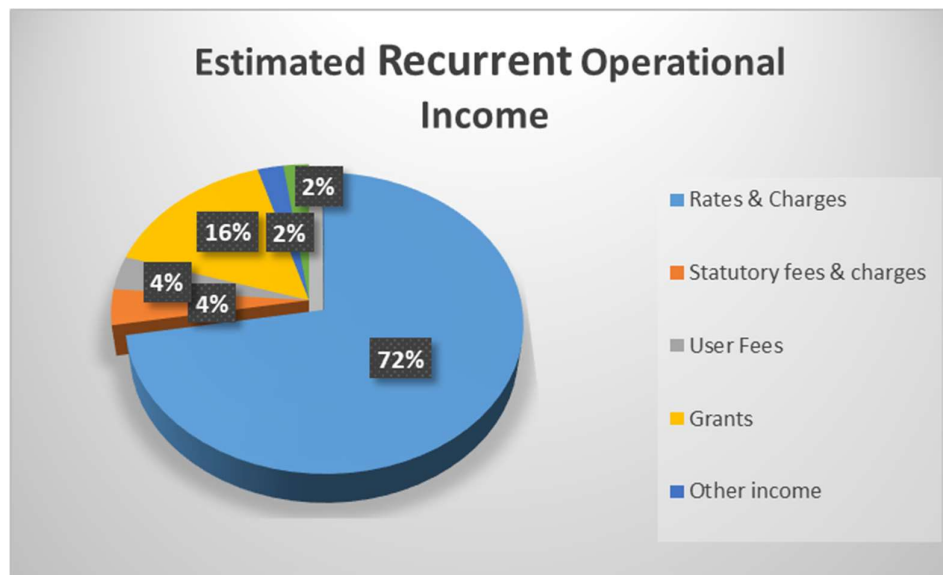
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<b>Capital Items</b>			
Capital Grants	-\$ 2,484,351	-\$ 585,000	-\$ 3,068,200
Capital Works	\$ 5,515,700	\$ 4,494,715	\$ 6,075,200
<b>Total Capital</b>	<b>\$ 3,031,349</b>	<b>\$ 3,909,715</b>	<b>\$ 3,007,000</b>
Net Surplus	\$ 1,297,981	\$ 3,847,853	\$ 2,955,270
Less loan principal repayments	\$ 311,569	\$ 311,569	\$ 496,687
Plus Depreciation	\$ 2,176,500	\$ 2,902,000	\$ 3,098,985
Less pre paid financial assistance grant	\$ 1,600,898	\$ 1,600,898	\$ -
Cash Surplus/Deficit	\$ 1,033,948	\$ 2,858,320	\$ 352,972
Cash at start of year	\$ 8,128,708	\$ 7,960,536	\$ 7,094,760
Estimated Cash at year end	\$ 7,094,760	\$ 5,102,216	\$ 6,741,788

## Operational Budget

### Key points

#### Operating Revenue \$ 14,948,726



Estimated operating income is \$14,948,726 which is an increase of 14.5% on the estimated budget for 2022/2023.

#### Rates and Charges Strategy \$10,711,235

##### **General Rate**

The rating strategy is to maintain the current rating structure which applies an averaged area rate to properties used or predominately used for residential purposes while rating for properties not used or predominately used for residential purposes have a differential cents in the \$ rate applied to the capital valuation supplied by the Office of the Valuer General depending on their use and planning scheme zone and are not averaged.

The rating strategy complies with Council's Rates and Charges policy and the financial strategy which lists as specific strategies in relation to rating, the following;

- Achievement of an underlying surplus in the income statement,
- Achieve a sustainable cash flow,
- Fund capital projects approved by Council,
- Maintain the percentage of cash receipts from rates at a minimum of 62% or increase this, if possible,
- Align rates revenue raised within the annual budget estimates with the long-term financial plan.

Key reasons for the recommended general rate increase are as follows.

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- To assist funding the delivery of the capital program.
- To fund existing levels of service and associated programs.
- To maintain a rating policy that continues to respond to the future cost of maintaining and replacing \$100m of community assets as measured by the ability to fund depreciation charges.
- To assist with funding initiatives and programs outlined within Council's strategic plan.

***Non-residential rating strategy for 2023/2024***

The budget estimates include an increment of 7.8% for the non-residential sector and an increase in the minimum rate from \$799 to \$861.

***Residential rates/AAR***

The budget estimates are based on an increment of 7.8% varied by locality, factored into the average area rate for the residential sector.

Averaged Area Rates	Option 1			
	2022/23	2023/2024 Proposed	Annual \$ Increase	Weekly increase
Beechfood, Bellingham, Lefroy, Lulworth & Weymouth	\$ 1,168.00	\$ 1,259.00	\$ 91.00	\$ 1.75
George Town & Low Head	\$ 1,238.00	\$ 1,335.00	\$ 97.00	\$ 1.87
Hillwood, Mount Direction, Pipers Brook & Pipers River	\$ 1,191.00	\$ 1,284.00	\$ 93.00	\$ 1.79

***Fire Services***

An increase has also been applied to the fire service in accordance with instructions received from Tas Fire Services. The increase required to raise the funds as advised by Tas Fire Services is approximately 5% for the George Town Local government area however individual increments will vary based on valuations.

***Waste Management***

Pursuant to Section 94 of the Act, Council by absolute majority hereby makes the following service charges on all rateable land within the municipal area of George Town (including land which is otherwise exempt from general and separate rates pursuant to Section 87 of the Act but excluding Crown land to which Council does not supply waste management services) for the period commencing 1 July 2023 and ending on 30 June 2024, namely:

- (a) A service charge of \$50.00 for waste management on all rateable land for the establishment, management, provision and rehabilitation by Council of waste management facilities, and
- (b) A service charge for waste management in respect of all land to which Council provides or makes available waste management services, including garbage and recycling

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removal and disposal using mobile garbage and recycling bins, pursuant to Section 94(3A) of the Act varied according to the level of service provided or made available-of:

(i) \$248.00 for land serviced by one 85 litre mobile garbage bin and one 140 litre mobile recycling bin, (\$225.00 2022/2023)

(ii) \$312.00 for land serviced by one 140 litre mobile garbage bin and one 140 litre mobile recycling bin, (\$284.00 2022/2023); and

(iii) \$446.00 for land serviced by one 240 litre mobile garbage bin and one 240 litre mobile recycling bin, (\$405.00 2022/2023).

Proposed fees reflect the cost increases in waste disposal of 26% and recycling disposal of 18% for the coming year.

***Statutory fees and charges \$571,236***

Significant statutory fees and fines include;

- Planning fees
- Rates certificate fees
- Dog registrations
- Building fees

Statutory fees and fines are estimated to be \$571,236 for the 2023/2024 financial year, including the reinstatement of revenue from Building Surveying fees and charges.

***Operational Grants \$2,302,953***

Advice is yet to be received on the total Federal Assistance Grant for 2023/2024. Council officers will provide a report to Council workshop once the total grant funding allocation is announced.

Future Impact Group funding has been excluded from the budget to date but will be included in the final budget report to Council but will have a zero impact on the budget.

***User charges \$655,729***

Significant user fees include;

- Waste transfer site fees,
- Cemetery fees,
- Swimming pool fees,
- Hall hire fees,
- Airport leases rental,
- Planning advertising fees,

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- Sponsorships received.

User fees revenue is estimated to be \$655,729 for the 2023/2024 financial year based on trends experienced in the 2022/2023 financial year including fees from the in-house operation of the swimming pool, which has resulted in 50% increase in projected income based on the results of the 2022/2023 session. Waste transfer station fees income is in line with fee increases to account for significant waste disposal cost increases.

***Interest and Investment Income \$343,234***

Investments from the Water Corporation include amounts paid as dividends.

An indicative amount based on the average investment has been used for the purposes of budget estimates for interest earned on funds invested. Significant movement in the cash rate during 2022/2023 has resulted in better than budgeted interest income which is projected to continue in 2023/2024.

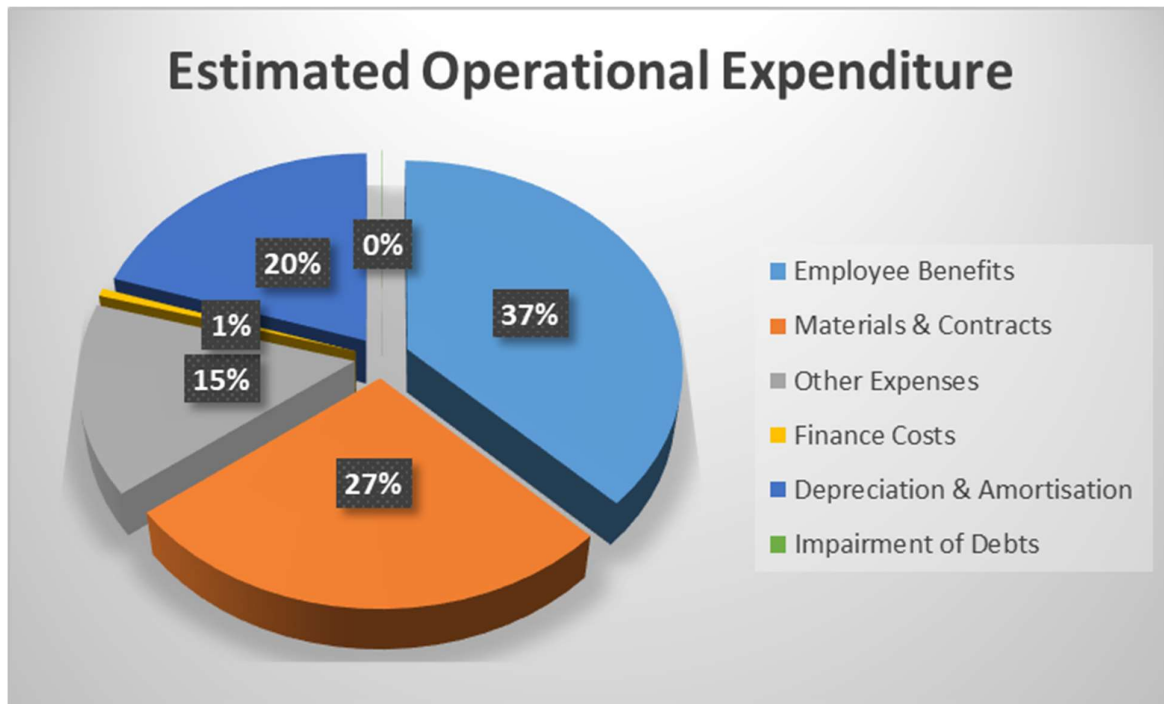
Future movements in the cash rate may impact on the budget estimates for interest received.

***Other Income and Reimbursements \$364,339***

Significant items of other income include.

- Heavy vehicles distribution
- Lease payments received
- Fire levy commission
- Trial Mates Contributions to the Mountain Bike trail network maintenance.
- Contribution to Youth Officer Position
- State Government Landfill levy

**Operating Expenditure \$ 14,896,996**



Estimated operating expenditure is \$14,896,996 being an increase 15% overall when compared to the budget for 2022/2023.

***Employee benefits \$5,505,382 or 37% of overall operating costs.***

#### **General**

Employee costs – 13% overall increase in employee costs. Increase in overall employee benefits has resulted from increase in administrative staffing levels, continuation and increase in staff for previously outsourced functions, together with increases as per Superannuation Guarantee and projected EBA increases, and inclusion of a Council funded position for support to the Future Impact Group Projects.

#### **Approximate Changes in Council Operational Employee Costs**

Directorate Administrative support	\$235,000
Swimming Pool	\$45,000
Likely EBA/Super increase on 22/23 Budget	\$245,000
Inclusion of 1 FTE for FIG admin support	\$89,000
Additional labour costs for sporting grounds maintenance	\$20,000

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<b>Total approx. change</b>	<b>\$634,000</b>
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**Capitalised Wages**

The 2023/2024 budget includes an estimate of \$442,600 for the cost of wages, salaries and on costs booked to capital expenditure or projects. The budget estimate is based on wages and salaries allocation to projects across the Proposed Capital Works Program and carry forward projects.

***Materials & Contracts/Services \$4,029,128 or 27% of overall operating costs***

Significant items of materials and services expenditure include:

- Specific purpose consultancies
- Solicitors' fees
- Plumbing, industrial and electrical supplies
- Audit and audit panel fees
- Materials and supplies for repairs generally
- Fuel purchases
- Grounds maintenance contractors for parks and reserves
- IT maintenance and consultancy fees
- Minor computer hardware purchases
- Road maintenance supplies
- Road maintenance contractors
- Building maintenance materials and supplies
- Building maintenance contractors
- Municipal valuation fees
- Pool maintenance materials and supplies
- Crushing and screening of green waste
- Transfer of waste to Remount Road
- Fees for deposit of waste at Remount Road
- Minor tool purchases
- External equipment hire
- Printing and photocopying costs
- Catering costs
- Kerb side recycling contract collections
- Kerb side waste contract collections

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The increase in materials and services/contract expenses relates to specific purpose contractual increases and specific purpose consultancies and a general-purpose increase applied to accommodate estimated price increments. Landfill levy associated with Council project waste has been included against expenditure on Roads, Facilities, Parks and Sporting grounds. Continued support for Healthy George Town funding from Council has also been maintained. The following projects have been included in materials and contracts:

Township Character Plans – Coastal/Rural	\$80,000
Increased maintenance for sporting grounds	\$50,000
Heritage Study	\$10,000
Industrial Relation support Enterprise Agreement and Consultants	\$30,000
Upgrade Council website	\$25,000
Photographic library	\$20,000
Strategic Plan review	\$30,000
MTB Trail Promotional	\$36,000
Events budget	\$35,000
Mountain Bike Trail Maintenance	\$136,000

***Bad and Doubtful Debts \$5,000 or 0.04% of operating expenditure***

Provision has been made for a minimal write-off of rates debt.

***Depreciation and Amortisation \$3,098,985 or 20% of operating expenditure***

Depreciation & amortisation is an accounting measure which attempts to allocate the value of an asset over its useful life for Council's property, plant, equipment including infrastructure assets such as roads and stormwater drains.

New assets have been included in the depreciation schedule.

***Other Expenses \$ 2,170,275 or 15% of operating expenditure***

Significant items of other expenditure include the following. Increases in electricity and water charges have negatively impacted on other expenses for the coming year.

- Government building and training levies
- Telephone charges
- Elected members allowances and payments
- Electricity
- Insurance
- Subscriptions
- Sponsorships paid

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- Community grants
- Fire levy payment
- Land tax
- Training costs
- Software licences
- Vehicle registrations
- Advertising and promotional costs
- Water consumption charges
- Water connection charges

The estimates for other expenses include the fire levy initially collected by Council but paid to Tasmanian Fire Services. Other significant expenditure is related to water connection and consumption charges and allocations for promotion, advertising, and sponsorships. Increases in utilities, audit fees and an increase in the sponsorship budget by \$20,000 have been included.

***Finance Costs \$88,226 or 1% of operating expenditure***

Finance costs relate to interest on borrowings for existing loans.

***Capital Grants***

Capital grants include all funds received from Government and other sources for the purpose of funding the capital works. For the 2023/2024 financial year the estimated capital grants include the Roads to Recovery Grant, and a carry forward of Roads to Recovery Grant and the State Government Blackspot grant for the upgrade of the intersection of Industry and Dalrymple Roads, together with safer road users grants for footpath and intersection projects.

It may be possible for Council to take advantage of other capital grant opportunities as they arise. Any changes in government policy regarding capital grants will impact on the prepared budget estimates.

**Underlying Result**

The resulting underlying surplus is estimated at \$51,730 or an underlying surplus ratio of positive 0.35%. This modest underlying surplus does not align with Council's adopted financial strategy which calls for a positive underlying surplus of 1% of operating income, however, is a satisfactory result, as the budget has included some increases in expenditure in key areas such as increase in maintenance for sporting grounds, and key strategic reviews which will inform future direction and decisions of Council.

**OFFICER'S RECOMMENDATION**

That Council, by absolute majority, approves and adopts the budget estimates prepared by the General Manager pursuant to Section 82 of the Local Government Act as summarised in the preceding and attachment.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

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**8.4 CAPITAL WORKS PROGRAM FOR THE 2023/2024 FINANCIAL YEAR**

<b>REPORT AUTHOR:</b>	Director Corporate and Community – Cheryl Hyde General Manager – Mr S. Power
<b>REPORT DATE:</b>	21.6.22
<b>FILE NO:</b>	32.4
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Proposed Renewal Capital Works List 2023-2024 [8.4.1 - 2 pages]</li><li>2. Proposed New works Capital Works List 2023-2024 [8.4.2 - 1 page]</li><li>3. Proposed Carry Forward Capital Works List 2023-2024 [8.4.3 - 2 pages]</li></ol>

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**SUMMARY**

To provide Elected Members with an opportunity to discuss and review the proposed capital works program for the financial year 2023/2024.

**BACKGROUND**

The Council as part of its budget deliberations has considered funding capital works for the 2023/2024 financial year. The proposed Capital Works Program takes into account a new program of works based on asset management considerations, community and Councillor Consultation and strategic plan considerations.

**STRATEGIC PLAN**

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

**Future Direction Three - Progressive Well-Resourced Communities**

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

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government Act 1993

**RISK CONSIDERATIONS**

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

There is a medium risk for not adequately renewing infrastructure and assets, including:

- Risks associated with community danger from aging or inadequate infrastructure
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- Risks associated with not complying with Council's Policies and Asset Management Framework

Each project within the Capital Works Program is assessed individually for risk. Investment in renewal of infrastructure will reduce the associated risks.

### **CONSULTATION**

Community members were invited to make submissions for funding considerations in the budget process. Several submissions have been received and considered as part of the budget preparation process.

Council has workshopped the budget in April, May, and June 2023.

Proposed capital works budget was presented to Audit Panel on 22 June 2023.

### **OPTIONS**

Council may choose to:

1. Adopt the capital works programme 2023/2024 as presented; or
2. Adopt the capital works programme 2023/2024 with amendment; or
3. Not adopt the capital works programme 2023/2024.

### **OFFICER'S COMMENTS**

#### **Application of Financial strategy and funding infrastructure**

Council's financial strategy includes the following specific strategies in relation to funding infrastructure;

- Review the need to renew assets based on community demand (community consultation and engagement required),
- Continue to improve the rate base,
- Continue to improve asset management practices with a high priority being to have adequate asset condition and fit for purpose assets to enable reasonable long term capital renewal forecasts which can be linked to long term financial planning and annual budgets,
- Implement funding plans that meet the renewal and new funding requirements over the life of asset management plans,
- Asset management plans are updated for all classes of Council's assets with a focus on ensuring assets are fit for purpose and provide the desired level of service to the community,
- Asset rationalisation and review of growth strategies,
- Carrying out cost benefit analysis on the services being provided including the use of whole of life costing for proposed projects.

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**Funding for the 2023/2024 Capital Program**

The proposed 2023/2024 capital program put forward is \$6,604,200.

Capital expenditure for 2023/2024 will be funded by capital grants estimated at \$3,178,200 with the remainder of \$ 3,426,000 to be funded from council reserves, proceeds from sale of assets and revenue raised in the 2023/2024 financial year.

Plant Reserve Council has restricted reserve for plant replacements that will be used to contribute to the capital replacement of the plant.

Capital granting of \$3,178,200 includes \$330,000 Roads to Recovery Funding, \$1,672,000 funding from disaster recovery for two bridges impacted by the October 2022 weather event and \$494,000 safer road users funding for upgrade of The Glen and Dalrymple Roads intersection.

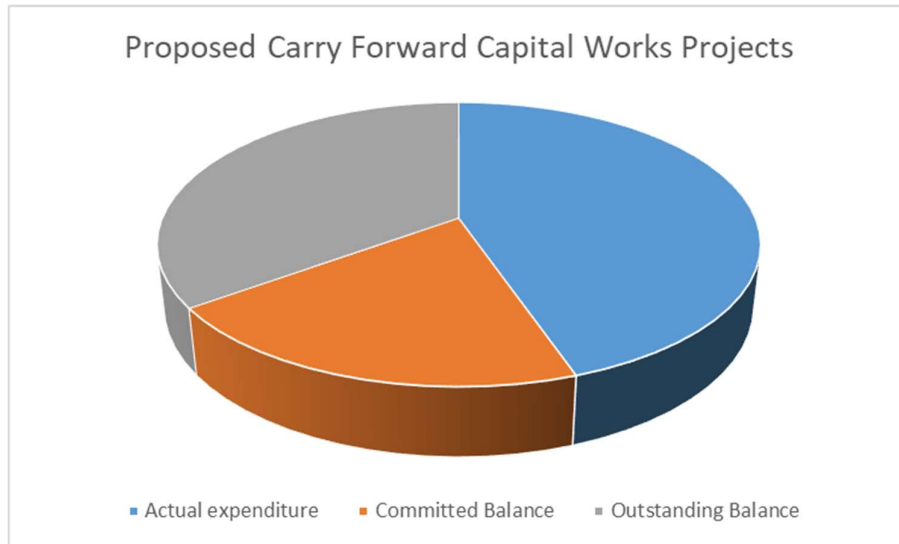
**Carry Forward Projects**

A total of \$5,975,041 of expenditure remains committed to projects carried forward, including committed funds and unexpended. Of these carry forward balances \$3,732,827 are fully or partly grant funded and include projects which are programmed over multiple financial years. Carry forward commitments and projects may change by year end 2022/2023 depending on timing of works and balances will remain committed to projects for completion in the 2023/2024 year.

Carry forward projects have largely either commenced with 53% of total budget for these projects being spent, 25% being committed to contract or materials and 22% yet to be expended.

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**Funding depreciation and future sustainability**

The total depreciation charge for Councils assets for 2023/2024 is estimated at \$ 3,098,985. Asset renewal programmes are aligned with the total depreciation charge.

Repeated and improved underlying surplus will assist Council funding the replacement of assets in the future.

**OFFICER'S RECOMMENDATION**

That Council approves and adopts, by absolute majority, the Capital Works expenditure for the 2023/2024 financial year and the carry forward capital works as reported.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

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**8.5 COUNCIL WORKSHOPS - MAY AND JUNE 2023**

<b>REPORT AUTHOR:</b>	General Manager - Mr S. Power
<b>REPORT DATE:</b>	20 June 2023
<b>FILE NO:</b>	14.10
<b>ATTACHMENTS:</b>	Nil

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**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 23 MAY 2023**

- Planning and Building Update
- Update on Development Applications
- Update on Capital Works
- Tamar NRM Presentation
- Governance Issues
  - Quarterly Report
  - Mt George Semaphore
  - General Manager's Performance Review
  - Minutes Review
  - Hearing Committee

**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:** Nil.

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

**Guests:** Tamar NRM Representatives

**TUESDAY 6 JUNE 2023**

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- Presentation – Tamar Valley Folk Festival
- Rates Report
- Healthy George Town
- Operational Budget discussions
- Roads and Infrastructure presentation and discussion
- Capital Works Report

**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:** Nil.

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

**Guests:** Tamar Valley Folk Festival Representatives  
Roads and Infrastructure Consultant

**TUESDAY 13 JUNE 2023**

- Unconfirmed Minutes 23 May 2023
- LGAT General Meeting 30 June 2023 – Consideration of Clarence City Council Motions
- Communication Strategic Plan 2023-2028
- Community Compliance Service Charter
- George Town Colonial Heritage Storytelling Trail
- Tender Panel Invitation
- Anne Street Shared Footpath
- FIG Report
- Strategic Plan Review
- Budget
- Governance
  - LGAT Motions for the General Meeting 1 November 2023
  - Minute amendments
  - Local Government Review Discussion Date

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- Present:** Mayor Kieser, Cr Winston Archer, Cr Heather Ashley, Cr Heather Barwick, Cr Tim Harris, Cr Simone Lowe, Cr Winston Mason, Cr Jason Orr
- Apologies:** Deputy Mayor Greg Dawson  
General Manager
- In Attendance:** Acting 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.

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**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 23 May, 6 June, and 13 June 2023.

**OFFICER'S RECOMMENDATION**

That Council receives the report on the Council Workshops held on 23 May, 6 June, and 13 June 2023.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.6 GEORGE TOWN COUNCIL'S MEMBER REPRESENTATIVE – NORTHERN TASMANIA DEVELOPMENT CORPORATION LTD (NTDC)**

<b>REPORT AUTHOR:</b>	General Manager - Mr S. Power
<b>REPORT DATE:</b>	20 June 2023
<b>FILE NO:</b>	14.12
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. NTDC Strategic Plan 20230605 V 0.11 DRAFT [8.6.1 - 13 pages]</li><li>2. NTDC Members Calendar 2023 V 1.0 [8.6.2 - 1 page]</li><li>3. NTDC Constitution - 2023 - final [8.6.3 - 48 pages]</li></ol>

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**SUMMARY**

The purpose of this report is to provide Councillors with an opportunity to represent Council on the Northern Tasmania Development Corporation Ltd.

**BACKGROUND**

NTDC newly formed Member's Representative Group (MRG) has requested a Members Representative for George Town Council and a preferred proxy (if desired).

Meetings for the Members Representative Group will occur in September and November with the AGM being held on the 22 November from 10.00 am – 1.00 pm.

**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 Four - Leadership and Accountable Governance**

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

**Future Direction Four - Leadership and Accountable Governance**

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4. Positive and productive working relationship with all levels of government and their agencies
- i. Ensuring the area's needs and priorities are understood.
  - ii. Understanding the outcomes and directions sought by all levels of government.

**Future Direction Four - Leadership and Accountable Governance**

5. Collaborative working relationships with neighbouring Councils in the region and regional organisations
- i. Playing an active role in regional development.
  - ii. Responding collaboratively to regional initiatives.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

GTC 19 – Councillor Allowances

**RISK CONSIDERATIONS**

The risk is considered low.

**FINANCIAL IMPLICATIONS**

Expenses incurred associated with attendance at the Member's Representative Group are accounted for in accordance with Council policy.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

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

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

**CONSULTATION**

Discussion was held at the Council Workshop on 13 June 2023.

**OPTIONS**

Council is to nominate a Member Representative and a proxy (if desired).

**OFFICER'S COMMENTS**

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The Mayor attended the June meeting on behalf of Council as no official member had been appointed. The Mayor has expressed his desire to continue in this role.

NTDC Ltd has also requested that if other elected members wish to be included on official Member's Representative Group (MRG) communications, e.g. meeting invitations, documentation etc. that Council can formally advise NTDC Ltd.

**OFFICER'S RECOMMENDATION**

That Council nominate

1. a Member Representative; and
2. a proxy (if desired).

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.7 LGAT GENERAL MEETING 30 JUNE 2023 - CONSIDERATION OF MOTIONS - CLARENCE CITY COUNCIL**

<b>REPORT AUTHOR:</b>	General Manager - Mr S. Power
<b>REPORT DATE:</b>	30 May 2023
<b>FILE NO:</b>	15.15
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. LGAT Motion Short Stay Accommodation [8.7.1 - 4 pages]</li><li>2. LGAT Motion Restrictive Covenants [8.7.2 - 3 pages]</li><li>3. LGAT Motion Council Leave of Absence Provisions [8.7.3 - 2 pages]</li></ol>

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**SUMMARY**

The Council is to provide voting preferences to the Mayor (or proxy) in respect to the motions for which notice has been given for the upcoming Local Government Association of Tasmania (LGAT) General Meeting scheduled for 30 June 2023.

**BACKGROUND**

The Local Government Association of Tasmania (LGAT) is the voice of local government in Tasmania. LGAT works to protect the interests and rights of councils, to promote the efficient operation of local government and to foster strategic and beneficial relationships.

LGAT has been the peak body for local government in Tasmania for over 100 years (founded 1911) and is part of a national network of associations. It is funded by councils and other income earned through projects sponsored on behalf of local government, and a range of services and sponsorships. LGAT is an incorporated body under the Local Government Act 1993 (source: [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)).

At the time of authoring this report the LGAT Agenda for the General Meeting being held 30 June 2023, was yet to be published. When published a copy will be publicly available via LGAT's website [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au).

Council received notice of three individual motions being tabled by Clarence City Council for:

- Review of Planning Controls for Short Stay Accommodation;
- Restrictive Covenants on Use of Land and Property; and
- Council Leave of Absence Provisions

**STRATEGIC PLAN**

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

**Future Direction Four - Leadership and Accountable Governance**

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4. Positive and productive working relationship with all levels of government and their agencies
- i. Ensuring the area's needs and priorities are understood.
  - ii. Understanding the outcomes and directions sought by all levels of government.

**Future Direction Four - Leadership and Accountable Governance**

5. Collaborative working relationships with neighbouring Councils in the region and regional organisations
- i. Playing an active role in regional development.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

The following extract from the LGAT General Meeting Rules provides the following:

**PROCEDURAL MATTERS**

**RULES REGARDING CONDUCT OF MEETINGS**

**13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION**

*(a) Subject to Rule 13(f), each Member shall be entitled to send a Voting Representative to any Meeting of the Association, such Voting Representative exercising the number of votes determined according to Rule 16(a).*

*(b) In addition to the requirements set out in Rule 13(f), after each ordinary Council Election, the Chief Executive Officer shall request each Member to advise the name of its Voting Representative and the proxy for the Voting Representative for Meetings of the Association until the next ordinary Council Elections.*

*(c) Subject to Rule 13(f), Members may change their Voting Representative or proxy at any time by advising the Chief Executive Officer in writing of the Voting Representative prior to that representative taking his or her position at a Meeting of the Association.*

*(d) A list of Voting Representatives will be made available at the commencement of any Meeting of the Association.*

*(e) Members may send other elected members or Council officers as observers to any Meeting of the Association.*

*(f) Each Member must provide the Association with written notice of the details of the Voting Representative who was by a resolution of the Member lawfully appointed as the Voting Representative of the Member at a Meeting of the Association.*

**14. PROXIES AT MEETINGS**

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*(a) Up to 1 hour prior to any Meeting of the Association, a Member may appoint another Member as its proxy.*

*(b) The form of the proxy is to be provided by the Chief Executive Officer and is to be signed by either the Mayor or General Manager of the Council appointing the proxy.*

*(c) The Chair of the meeting is not entitled to inquire as to whether the proxy has cast any vote in accordance with the wishes of the Member appointing the proxy.*

*(d) Proxies count for the purposes of voting and quorum at any meeting.*

#### **15. QUORUM AT MEETINGS**

*(a) At any Meeting of the Association, a majority of the Member Councils shall constitute a quorum.*

*(b) If a quorum is not present within one hour after the time appointed for the commencement of a Meeting of the Association, the meeting is to be adjourned to a time and date specified by the Chair.*

#### **16. VOTING AT MEETINGS**

*(a) Voting at any Meeting of the Association shall be upon the basis of each Voting Representative being provided with, immediately prior to the meeting, an electronic voting button or placard which is to be used for the purpose of voting at the meeting. The placard will be coloured according voting entitlement and the voting buttons will be coded according to voting entitlement:*

*(b) Electronic voting buttons will be the first choice for voting on all decisions, with placards only to be used if the technology fails.*

*(c) Voting buttons allow councils to vote for or against a motion or formally abstain from voting. An abstain is not to be taken as a negative vote.*

*(d) The Chair of the meeting shall be entitled to rely upon the electronic vote or the raising of a coloured placard as the recording of the vote for the Member and as evidence of the number of votes being cast.*

*(e) Except as provided in sub-rule (f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.*

*(f)*

*(i) When a vote is being taken to amend a Policy of the Association, the resolution must be carried by a majority of the votes capable of being cast by Members present at the meeting.*

*(ii) When a vote is being taken for the Association to sign a protocol, memorandum of understanding or partnership agreement, the resolution must be carried by a majority of votes capable of being cast by Members and by a majority of Members, whether present at the meeting or not.*

*(iii) When a vote is being taken to amend these Rules of the Association, the resolution must be carried by at least two-thirds of the votes capable of being cast by Members, whether present at the meeting or not.*

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*(g) A Voting Representative or his or her proxy in the name of the Member is entitled to vote on any matter considered at a Meeting of the Association.*

**RISK CONSIDERATIONS**

No risks are identified subject to voting preferences aligning with Council resolution, George Town Council Community Strategic Plan 2020-2030 and adopted Council policy.

**FINANCIAL IMPLICATIONS**

Financial implications include travel and accommodation costs associated with attending LGAT meetings by elected members and the General Manager in accordance with Council Policy. Such costs are accommodated for within the adopted 2022/2023 budget.

**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 motions presented in this report have been discussed at Council workshops on 9 May 2023 and 13 June 2023.

A copy of the LGAT agenda when published will be made available via LGAT's website [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au) on the 24 November 2022.

**OPTIONS**

Council may choose to:

1. That Council determines that the Mayor be authorised to vote at the LGAT General Meeting 30 June 2023, in accordance with Council's strategic direction, policy and Council resolutions with due consideration of any conference debate on items listed for decision at that meeting;

**OR**

2. That Council considers and provides voting preferences to the Mayor for the LGAT General Meeting 30 June 2023 as determined by the Chair (usually a show of hands or verbal confirmation) in respect to each individual item listed below and formally endorses that direction;

**OFFICER'S COMMENTS**

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As in previous years, Council is requested to provide voting direction to the Council delegate (the Mayor or proxy), on the items listed for decision, items for noting and items for discussion for LGAT General Meetings.

George Town Council has not submitted any items for members' decision for inclusion in the 30 June 2023 LGAT General Meeting agenda.

LGAT General Meeting Agenda 30 June 2023 Item No.	Items for Decision	Council Decision
TBA	<p><b>Review of Planning Controls for Short Stay Accommodation</b></p> <p>That LGAT seek the support of member councils for Clarence's position in:</p> <ul style="list-style-type: none"> <li>A. Recognising that the current planning controls applicable to the regulation of short-stay accommodation are insufficient to properly regulate short-stay accommodation under the Tasmanian Planning Scheme – Clarence (TPS-Clarence);</li> <li>B. Requesting the State Government to establish a review to address issues including, but not limited to: <ul style="list-style-type: none"> <li>(i) The safety and protection of people accessing short-stay accommodation given the failure to require those operating short-stay accommodation to have a Working With Vulnerable People (WWVP) registration.</li> <li>(ii) The rating options that may be applicable to short-stay accommodation providers by local Councils.</li> <li>(iii) The location of short-stay accommodation and the ability for individual Council's to determine exclusion zones and density levels.</li> <li>(iv) Improved ability for Councils to address parking and community/residential amenity in assessing all applications for Visitor Accommodation.</li> <li>(v) The requirement for all short-stay accommodation providers to be registered regardless of whether or not they are determined to be a permitted or discretionary use under the planning scheme;</li> </ul> </li> <li>C. Requesting that the review be required to consult with all Councils across Tasmania, the results of the consultation be publicly available</li> </ul>	

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	and the review to be completed in a period of 6 months or less.	
TBA	<p><b>Restrictive Covenants on Use of Land and Property</b></p> <p>That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:</p> <ul style="list-style-type: none"> <li>A. Public, social or affordable housing; or</li> <li>B. Tenants or occupants based on their source of income, or social or financial circumstances.</li> </ul>	
TBA	<p><b>Council Leave of Absence Provisions</b></p> <p>That LGAT and Member Councils support Clarence City Council's position which:</p> <ul style="list-style-type: none"> <li>A. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.</li> <li>B. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following: <ul style="list-style-type: none"> <li>i. That a councillor be able to advise the relevant council of a leave of absence 'as of right', subject to conditions being met (as set out below).</li> <li>ii. A Councillors request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner - <ul style="list-style-type: none"> <li>(a) Become the natural parent of a child (including any period during pregnancy); or</li> <li>(b) Adopt a child under the age of 16 years – and the councillor has responsibilities for the care of the child during that period.</li> </ul> </li> <li>iii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that</li> </ul> </li> </ul>	

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	<p>would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.</p> <p>iv. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination.</p>	
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**OFFICER’S RECOMMENDATION**

That Council provides voting preferences to the Mayor for the LGAT General Meeting 30 June 2023 as determined by the Chair (usually a show of hands or verbal confirmation) in respect to each individual item listed below and formally endorses that direction:

<b>LGAT General Meeting Agenda 30 June 2023 Item No.</b>	<b>Items for Decision</b>	<b>Council Decision</b>
TBA	<p><b>Review of Planning Controls for Short Stay Accommodation</b></p> <p>That LGAT seek the support of member councils for Clarence’s position in:</p> <p>D. Recognising that the current planning controls applicable to the regulation of short-stay accommodation are insufficient to properly regulate short-stay accommodation under the Tasmanian Planning Scheme – Clarence (TPS-Clarence);</p> <p>E. Requesting the State Government to establish a review to address issues including, but not limited to:</p> <p>(vi) The safety and protection of people accessing short-stay accommodation given the failure to require those operating short-stay accommodation to have a Working With Vulnerable People (WWVP) registration.</p> <p>(vii) The rating options that may be applicable to short-stay accommodation providers by local Councils.</p>	

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	<p>(viii) The location of short-stay accommodation and the ability for individual Council's to determine exclusion zones and density levels.</p> <p>(ix) Improved ability for Councils to address parking and community/residential amenity in assessing all applications for Visitor Accommodation.</p> <p>(x) The requirement for all short-stay accommodation providers to be registered regardless of whether or not they are determined to be a permitted or discretionary use under the planning scheme;</p> <p>F. Requesting that the review be required to consult with all Councils across Tasmania, the results of the consultation be publicly available and the review to be completed in a period of 6 months or less.</p>	
TBA	<p><b>Restrictive Covenants on Use of Land and Property</b></p> <p>That LGAT lobby the State Government urging legislative change to outlaw the creation of covenants which place restrictions on the use of land and property for:</p> <p>C. Public, social or affordable housing; or</p> <p>D. Tenants or occupants based on their source of income, or social or financial circumstances.</p>	
TBA	<p><b>Council Leave of Absence Provisions</b></p> <p>That LGAT and Member Councils support Clarence City Council's position which:</p> <p>C. Recognises that the current process for requests for leave of absence by councillors is inappropriate as it does not reflect the rights and responsibilities applicable in contemporary work environments.</p> <p>D. Authorises the Chief Executive Officer to write to the Minister for Local Government on behalf of Council to request the Tasmanian Government to introduce updated regulations as soon as practicable to provide for the following:</p> <p>v. That a councillor be able to advise the relevant council of a leave of absence 'as of right',</p>	

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	<p>subject to conditions being met (as set out below).</p> <p>vi. A Councillors request for leave may be for a cumulative period of up to three months in any 12-month period in ordinary circumstances or up to six months in any 12-month period should a councillor or their spouse or domestic partner -</p> <p>(c) Become the natural parent of a child (including any period during pregnancy); or</p> <p>(d) Adopt a child under the age of 16 years – and the councillor has responsibilities for the care of the child during that period.</p> <p>vii. Any application for extended leave that is greater than three or six months, whichever is applicable, must be supported by evidence that would satisfy a reasonable person that the absence is reasonable in the circumstances, and be approved by the relevant council.</p> <p>viii. Should a council have concerns regarding a councillor leave of absence, (other than for parental leave), by an absolute majority decision, a council may refer any request for leave of absence to the Minister for Local Government / Director of Local Government for review and determination.</p>	
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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

## **9 INFRASTRUCTURE AND DEVELOPMENT**

### **9.1 Appointment of Committee for Hearing: Application to Amend Sealed Plan No. 154317 - Removal of Covenant - 6 Leads Avenue, George Town**

<b>REPORT AUTHOR:</b>	Town Planner – Mr J. Simons
<b>REPORT DATE:</b>	17/05/2023
<b>FILE NO:</b>	PID: 3010634
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Request to Amend Sealed Plan [9.1.1 - 2 pages]</li><li>2. Petition to Amend Sealed Plan [9.1.2 - 3 pages]</li><li>3. Requests to be heard [9.1.3 - 2 pages]</li><li>4. Titles - 6 Leads [9.1.4 - 21 pages]</li></ol>

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### **REASON**

The below report is provided to Elected Members for their consideration and review.

### **SUMMARY**

The purpose of this report is for Council is to establish a Committee to consider an application for amendment to sealed plan no. 154317, under Division 5, Section 103, 104 and 105 of the *Local Government (Building and Miscellaneous) Act 1993*, affecting titles on Leads Avenue, Low Head.

### **BACKGROUND**

A planning application for a dwelling for 6 Leads Avenue was received and approved by Council, being compliant with the Planning Scheme, in December 2022 (DA 2022/108)

However, the property is subject to covenants and a Part 5 (section 71) Agreement registered to the title, which effectively prohibit the development. In this instance the restrictive covenants and Part 5 impact a variety of use and development aspects including materials of construction, commercial uses, use of machinery, caravans and temporary dwellings, domestic animals, fencing materials, location of buildings, size of dwellings, garage materials, vegetation controls and siting of buildings.

Council has received a request to amend Sealed Plan 154317 along with a copy of a petition served by a solicitor on behalf of the owner of 6 Leads Avenue, Low Head. The Sealed Plan includes Lots 1-18. The petition seeks to remove (or amend) the restrictive covenants and a Part 5 Agreement from the Sealed Plan. This item addresses the process for considering the request to remove/amend the covenants. The Part 5 Agreement will be considered in a future agenda item and is subject to a different

It should be noted a number of the covenants are in conflict with the provisions of Council's Planning Scheme. It is likely that a number of developments have already occurred within the subdivision in conflict with the covenants and Part 5.

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A petition has been served on all title owners in the sealed plan, having been identified as having an interest in the proposal. At the time of writing Council has five (5) requests to be heard.

As such, Council will be required to conduct a hearing. In order to expedite the process in a timely manner, Council may wish to delegate the powers to conduct the hearing to a committee.



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

## **STRATEGIC PLAN**

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

### **Future Direction Four - Leadership and Accountable Governance**

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

### **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.

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**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

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

**103. Amendment of sealed plans**

- (1) When a plan has taken effect, it may be amended by the council –
- (b) on the application of any person having an interest in land subject to the plan.
- (3) A person is to –
  - (a) make an application under subsection (1) by petition; and
  - (b) serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.
- (4) Any person affected by the proposed amendment may ask to be heard in support or opposition.
- (5) If a notice is not given or a petition is not served as required by this section, subsequent proceedings are not void.

**104. Hearing in respect of amendment of plans**

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

**RISK CONSIDERATIONS**

All parties with an interest in the matter, including the petitioner and the person requesting to be heard will have an opportunity to attend. The matter does not directly impact any resident outside of Leads Avenue.

**FINANCIAL IMPLICATIONS**

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

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Council may need to engage a solicitor familiar with the hearing process to advise and/or facilitate the hearing process depending on the complexity of any claims.

**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**

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

In this instance five (5) people have already requested to be heard. Further consultation will occur in the hearing.

**OPTIONS**

A number of options are available for undertaking a Hearing.

Council may choose to:

1. Undertake the hearing in a regular Council Meeting; or
2. Undertake the hearing in a Special Council Meeting;
3. Delegate the powers to conduct the hearing to a Committee of Council.

A Committee may be delegated the power to:

- a) Conduct the hearing and make a decision regarding the request; or
- B) Conduct the hearing and report back to Council for a decision.

**OFFICER'S COMMENTS**

Council has received a copy of a petition relating to the proposed removal of covenants from Sealed Plan 154317. Council has received a request to be heard and is required by Section 104 of the Act to conduct a hearing. Council has not delegated the authority to amend a sealed plan in instances where a party wishes to be heard.

Given a hearing has the potential to take up a substantial portion of a Council meeting it is desirable that the hearing and any future hearings are delegated such that they can be dealt with in a different setting.

Previously Council has delegated the hearing function to a one off committee, made up of all of the elected members of Council (minimum of 5). This has been done for the following reasons:

- A hearing undertaken in accordance with the Act has the potential to take up a significant portion of a formal Council meeting depending on the number of parties

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present and the extent of the testimony presented, potentially at the expense of other matters with broader community interest.

- At the discretion of both Council and the other parties, the hearing may include testimony from each party, their legal representatives and expert witnesses. Council would need to hear all parties and make a decision in regard to the request. Should a request be made for compensation on or before the day, Council would also need to consider the request for compensation.
- The only parties with a legal interest in the proposal are the petitioner and the other parties that have requested to be heard and as such is of limited interest to the broader public. The formal Council meeting process is also not conducive to facilitating a hearing, where Councilors may wish to directly address the parties involved and ask questions.

Legal advice has since been sought, which confirms there is no identifiable legal prohibitions which prevent a committee from being comprised of all members of Council for this purpose.

However, a number of options are available for dealing with this matter, as outlined in the options above. Should Council determine a Committee of Council is not the most desirable approach, it will be necessary to select an alternative or Council can also undertake the hearing in the regular Council meeting if it sees fit.

A Committee may be delegated the power to:

1. Conduct the hearing and make a decision regarding the request; or
2. Conduct the hearing and report back to Council for a decision.

Reporting back to Council for a final decision will allow those present at the hearing to devote time and thought to the decision.

The need to delegate the authority/ responsibility to undertake a hearing on a case by case basis, prior to actually undertaking the hearing can result in unnecessary delays and administrative costs. Given the extensive use of covenants across the George Town Local Government area, sometimes of a minor or frivolous nature, and the increasingly litigiousness of society, there is a high likelihood that Council will need to undertake additional hearings in the future.

In addition to delegating this particular instance to a committee, or any other setting as determined appropriate by Council, it is recommended that a motion also be moved such that a similar approach can be taken for future applications without requiring a motion of Council in every instance. This will allow for a standard procedure, reduce administrative red tape, reduce Officer costs and expedite such decisions in the future.

Council will also need to consider the removal of the Part 5 Agreement. This is a separate matter and will be the subject of a future agenda item following the hearings.

## **OFFICER'S RECOMMENDATION**

There are two recommendations arising from this item:

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1. That Council:
  - a. Form a Committee, comprising 5 or more Councilors and chaired by the Mayor or Deputy Mayor, in order to undertake a hearing in respect to the petition to amend Sealed Plan 154317 to remove or amend the covenants from 6 Leads Avenue, Low Head (lot 16) and subsequent requests to be heard.
  - b. The Committee be delegated the authority to undertake the hearing and receive any claims for compensation in accordance with Clauses 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, report back to Council for a decision at a regular Council Meeting; and
  - c. The General Manager determine a date for the hearing and formally invite the petitioner and those requesting to be heard to provide submissions.
  
2. That in all instances where Council is required to conduct a hearing in accordance with section 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*:
  - a. This function be delegated to a Committee, comprising 5 or more Councillors and chaired by the Mayor or Deputy Mayor.
  - b. The Committee be delegated the authority to undertake the hearing and receive any claims for compensation in accordance with Clauses 103, 104 and 105 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, report back to Council for a decision at a regular Council Meeting; and
  - c. The General Manager determine a date for the hearing and formally invite the petitioner and those requesting to be heard to provide submissions.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**10 CORPORATE AND COMMUNITY**

Nil.

## **11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT**

### **11.1 COMMUNITY COMPLIANCE CHARTER**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
<b>REPORT DATE:</b>	20 June 2023
<b>FILE NO:</b>	42,43
<b>ATTACHMENTS:</b>	1. Community Compliance Charter [ <b>11.1.1</b> - 10 pages]

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#### **SUMMARY**

A Community Compliance Charter has been drafted to compliment Councils current Customer Service Charter and provide the community with a concise easy to read document that sets out what they can expect when interacting with Councils Community Compliance and Environmental Health officers.

#### **BACKGROUND**

The council's Community Compliance Officers work closely with the community in relation to matters of environmental health and animal control. This proposed Charter has been developed to provide a clear concise document that sets out what Community Compliance Officers do and what the community can expect when they interact with them.

#### **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 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**

2. Planning and regulatory responsibilities are undertaken fairly and openly
-

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- ii. Compliance customer service standards and processes.

**Future Direction Four - Leadership and Accountable Governance**

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

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

*Local Government Act 1993;  
Dog Control Act 2000;  
Cat Management Act 2009;  
Food Act 2003;  
Public Health Act 1997;  
Environmental Management and Pollution Control Act 1994  
Litter Act 2007  
GTC – 35 Dog Management Policy  
GTC - 8 Customer Service Charter*

**RISK CONSIDERATIONS**

The risk level has been determined as 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**

The proposed Community Compliance Charter was discussed with Elected Members at its 8 June 2023 workshop.

**OPTIONS**

Council may choose to:

- 1. Support the proposed Charter as presented; or

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2. Support the proposed Charter with amendment; or
3. Not support the proposed Charter.

**OFFICER'S COMMENTS**

This proposed Community Compliance Charter aims to build upon, clarify and improve Council's service standards in relation to Community Compliance, including animal control and environmental health.

Through the publishing of Community Compliance Charter, the Council is promoting transparency in the management of its community compliance functions.

**OFFICER'S RECOMMENDATION**

That Council:

1. Endorse the proposed Community Compliance Charter as presented.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**12 MAYOR**

**12.1 MATTERS OF INVOLVEMENT - MAYOR**

**REPORT DATE:** 21 June 2023

**FILE NO:** 14.11

<b>Mayor Cr Greg Kieser</b>		
<i>April</i>	28	Met with Shadow Minister Local Government (Luke Edmunds)
<i>May</i>	24	Attended George Town Neighbourhood House meeting
	24	Chaired meeting with Progress Association Presidents
	24	Tamar FM Interview
	25	BM60 Board Meeting – NTDC
	25	Attended Online Session with Mayors and Deputy Mayors re learning modules
	26	Attended NTDC Strategy Workshop
	26	Attended 2023 State Budget Lunch
<i>June</i>	2	Met with General Manager and Mayor of West Tamar Council with the GTC General Manager
	4	Attended Bell Bay Announcement
	5	ABC Interview
	5	Met with Dorset Mayor and General Manager
	6	Chaired Budget Workshop
	7	Tamar FM interview
	7	Attended NTDC Meeting
	7	Attended Local Government Reform online meeting
	9	Attended NTDC Board meeting
	13	Chaired Council Workshop
	13	Attended NTDC presentation
	20	Met with Nick Duigan MLC with the General Manager
	21	Attended General Manager's Performance Review
	21	Attended Future of Local Government Review Online Session
<b>Deputy Mayor Cr Greg Dawson</b>		
<i>June</i>	13-15	Attended the ALGA Conference - Canberra

**OFFICER'S RECOMMENDATION**

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

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**13 PETITIONS**

Nil.

## **14 NOTICES OF MOTIONS**

### **14.1 280 JETTY ROAD, HILLWOOD - CR BARWICK**

**Moved:** Cr Barwick

Minute Number 045/23 - 280 Jetty Road, Hillwood remain on the Outstanding Council Motions list until the Section 12 agreement is executed over Crown Land adjoining Council Freehold Land PID 7852767 (known as the Hillwood Football ground).

### **DECISION**

Moved:

Seconded:

### **VOTING**

For:

Against:

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**14.2 201 OLD AERODROME ROAD - CR ARCHER**

**Moved:** Cr Archer

That Council not proceed to purchase land located at 201 Old Aerodrome Road (PID 1890404).

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE**  
**15.1 SENIOR EXERCISE EQUIPMENT; COMMEMORATION OF THE LATE MR PETER COX; COMMITTEE FOR HEARING - CR BARWICK**

- Q1. Would you please advise where the Senior Exercise Equipment is stored ?; and  
(a) when will these items be returned to Regent Square.?

*Council commissioned the services of a consultant to undertake an audit and suitability of the Senior Exercise Equipment which is currently stored at the Council's storage facilities. The report was tabled at the 26 July 2022 Ordinary Council meeting.*

*The report recommends that the exercise equipment not to be reinstated. To be at a reasonable standard it is recommended that:*

- *Handles removed and repainted*
- *All steelworks repainted*
- *Information panels redone*

*There are no spare parts for the equipment so at the time of breakdown the equipment becomes instantly obsolete.*

*Progress Associations have expressed an interest in the exercise equipment and have recently contacted Council. Council can discuss the options available for exercise equipment as part of the Township Character Plans proposed for 2023/2024 financial year.*

- Q2. Motion number 184/22 dated 20/12/22. Request to commemorate the Late Mr. Peter Cox. Can you give Council an update on this motion and what has been done to date to proceed with this request.

*Correspondence has been sent to the resident who initiated the request on Council's Ordinary meeting.*

*Council officers will now contact the Cox family to discuss options to honour Mr. Peter Cox before tabling a report to Council for approval.*

- Q3. Motion 038/23  
Appointment of Committee for Hearing - Application to Amend Sealed Plan No. 154317 Removal of Covenant 6 Leads Avenue, Low Head.

What is the reason this has not progressed ?

*Discussion with elected members have been held during workshops on this matter. Please see agenda report this Ordinary Council meeting.*

## **16 CLOSED MEETING**

### **16.1 INTO CLOSED MEETING**

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

**Agenda Item 16.2    Minutes of the Closed Ordinary Council Meeting held on 23 May 2023**

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

**Agenda Item 16.3    RFT 04/23 Anne Street Shared Footpath - Revisited**

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

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

### **DECISION**

Moved:

Seconded:

### **VOTING**

For:

Against:

## **16.2 OUT OF CLOSED MEETING**

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

### **DECISION**

Moved:

Seconded:

That:

1. The General Manager is authorised to release the information contained in Item(s) 4.1 to the public at the discretion of the General Manager.
2. Council moves out of Closed Meeting at ....pm and endorses those decisions taken while in Closed Meeting and the information remains Confidential.

### **VOTING**

For:

Against:

## **17 CLOSURE**

There being no further business, the meeting closed at ....pm.

**Cr Greg Kieser  
MAYOR**