



# GEORGE TOWN COUNCIL AGENDA

Notice is hereby given  
that the next Ordinary Council Meeting  
will be held on  
**Tuesday 25 July 2023**

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

commencing at **1.00 pm.**

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

Cheryl Hyde  
**ACTING 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.

*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 27 JUNE 2023**

#### **RECOMMENDATION**

That the Minutes of Council's Ordinary Meeting held on 27 June 2023 numbered 96/23 to 113/23 and 117/23 to 118/23 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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**4.2 PUBLIC QUESTIONS ON NOTICE**

Nil.

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**4.3 PUBLIC QUESTION TIME**

Commenced at:

Concluded at:

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

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

**Mrs L. Wootton**

**Question asked at the 27 June 2023 Ordinary Council meeting.**

Q2. *Regent Square Costs*

*At December 2022 Council meeting, I asked:*

*For the benefit of an informed community, could Council please provide in the next Council Meeting Agenda:*

- i. a complete costing of the Redevelopment of Regent Square, itemised with the costs of all major elements such as playground; carpark; basketball court; Aboriginal shelter; shelters over the seating, drainage, irrigation, etc and*
- ii. the source of funding used for these, since the first stage was completed. ie since the \$2.45m grant was received and*
- iii. a list of what is still to be completed along with the estimated costs?*

*(I also mentioned the lack of lighting in the carpark and that is a real problem at night.)*

*An email from the GM on 28 Feb indicated that the answers would be forthcoming 'shortly'.*

*As we are now at the end of another financial year, could this information be included in the next Council agenda, please?*

#### **Response**

Council has recently acquitted the funding from the Federal Government Community Development Grant project which required the project to be audited by the Tasmanian Audit Office. Details are as follows:

<b>Regent Square Redevelopment</b>	
<b>Expenditure</b>	
Site preparation	\$ 168,756.27
Walkways and paths	\$ 403,787.76
Landscaping, drainage	\$ 1,576,673.43
Street furniture/bbq's	\$ 411,094.23
Project Management	\$ 51,970.86
Public Toilet Upgrade	\$ 110,232.12
Carpark	\$ 656,312.00
Metal structures	\$ 400,703.00
Temporary fencing	\$ 55,650.42
Stage 2 - Playground	\$ 228,708.30
<b>Total expenditure</b>	<b>\$ 4,063,888.39</b>

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<b>Funding</b>	
Federal Government Community Development Grant Project	\$ 2,450,000.00
Phase 3 - Local Roads Community Infrastructure Grants	\$ 666,120.00
George Town Council	\$ 947,768.39
<b>Total funding</b>	<b>\$ 4,063,888.39</b>
<b>Items listed on the plan that are unfunded. Not market tested and by no means accurate for future costs</b>	<b>Estimated cost</b>
2 George Town Plan in pavement	\$ 10,000.00
9 New pavement for war memorial	\$ 30,000.00
16 Plinths	\$ 104,000.00
17 Gardens	\$ 180,000.00
18 Large event space	\$ 60,000.00
20 Female Factory node	\$ 20,000.00
24 New outdoor gym stations	\$ 60,000.00
26 Road safety track	\$ 120,000.00
<b>Not Market tested estimated cost</b>	<b>\$ 584,000.00</b>

## **5 DECLARATIONS OF INTEREST**

## **6 ACTING GENERAL MANAGER'S DECLARATION**

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

- the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- where any advice is given directly to Council by a person who does not have the required qualifications 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.



Cheryl Hyde  
**ACTING GENERAL MANAGER**

### **LOCAL GOVERNMENT ACT 1993 – SECTION 65**

#### **65. Qualified persons**

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –
  - (a) the general manager certifies, in writing –
    - (i) that such advice was obtained; and
    - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
  - (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

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## **7 PLANNING AUTHORITY**

*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 2023/63 - 9 LORD LIVERPOOL DRIVE, LOW HEAD - SINGLE DWELLING**

<b>REPORT AUTHOR:</b>	Statutory Town Planner - Mr J. Simons
<b>REPORT DATE:</b>	05/07/2023
<b>FILE NO:</b>	DA 2023/63
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Attachment 1 Compliance with Acceptable Solutions DA 2023 63 [7.1.1 - 15 pages]</li><li>2. Plans and Supporting Documents - DA 2023-63 [7.1.2 - 16 pages]</li><li>3. Title - DA 2023-63 [7.1.3 - 4 pages]</li><li>4. Representation - DA 2023-63 [7.1.4 - 5 pages]</li><li>5. Response to Representation (updated plans) - DA 2023-63 [7.1.5 - 13 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>	9 Lord Liverpool Drive, Low Head
<b>Titles Details:</b>	148067/13
<b>Property ID:</b>	2734729
<b>Zone:</b>	Village
<b>Use:</b>	Residential
<b>Proposed Development:</b>	Single dwelling
<b>Application Received:</b>	31/05/2023

#### **1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Single dwelling at 9 Lord Liverpool Drive, Low Head (CT 148067/13)

The application is for a large multi-storey dwelling located on a residential lot, within the settlement of Bellbuoy Beach/Low Head.

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One (1) representation was received during the advertising period. The representation raises concerns regarding the height of the development and the impact of overshadowing on the existing elevated deck at 7 Lord Liverpool Drive, and the reduced setback of the development from the side boundary.

The development has been assessed against the Acceptable Solutions and Performance Criteria of the Planning Scheme and is considered to comply with the applicable standards.

The component of the development which exceeds 8m in height does not of itself result in unreasonable impacts on residential amenity. Similarly, the component of the development which requires a reduction in the setback will have negligible impact on the amenity of the adjoining dwellings.

The proposed dwelling is recommended for approval with conditions.

## **2. STRATEGIC PLAN**

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

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

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.
  - 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. One (1) representation was received and is further discussed in the assessment below.

## **4. RISK IMPLICATIONS**

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

## **5. FINANCIAL IMPLICATIONS**

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

## **6. SITE AND LOCATION**

The subject site is located at 9 Lord Liverpool Drive, Low Head (CT 148067/13).

The title has an area of 1007m<sup>2</sup> and has a relatively gentle fall towards the coast, away from Lord Liverpool Drive. The site has previously been cleared of vegetation, but currently exhibits some regrowth boobyalba. A planning permit is not required for the removal of the regrowth vegetation in the Village Zone.

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While the land is identified as being in a bushfire prone area, it is not identified as being subject to any other natural hazards.

The land is not serviced with reticulated water or sewerage, however there is a roadside stormwater drainage network on Lord Liverpool Drive.

The land surrounding the property is residential in nature, with single dwellings constructed on the land to the south-west and north-east. The land to the north-west comprises vacant Village Zoned land, with the coastal reserve and Bass Strait beyond.



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

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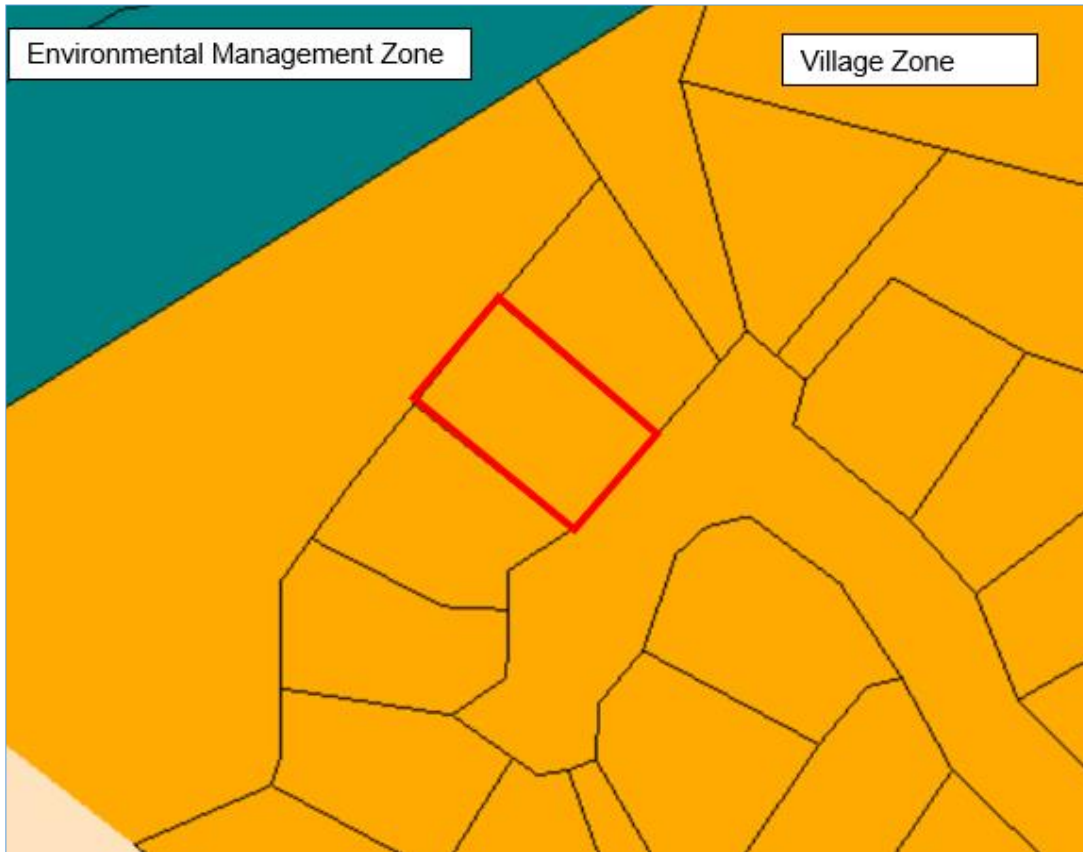


Figure 2: Zoning of subject title (outlined in red) and surrounding land.



Figure 3: Photo of subject lot, viewed from Lord Liverpool Drive.

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

The application seeks approval for the use and development of the site at 9 Lord Liverpool Drive, Low Head (CT 148067/13) for a residential use and development of a Single dwelling.

The dwelling will be both split level and multi-storeyed, with two floors at the south-west end and three floors at the northwest end.

The ground floor at the south-west end will comprise an open plan dining and kitchen area, two bedrooms, a bathroom and a large deck. The first floor will include a master bedroom, robe and ensuite, with a void above the kitchen and dining areas.

At the north-east end of the dwelling the ground floor will include a double garage, the first floor incorporates a dining room and the top floor comprises a roof top terrace.

A 10,000L firefighting tank is proposed to be located at the frontage.

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Figure 4: Proposal site plan.

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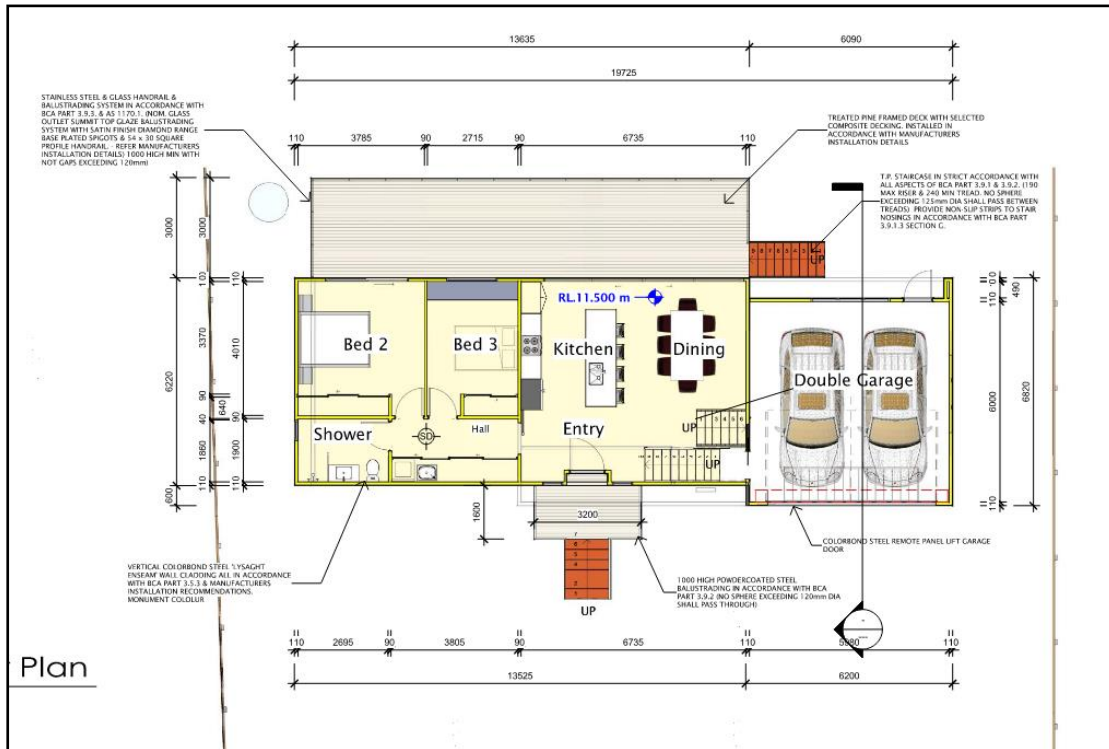


Figure 5: Proposal ground floor plan.

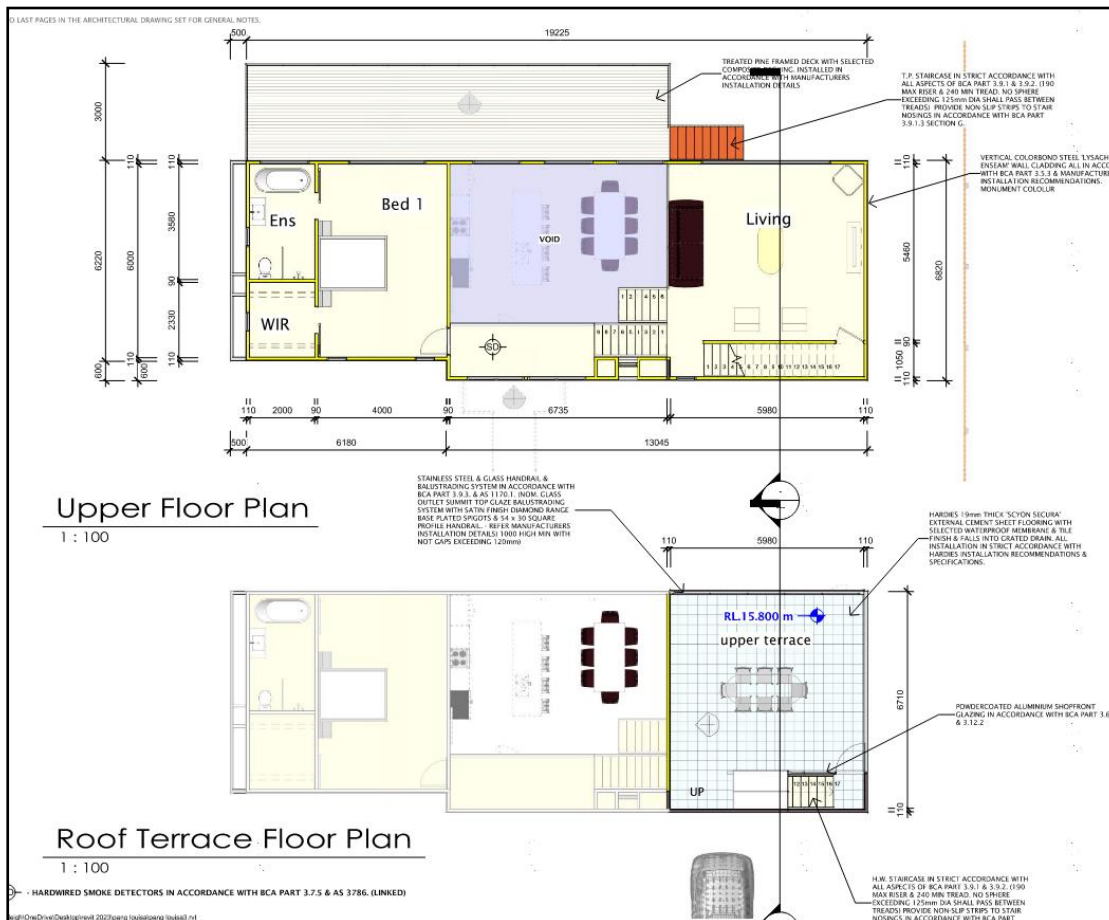


Figure 6: Proposal first floor and top floor plans.

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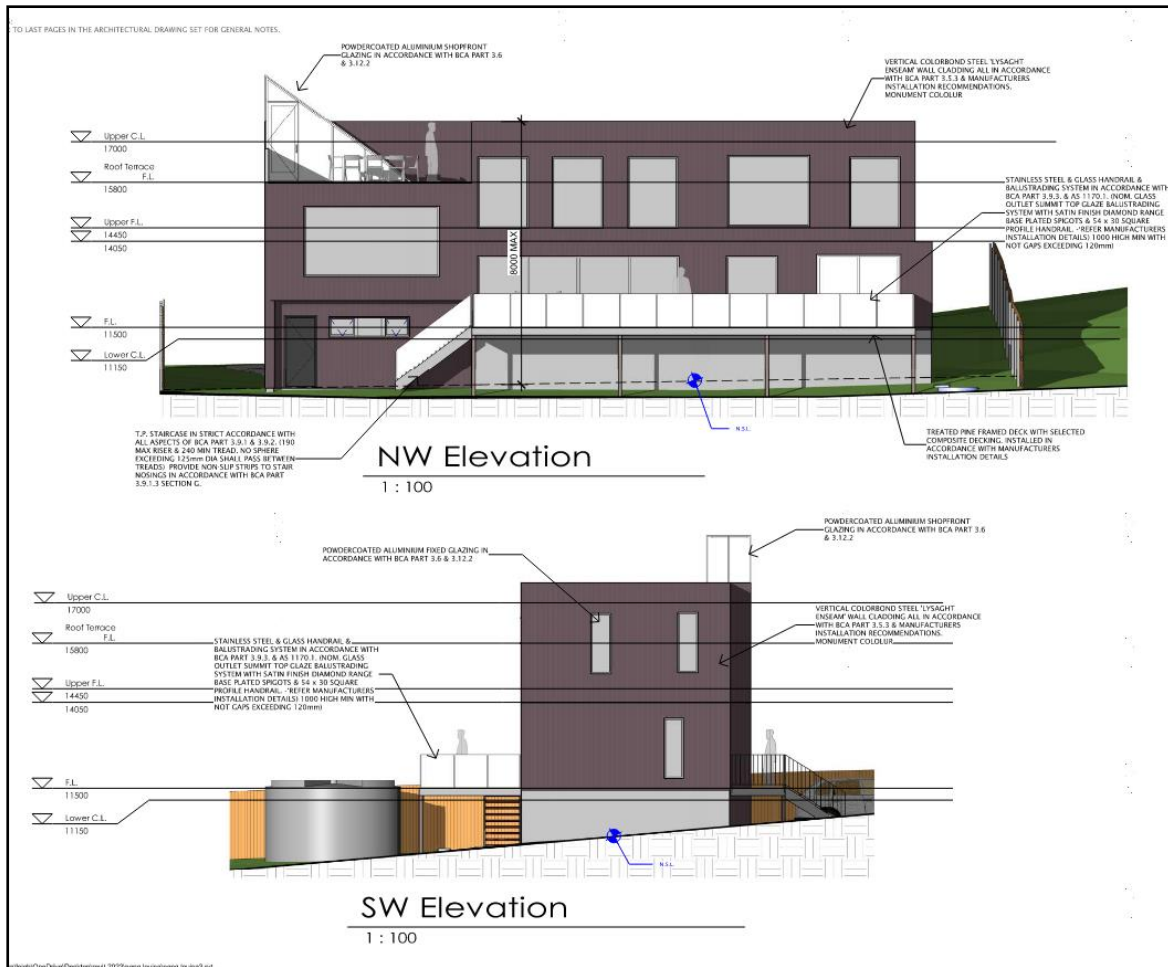


Figure 7: Proposed elevations.

The full plans submitted are included in the attachments.

**8. REPRESENTATIONS**

The Application was advertised for community consultation from 17/06/2023 to 03/07/2023. One (1) representation was received and is summarised below.

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

Issues Raised in Representations	Council Response
<p>Proposed building height not accurately shown on the plan.</p>	<p>There is sufficient information on the plans to determine the height of the proposal. Drawing No. 030323, Sheet No. 7 explicitly identifies the height of the glass stairwell as being 9.1m above natural ground level.</p>
<p>Setbacks incorrectly shown as “maximum” and should be “minimum”.</p>	<p>A condition clarifying that all setbacks on the endorsed plans should be read as minimum setbacks is</p>

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	recommended to be included on the planning permit.
<p>Insufficient shadow diagrams and diagrams do not show the existing deck at 7 Lord Liverpool Drive.</p> <p>Shadows will impact deck, which comprises the only outdoor viewing and seating area and exposure to full sunlight is a priority.</p>	<p>In response to the representation the applicant has provided additional and updated shadow diagrams, including one for 12:00 noon and included the deck at 7 Lord Liverpool drive.</p> <p>The impacts of overshadowing have been discussed in the assessment below and are considered to be reasonable.</p> <p>The diagrams demonstrate that the proposed development will cast a shadow onto the adjoining property at 7 Lord Liverpool Drive during the morning hours. The elevated deck, and dining room window will be in shadow at 9:00 am. However, by 11:00 am these elements will receive direct solar access.</p>
<p>Ground floor is setback 2.3m from boundary and there is sufficient space to move the dwelling so it is 3m.</p>	<p>The setback of the dwelling has been considered in the assessment below and will not result in an unreasonable impact on the adjoining property. Enforcing a setback of 3m is not considered to be necessary and would have negligible impact on the amenity of the adjoining property.</p>
<p>Waste water pump station is located within the 3m side setback, near to and visible from deck at 7 Lord Liverpool Drive.</p> <p>Sufficient space to relocate it so it is not visible.</p> <p>Noise and odours in this location will impact the amenity of the deck.</p>	<p>The location of the waste water pump station is considered to be reasonable and is not generally a component of development considered under the planning scheme.</p> <p>Pump stations are largely underground, with a lid at surface level. The diameter of the lid is approximately 1.2m. this is a relatively minor component of the proposed development and will have minimal visual impact when viewed from the adjoining property. The placement of waste water treatment systems is largely a matter</p>

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	<p>addressed under the Building Act 2016.</p> <p>Single user pump stations are designed for urban environments and the noise, and odour impacts associated with a functioning single user pump station are reasonable.</p>
<p>Height will set a precedence.</p>	<p>All applications for use and development are assessed against the provisions of the planning scheme and determined based on their individual merit.</p>
<p>Development not consistent with the village character – generally dwellings have been located away from neighbours to maintain privacy and views. Lot is big enough to position the dwelling to maintain visual connection to the coastline and retain village amenity.</p>	<p>The proposal is consistent with the existing character of Lord Liverpool Drive which includes large prominent dwellings in a variety of architectural styles. Dwellings are commonly elevated and orientated in order to take advantage of coastal views, often resulting in visually bulky dwellings.</p> <p>While the lot is large and it is possible for the applicant to relocate or redesign the dwelling to achieve greater separation, the proposed placement, linear to the existing dwellings appears to best preserve the coastal views from the existing dwellings and to ensure that late afternoon sun falls toward the road.</p> <p>In this position, the reduce setback applied for has minimal impact on the amenity of the adjoining dwelling. Moving the dwelling further down the lot, has the potential to result in substantially greater amenity impacts while potentially being fully compliant with the planning scheme.</p> <p>Due to the low elevation of Lord Liverpool Drive in this area views of the coast are limited from Lord Liverpool Drive and will not be impacted significantly by the proposed development.</p>

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	The proposed development is considered to be in keeping with the character of Lord Liverpool Drive. Council could consider conditioning the proposal to achieve the setback compliant with the Acceptable Solutions, however, the impact on the amenity of the adjoining title would be negligible.
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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 use and development. The definition of the Residential use as outlined in the *George Town Interim Planning Scheme 2013* is:

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

The Residential Use Class (Single Dwelling) is classified as a **No Permit Required** use in the 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
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.
<b>Planners Response:</b>  The proposal will not undermine the function of Bellbuoy Beach/Low Head as a small rural centre. The proposal is for a residential use and the scale and impacts of the proposal are consistent with those of the surrounding residential properties.	
16.1.2	Local Area Objectives
<ol style="list-style-type: none"><li>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.</li><li>2. Ensure the new use development in unserviced areas;<ol style="list-style-type: none"><li>a) is self-sufficient in infrastructure provision,</li><li>b) does not cause material environmental harm; and</li><li>c) does not create significant additional demands on community resources.</li></ol></li><li>3. Protects the amenity of existing and future occupants of residences on adjoining lots in terms of;<ol style="list-style-type: none"><li>a) visual and acoustic privacy</li><li>b) overlooking habitable rooms and outdoor recreation areas; and</li><li>c) loss of sunlight to habitable rooms and outdoor recreation areas.</li></ol></li><li>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.</li></ol>	
<b>Planners Response:</b>  The proposal is consistent with the Local Area Objectives. It is located on an existing residential lot and does not give rise to ribbon development. The proposal makes use of the services that are available in the area and is otherwise self sufficient. The environmental impacts associated with the development of a single dwelling are unlikely to cause environmental harm and are consistent with those of the surrounding residences.	

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The increased demands of a single dwelling on community resources is acceptable and would have been generally considered at the time of subdivision.

Residential amenity has been considered in relation to privacy and overshadowing in relation to the Performance Criteria below and the impacts are considered to be reasonable.

No subdivision forms part of the proposal.

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16.1.3      Desired Future Character Statements

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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;

- the need to protect against adverse impact on natural or cultural values and
- 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.

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**Planners Response:**

The proposed development does not increase dwelling density or create any new lots. The subject title does not contain any natural or cultural values and has not been identified as being subject to any particular natural hazard. Bushfire hazard management will be considered during the assessment under the *Building Act 2016*.

Wastewater will be required to be managed on site, consistent with other dwellings in the vicinity.

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**Performance Criteria assessment.**

16.2      Development Standards

16.2.1    Building Design and Siting

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Objective

- 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
-

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- 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.

**Acceptable Solutions**

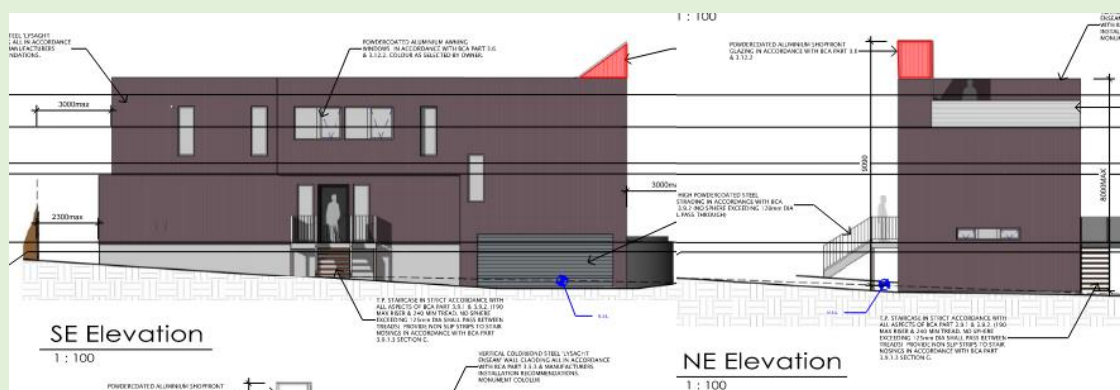
- A2 Building height must:  
a) not exceed 8m;

**Performance Criteria**

- P2 Building height must:
- a) be consistent with the local area objectives, if any; and
  - b) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:
    - i) the surrounding pattern of development; and
    - ii) the existing degree of overlooking and overshadowing; and
    - iii) the impact on the adjoining property of a reduction in sunlight to habitable rooms and private open space to less than 3 hours between 9.00 am and 5.00 pm on June 21 or no increase to existing overshadowing where greater than above; and
    - iv) maintaining reasonable privacy to private open space and windows; and
    - v) existing screening or the ability to implement screening to enhance privacy.

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

The proposal includes a stairwell with a height of 9.1m. The acceptable solution for building height in the Village Zone is 8m. The component of the building which exceeds 8m in height is highlighted in red on Figure 8 below.



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Figure 8: Component of dwelling exceeding 8m in height (highlighted in red).

In this instance the impact of the proposal is considered to be acceptable. The proposal is consistent with the applicable Local Area Objectives. It is located on an existing residential lot and does not give rise to ribbon development. The proposal makes use of the services that are available in the area and is otherwise self sufficient. The environmental impacts associated with the development of a single dwelling are unlikely to cause environmental harm and are consistent with those of the surrounding residences. The increased demands of a single dwelling on community resources is acceptable and would have been generally considered at the time of subdivision.

The proposal will not unreasonably impact residential amenity.

While the proposal will result in some overshadowing of the property to the immediate south-west, the impacts are considered to be reasonable. Shadow diagrams submitted by the applicant indicate that overshadowing will impact the dwelling at 7 Lord Liverpool Drive during the morning hours. While some overshadowing of the elevated deck will occur at 9:00am, by 11:00am the deck will receive full solar access. The azimuth of the sun at this time also results in the shadow having minimal impact on the kitchen window. By 12:00 noon, no habitable rooms or the deck of 7 Lord Liverpool Drive will be impacted, resulting in direct solar access between 12:00am and 5:00pm, a period exceeding 3 hours.

While some overshadowing will persist over the front yard of 7 Lord Liverpool Drive after 12:00am, the impacts are reasonable. The portion of the land impacted comprises a relatively steep area of landscaping and is occupied by the property's bushfire fighting tank. This area is not considered to be the principle private open space of the dwelling. A large area (greater than 450m<sup>2</sup>) between the dwelling and coastal reserve will receive direct solar access throughout the day.

It is noted that the shadow diagrams have been prepared for the 21<sup>st</sup> June, the shortest day of the year when shadows are at their worst. Overshadowing will be less than that depicted for the remainder of the year.

It is also noted that the shadow cast onto 7 Lord Liverpool Drive is largely cast by components of the dwelling that are fully compliant with the planning scheme. Due to its position toward the northern side of the lot, the shadow cast by the stair well, does not exceed that cast by the compliant components of the dwelling and does not impact 7 Lord Liverpool Drive.

The proposal will not result in an unreasonable degree of overlooking. While there are two elevated windows directed toward 7 Lord Liverpool Drive, they comprise a bathroom and a walk-in robe. These rooms are of a specialist nature and are occupied infrequently. They are also of a nature where a degree of privacy will be required by the occupants, likely resulting in them being treated with coverings or frosting. It is noted that these windows are at a height and setback which is fully compliant with the Acceptable Solutions.

The proposal includes an elevated deck with a finished floor height approximately 6m above the natural ground level. This deck has the potential to overlook the dwelling at 11 Lord Liverpool Drive. This dwelling is 3m from the shared side boundary and includes two first floor windows in the south-west wall directed towards the proposed dwelling, along with decks at the front and rear of the dwelling.

In this instance the position of the proposed dwelling relative to the existing ensures that the decks and the western most window are sufficiently separated and offset such that direct views are reduced to an acceptable degree.

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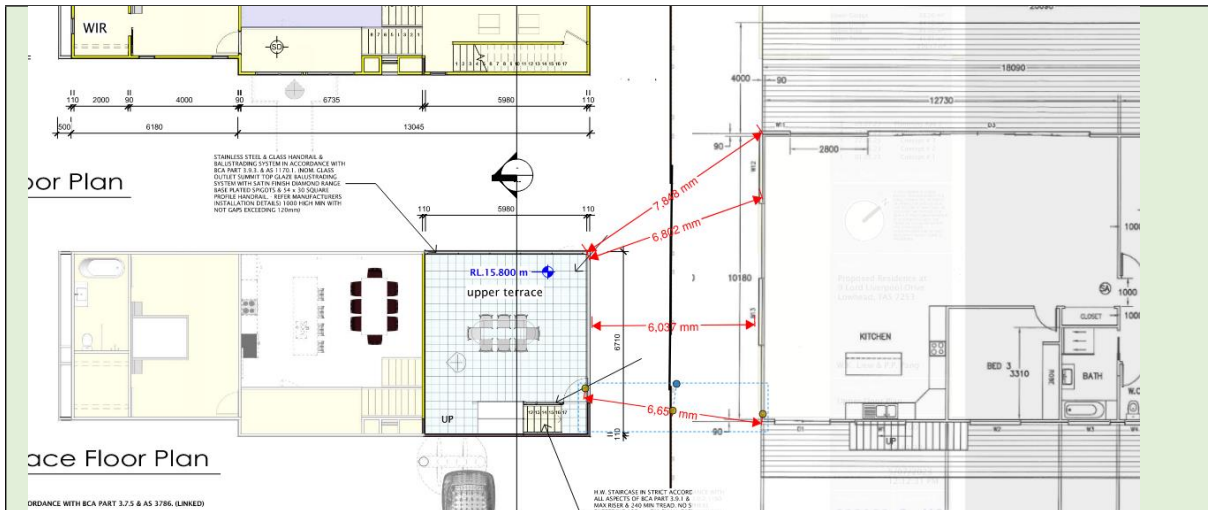


Figure 9: Opportunities for overlooking of 11 Lord Liverpool drive

The greatest risk to overlooking is from the rooftop deck to the central window in the south-west wall of 11 Lord Liverpool Drive. Although the deck will provide a direct line of sight to this window, the separation between the deck and the window, 6m, is consistent with the separation achieved by compliance with the Acceptable Solutions. This separation is considered to be adequate to ensure an acceptable degree of privacy in most situations.

Council can consider an additional condition on the planning permit to require a privacy screen to a height of 1.7m and uniform transparency no greater than 30% to be erected along the north-east side of the roof top terrace. This would provide additional privacy, however, it would also result in additional visual bulk to the building. The owner/occupier of 11 Lord Liverpool Drive has not submitted a representation.

In this instance the separation, consistent with the Acceptable Solutions and the rooftop deck being an element of the building that also complies with the Acceptable Solutions for height, the proposed development is considered to be reasonable. While there is an opportunity for some overlooking, the extent is not considered to be unreasonable. No further conditions are considered warranted.

It is noted that the building element which has triggered the Performance Criteria has minimal impact on the amenity of the adjoining properties.

<p>A4 Buildings must be set back from the side and rear boundaries a minimum distance of 3m.</p>	<p>P4 Buildings are sited so that side and rear setbacks:</p> <p>a) protect the residential amenity of adjoining dwellings from the impacts of overshadowing and overlooking having regard to:</p> <ul style="list-style-type: none"> <li>i) the surrounding pattern of development; and</li> <li>ii) the existing degree of overlooking and overshadowing; and</li> <li>iii) the reduction of sunlight to habitable rooms and private open space to no less than 3 hours between 9.00 am and 5.00 pm on</li> </ul>
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- June 21 or no increase to existing overshadowing where greater than above; and
- iv) maintaining reasonable privacy to private open space and windows; and
- v) existing screening or the ability to implement screening to enhance privacy; and
- b) further the objectives relating to the visual character of the village.

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

The proposed dwelling is setback 2.3m from the south-west side boundary. This setback is considered to be reasonable. The component of the development less than 3m from the boundary comprises a portion of the ground floor bedroom and bathroom.

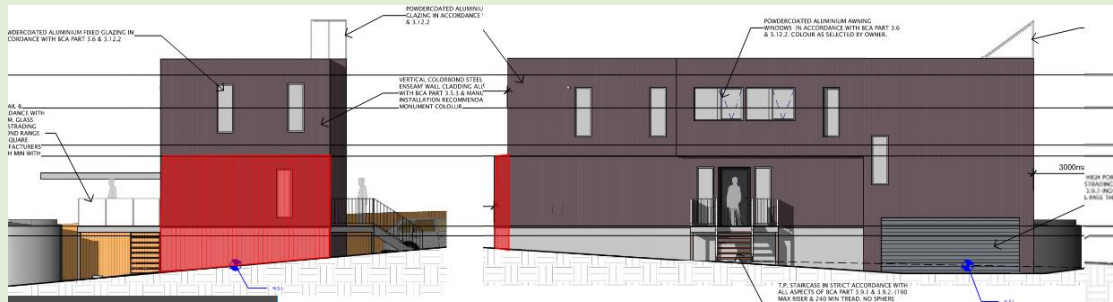


Figure 10: Component of dwelling less than 3m from the side boundary (highlighted in red).

The second floor of the proposed dwelling steps away from the boundary to a setback of 3m.

The proposed development is consistent with the surrounding pattern of development. Lord Liverpool Drive features a number of large prominent dwellings, generally positioned and orientated to take advantage of ocean views.

Although the proposed development is larger and has greater visual bulk than that of the adjacent dwellings, the increased scale is not so significant that the building will be out of character with the streetscape and remains relatable to the scale of the adjoining buildings.

The dwelling has a setback from the front boundary compatible with that of the adjoining dwellings and is positioned such that it does not obstruct any direct views of the ocean.

The objectives and Desired Future Character Statements do not contain any criteria directly relating to the design of individual buildings.

As the component of the dwelling subject to Council's discretion is on the ground floor and the ground floor of the adjoining dwelling at 7 Lord Liverpool Drive is elevated in comparison, the reduced setback will not result in over looking or compromise privacy of the habitable rooms of the dwelling or the elevated deck. While there is a window in this

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wall facing 7 Lord Liverpool drive, it is a bathroom window, occupied infrequently and likely to be treated to ensure reasonable privacy for the occupants.

Shadow diagrams provided by the applicant demonstrate that the habitable rooms and primary private open space of 7 Lord Liverpool Drive will not be overshadowed for a period greater than 3 hours on the 21<sup>st</sup> June. Despite its reduced setback, the shadows cast by the ground floor are eclipsed by those of the first floor and do not result in a reduction in residential amenity.

The proposed development is considered to comply with the Performance Criteria and is consistent with the objective.

## **10. REFERRALS**

### **Internal Referrals**

No internal referrals considered warranted.

### **External Referrals**

There were no external referrals required for this application.

## **11. SERVICES**

### ***Road***

Access is available to Lord Liverpool Drive, via the existing approved crossover.

### ***Sewer***

Reticulated sewerage is available. A low pressure pump is required to convey sewerage to the existing waste water treatment system servicing the Bellbuoy Beach community.

### ***Water***

Reticulated water is unavailable onsite, therefore the proposal relies on rainwater tanks. The proposed tank is considered to be an exempt component of the development in accordance with Clause 5.6.7.

### ***Stormwater***

Stormwater will be managed onsite.

## **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.

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**Part V Agreements:**

A Part V is registered against the subject title, however, the objective of the Part 5 is to ensure bushfire protection by requiring ongoing hazard management on the neighbouring title to the north.

**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 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 Single dwelling at 9 Lord Liverpool Drive, Low Head (CT 148067/13), 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, Single dwelling at 9 Lord Liverpool Drive, Low Head (CT 148067/13) 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. Adams Building Design, Project No. 030323, Drawing No. 1-13, dated 05/07/2023.

unless specified otherwise by condition of this permit, 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. MINIMUM SETBACKS**

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Any reference on the plans to maximum (max.) setbacks are to be read as minimum setbacks and must be adhered to as such. No major building elements are to extend closer to the boundaries than the setback distances identified on the endorsed plans.

**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.

**Permit Notes**

1. This permit was issued based on the proposal documents submitted for DA 2023/63. 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.

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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:

**VOTING**

For:

Against:

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**7.2 DA 2023/64 - 213 LEAM ROAD, HILLWOOD- SINGLE DWELLING**

<b>REPORT AUTHOR:</b>	Statutory Town Planner - Mr J. Simons
<b>REPORT DATE:</b>	12/07/2023
<b>FILE NO:</b>	DA 2023/64
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. ATTACHMENT 1 Assessment of Compliance with Acceptable Solutions DA 2023 6 [7.2.1 - 33 pages]</li><li>2. Plans and Supporting Documents - DA 2023-64 [7.2.2 - 17 pages]</li><li>3. Title - DA 2023-64 [7.2.3 - 2 pages]</li><li>4. Representations - DA 2023-64 [7.2.4 - 3 pages]</li></ol>

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**APPLICATION INFORMATION**

<b>Planning Instrument:</b>	George Town Interim Planning Scheme 2013
<b>Applicant:</b>	Prime Design
<b>Site Address:</b>	213 Leam Road, HILLWOOD
<b>Titles Details:</b>	CT 178081/3
<b>Property ID:</b>	9247389
<b>Zone:</b>	Rural Living
<b>Use:</b>	Residential
<b>Proposed Development:</b>	Single Dwelling, Residential Outbuildings (x2), Frontage Fence and Garden Structures
<b>Application Received:</b>	02/06/2023

**1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Single Dwelling, Residential Outbuildings (x2), Frontage Fence and Garden Structures at 213 Leam Road, HILLWOOD (CT 178081/3).

The proposed dwelling will be constructed over two levels and will include 2 bedrooms. It is designed in an Italian inspired style, giving it a distinct and unique appearance.

Three (3) representations were received during the advertising period. The representations largely relate to the visual appearance and architectural style of the proposal and its lack of harmony with other established buildings in the vicinity. While it is acknowledged that the building has a unique appearance, the proposal has been assessed against the provisions of the planning scheme and is largely compliant with the applicable Acceptable Solutions and Performance Criteria. A condition is recommended to alter the height of the frontage fence to reduce the visual bulk of the structure. The proposal is recommended for approval with conditions.

## **2. STRATEGIC PLAN**

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

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

2. Planning and regulatory responsibilities are undertaken fairly and openly
  - i. Building knowledge and understanding of planning and regulatory responsibilities and processes.
  - 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 213 Leam Road, HILLWOOD (CT 178081/3). The site comprises a residential lot, with an area of 4507m<sup>2</sup>, within a relatively recent subdivision.

The land slopes from north-east to south-west, towards the Tamar / kanamaluka, with a fall of approximately 5m across the site.

A portion of the land has been identified as being subject to a priority habitat overlay, identified as Eucalyptus amygdalina forest and woodland, however, the vegetation has been historically cleared, and the site is largely free of vegetation.

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

The land surrounding the property to the north-east, north-west and south-east comprises a mix of vacant residential land and single dwellings. Leam Road and the riparian reserve are located to the south-west.

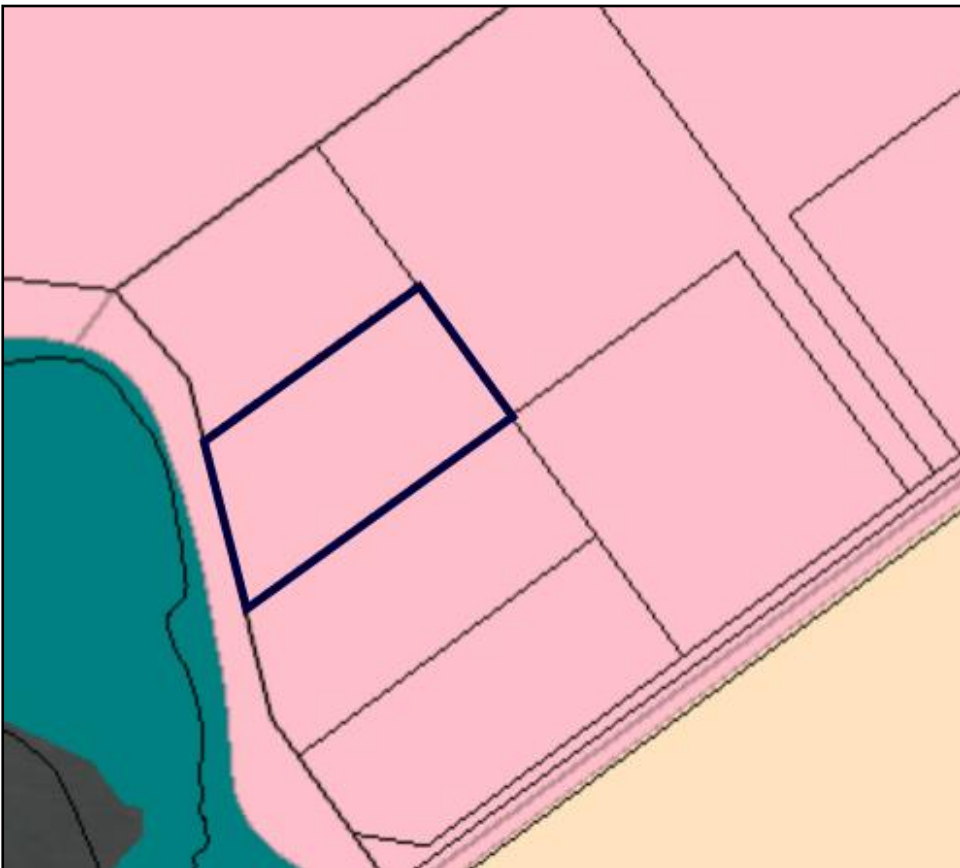
The land is serviced by reticulated stormwater and water, however, waste water will need to be managed onsite.

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



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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 213 Leam Road, HILLWOOD (CT 178081/3) for a single dwelling, residential outbuildings (x2), frontage fence and garden structures.

The dwelling will have a floor area of 281.60m<sup>2</sup>, built over two floors. The ground floor comprises a kitchen, lounge, dining, bathroom and alfresco, with two bedrooms, bathroom, laundry and balcony on the first floor.

The application includes a 51m<sup>2</sup> garage to the south-east of the dwelling and a similar sized domestic outbuilding on the north-west side.

A swimming pool, formal looped driveway, and various formal garden ornaments including three pergolas, a fountain and fire pit are also proposed.

The proposal includes a frontage fence, comprised of stone columns, with decorative metal rail infills and gates. The current driveway is proposed to be removed and relocated to the centre of the lot.

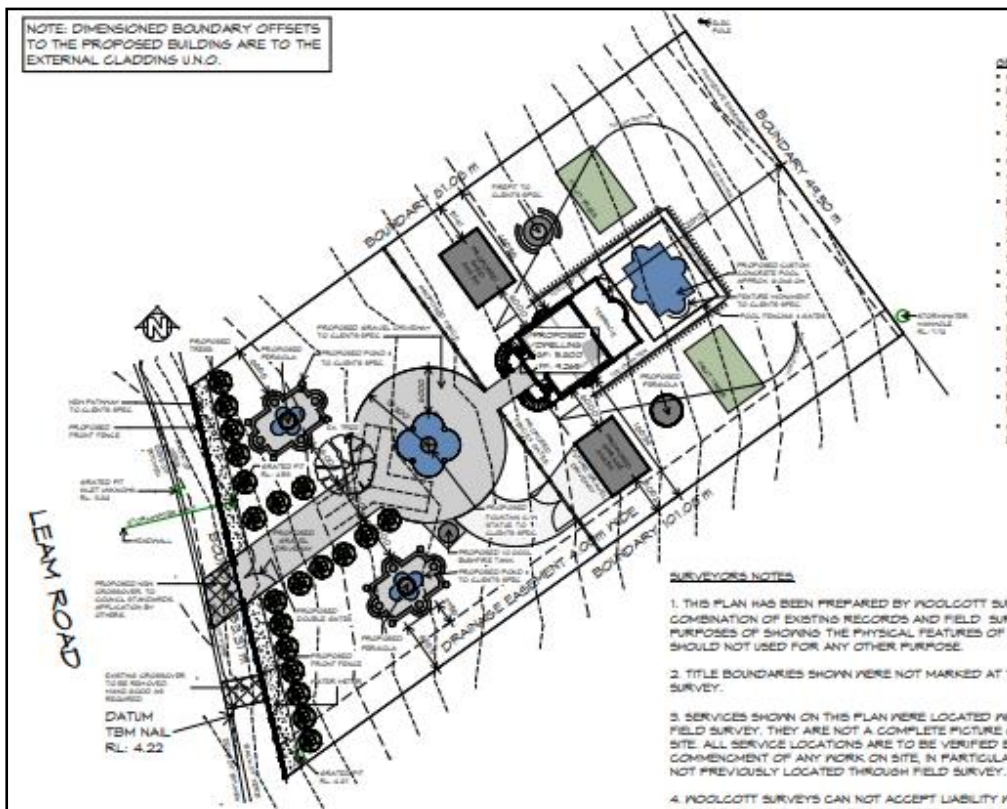


Figure 3: Proposal site plan.

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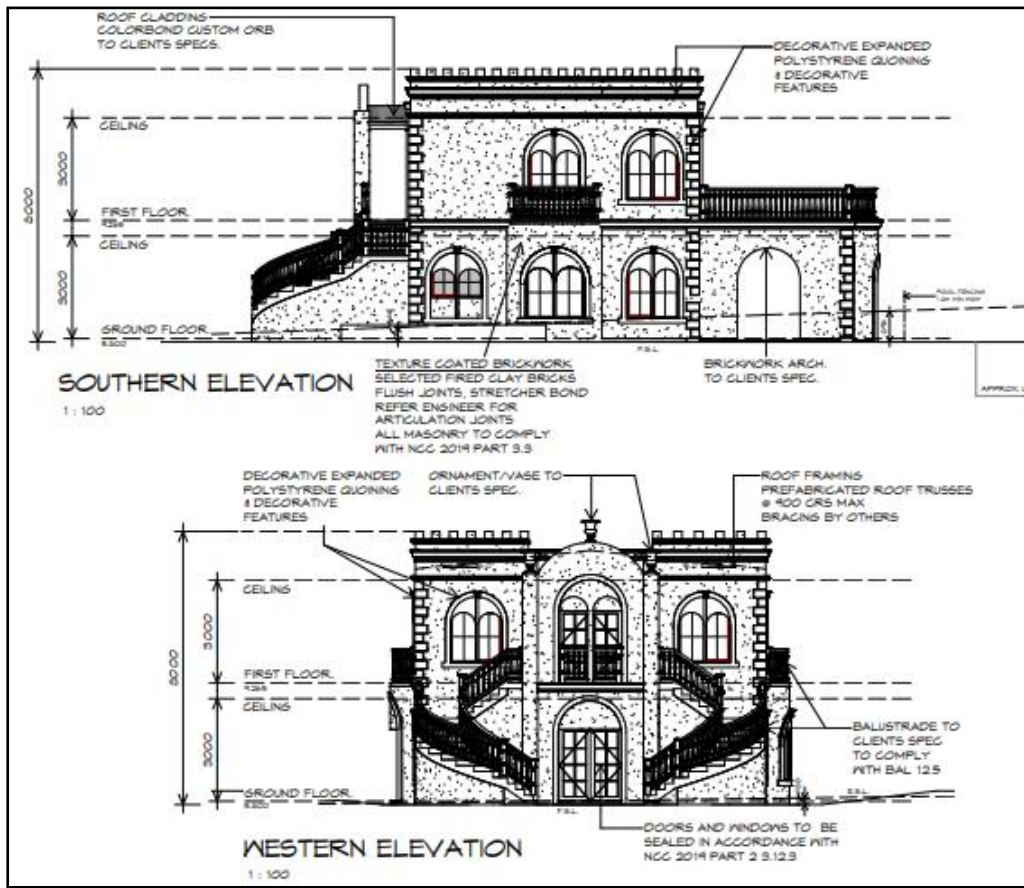


Figure 4: Proposed dwelling elevations.

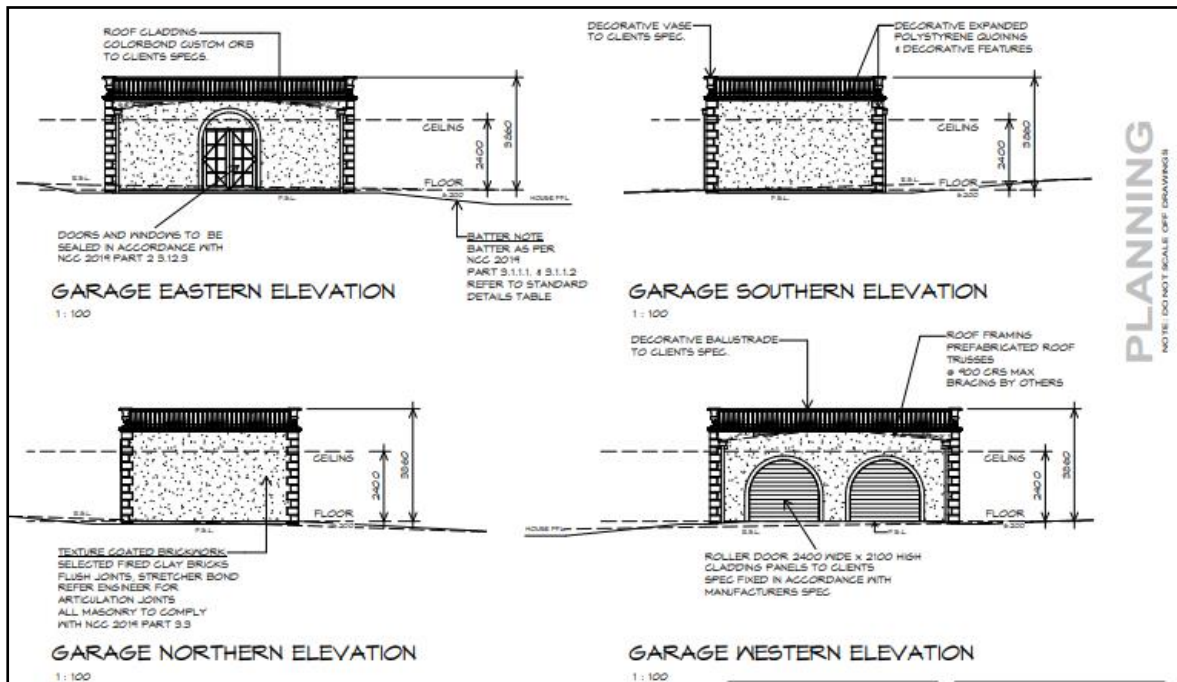


Figure 5: Proposed garage elevations (proposed shed is of similar size and dimensions).

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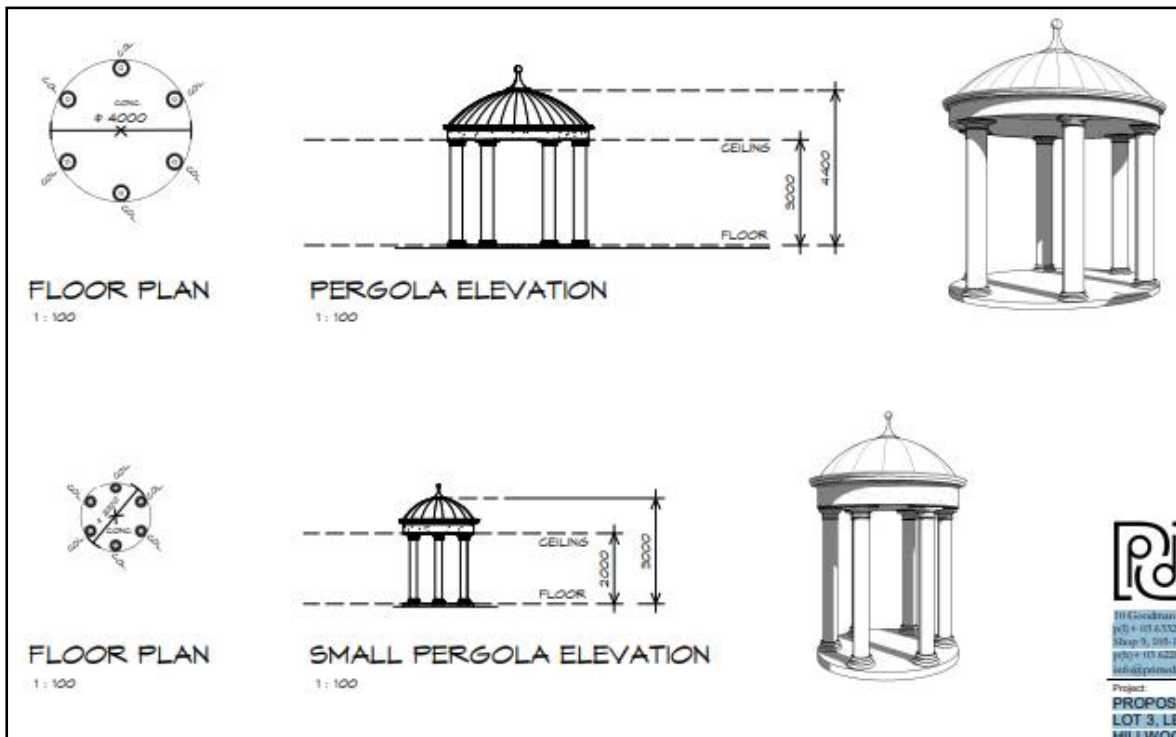


Figure 6: Proposed garden structures.

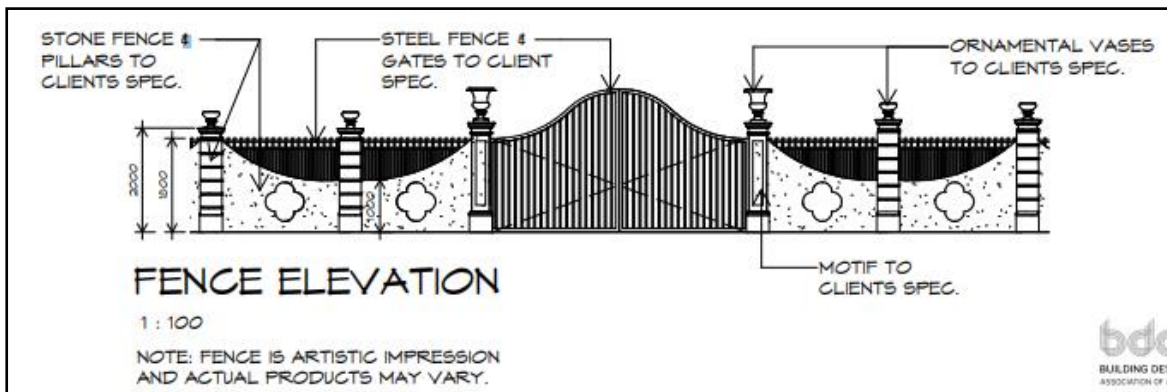


Figure 7: Proposed frontage fence.

The full plans submitted are included in the attachments.

**8. REPRESENTATIONS**

The Application was advertised for community consultation from 10/06/2023 to 26/06/2023. 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
Development is not in keeping with the heritage of the area and rustic charm of Tasmania.	The representations received largely relate to the visual appearance of the proposed development and the degree to which is aesthetically in

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<p>Not in keeping with the general feel and rustic ambiance.</p> <p>Design is not in keeping with the character of Hillwood or the historic properties leading up to the lot, including the Old School House, Cool Store at 175 Leam Road, Leam House at 179 Leam Road and Apple Shed at 207 Leam Road.</p> <p>Design antitheses of the dwelling approved for 207 Leam Road and the developments, side by side, will detract from each other.</p> <p>Development is not in recognition or complimentary to the rural environment.</p> <p>Development will change the look and feel of Hillwood for ever.</p>	<p>keeping with existing dwellings in the vicinity.</p> <p>The proposal is for a visually distinctive dwelling in an Italian inspired style, with formal entry, driveway and gardens. There are certainly no other dwellings with such a distinctive appearance in the area and it does contrast significantly with the appearance of other recently constructed dwellings as well as existing heritage properties.</p> <p>While Council does have some discretion in regard to visual impacts relative to specific Performance Criteria, it does not have a general discretion to approve or refuse an application based on visual appearance and architectural style.</p> <p>There is no requirement for individual dwelling designs to match or be in keeping with the architectural style, appearance or materials of other properties in the vicinity.</p> <p>While there are specific Performance Criteria requiring developments to be consistent with the surrounding properties in regard to setbacks, height, and bulk, these are only applicable in certain circumstances. In this instance both the dwelling and the associated outbuildings comply with the height and setback requirements of the zone and are not parts of the proposal over which Council can exercise discretion.</p>
<p>Height is of concern, will be clearly visible from 179 Leam Road (Leam House) and will require 8m high screening to reduce the buildings intrusive impact.</p> <p>Why should existing residents have to plant out to screen.</p>	<p>The proposed development has a maximum height of 8m. This is compliant with the Acceptable Solutions of the Planning Scheme.</p> <p>Planting out a boundary is often an effective approach to screen development. In this instance the proposal does not rely on any</p>

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	Performance Criteria which require consideration of the appearance of the dwelling, outbuilding and garden structures. These are compliant components of the development. It is not considered reasonable to require the developer to screen the boundaries of the site because adjoining owners do not share the same aesthetic tastes.
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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*:

- 13.0 Rural Living Zone
- E6.0 Car Parking and Sustainable Transport Code
- E8.0 Biodiversity Code

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

### **9.1 Use Class**

The application is classified as Residential. 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 Rural Living 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 Zone Purpose provides context and is indicative of the intent, but are generally cannot be used as justification to refuse an application. The Performance Criteria outlines the specific things that Council must consider in exercising its discretion and determining whether to approve or refuse an application.

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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**

## **17 Rural Living Zone**

### **13.1 Zone Purpose**

17.1.1	Zone Purpose Statements
17.1.1.1	To provide for residential use or development on large lots in a rural setting where services are limited.
17.1.1.2	To provide for compatible use and development that does not adversely impact on residential amenity.
17.1.1.3	To provide for rural lifestyle opportunities in strategic locations to maximise efficiencies for services and infrastructure.
17.1.1.4	To provide for a mix of residential and low impact rural uses.
<b>Planners Response:</b>  The proposal provides for a residential use and development of a dwelling on an existing large lifestyle lot.  No non-residential forms of use and development are proposed.  The single dwelling and residential use is consistent with the residential use of the surrounding properties.	
17.1.2	Local Area Objectives
Minimise adverse environmental effects on sensitive areas.  Ensure rural living development does not unreasonably increase demand for the provision of utility services and community facilities.  Minimise the potential for conflict between uses.	
<b>Planners Response:</b>  The subject site has not been identified as being an environmentally sensitive area.  The proposal is for the development of a dwelling on an existing lot within a recent residential subdivision. The proposal does not unreasonably increase demand for utilities and community services.  The proposal is for a residential use and single dwelling. This use is compatible with the residential uses, approved and intended, on the adjoining properties. Considering the types	

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of agricultural activities undertaken at 240 Leam Road, sufficient separation is achieved between the proposal and Rural Resource land to mitigate the risk of further fettering.

**17.1.3 Desired Future Character Statements**

Provision is made for single dwellings and associated outbuildings on large lots at low housing densities in a location removed from the urban centres and attractive for living due to the qualities of the rural setting.

Reliable road access to an established urban centre is available to meet daily requirements for employment, education, health care, retail and structures social and recreational activity.

Development of larger sites will be self sufficient in respect to water supply, disposal of waste water and community and commercial facilities. Sub divisional development of smaller sites will require connection to an offsite reticulated waste water treatment and reuse system.

There is a general absence of integrated community facilities and retail services

**Planners Response:**

The Desired Future Character Statements primarily relate to subdivision.

The proposal is for a single dwelling on an existing lifestyle lot, within an established residential subdivision.

The land will benefit from water and stormwater infrastructure already in the vicinity, but waste water will be managed onsite. The site is accessed via Leam Road.

**Performance Criteria assessment.**

**13 Rural Living Zone**

**13.4 Development Standards**

**13.4.1 Building Design and Siting**

**Objective**

To ensure that siting and design:

- a) protects the amenity of adjoining lots; and

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b) is consistent with the local area objectives and desired future character statements for the area, if any.

Acceptable Solutions	Performance Criteria
<p>A3 Buildings must be set back a minimum distance of 10m from a frontage.</p>	<p>P3 Building frontage setbacks must have regard to:</p> <ul style="list-style-type: none"> <li>a) the prevailing setbacks of existing buildings on nearby lots and pattern of development in the surrounding area; and</li> <li>b) the visual impact of the building when viewed from the road; and</li> <li>c) retention of vegetation within the front setback; and</li> <li>d) consistency with the local area objectives, if any.</li> </ul>

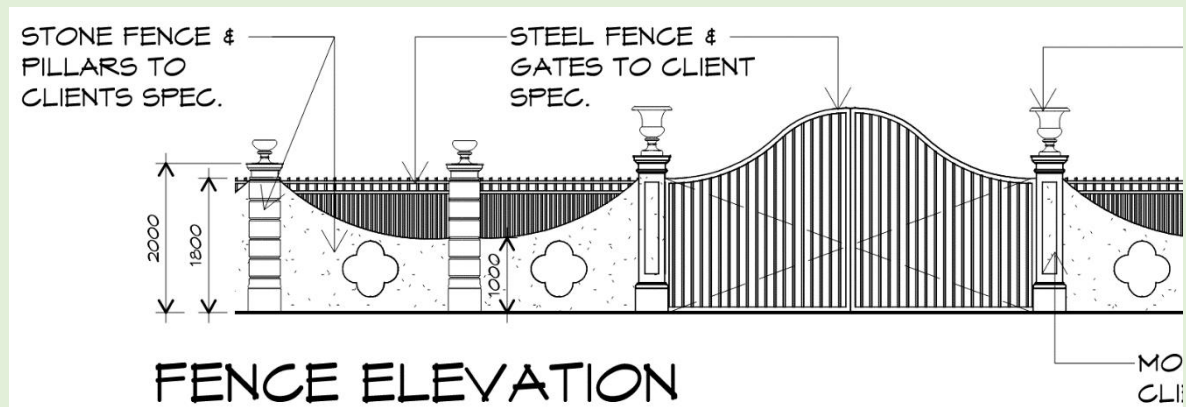
**Planners Response:** Relies on performance criteria.

The proposal includes a frontage fence within 10m of the frontage. In this instance the frontage fence is not an exempt structure.

The inclusion of a frontage fence on the property boundary is not unusual or out of character with properties in the surrounding area. Most developed properties exhibit a frontage fence located on the or close to the front boundary. As such the setback of the fence is consistent with that of other frontage fences in the area.

However, the height and visual impact of the proposed fence, when viewed from the road, is significantly greater than any other fences observed in the vicinity.

The proposed fence comprises masonry piers, topped with ornamental urns and infilled with a combination of masonry and steel.



The pillars will have a height of 2m above natural ground level, with ornamental features and the gate further increasing the height to 2.7m.

The height and significant ornamentation of the fence results in visual bulk and a visual impact from the road that contrasts significantly with other frontage fences in the vicinity. The visual impact of the fence is not considered to be reasonable, however, the impacts can be appropriately managed by conditions.

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It is recommended that a condition be included on the permit to require an amended frontage fence plan to be submitted prior to the commencement of works. The plan is to show the fence reduced to an absolute maximum height of 1.8m, including gate and ornamental features. With the exception of the support pillars, 30% uniform transparency is to be maintained for any part of the infill panels and gates which exceed 1.2m in height.

The parameters of the condition would allow a degree of latitude for the proponent to design the fence in their preferred style, however, it would significantly reduce the height and bulk of the structure. While there remains scope for ornamentation, the parameters suggested may force some rationalisation of the extent of ornamentation.

It is noted that on transitioning to the Tasmanian State Planning provisions a fence with a height of 1.8m is an exempt structure in the Rural Living Zone, regardless of the composition, materials and appearance.

There is no vegetation currently in the frontage which would assist to soften the impacts of the proposal.

The Local area objectives do not include any criteria relevant to the design of individual dwellings.

The proposal can be conditioned to comply with the Performance Criteria and is consistent with the objective.

<p>A4 Buildings must be set back a minimum of:</p> <ul style="list-style-type: none"> <li>a) 5m to side and rear boundaries; and</li> <li>b) 200m to the Rural Resource Zone where a sensitive use is proposed.</li> </ul>	<p>P4 Buildings must be sited so that side and rear setbacks:</p> <ul style="list-style-type: none"> <li>a) protect the amenity of adjoining dwellings by providing separation that is consistent with the character of the surrounding area having regard to the: <ul style="list-style-type: none"> <li>i) impact on the amenity and privacy of habitable room windows and private open space; and</li> <li>ii) impact on the solar access of habitable room windows and private open space; and</li> <li>iii) locations of existing buildings and private open space areas; and</li> <li>iv) size and proportions of the lot; and</li> <li>v) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation; and</li> <li>vi) local area objectives, if any; and</li> </ul> </li> <li>b) protect agricultural uses on adjoining lots from constraints.</li> </ul>
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**Planners Response:** Relies on performance criteria.

All components of the development are setback more than 5m from the side and rear boundaries of the property and as such are consistent with the Acceptable Solutions relating to the setbacks from other residential properties. The Acceptable Solution is the deemed to comply standard, indicating that 5m separation is generally adequate to preserve residential amenity. While the style, ornamentation and appearance of the building may not be desirable to adjoining land owners, these features are not exacerbated or cause unreasonable impacts by virtue of the setback of the buildings.

Notwithstanding this, the proposed residential use of the land is compatible with the residential use of the surrounding properties and the dwelling and outbuildings will not have an unreasonable impact on residential amenity.

The proposal will not result in unreasonable overshadowing. While some overshadowing may occur on the property to the immediate south in the afternoon hours on the 21st June, this property is currently vacant and, with an area of 5029m<sup>2</sup>, has adequate opportunity to maximize solar access through a future dwelling design.

While the dwelling includes elevated floor levels, it is approximately 20m from the nearest boundary. This setback is sufficient to mitigate the impacts of overlooking and preserve privacy on the adjoining properties.

While the proposal is for a sensitive use and is located within 200m of the Rural Resource Zone at 240 Leam Road to the south-east, the impact on primary productivity will be minimal.

The development is located in a relatively recent residential subdivision and there are two vacant residential lots / more than 100m separation between the subject property and the Rural Resource zone. 240 Leam Road is not identified as prime agricultural land, has been developed with a single dwelling and agricultural activities are currently limited to grazing. Council considered the potential impacts on this agricultural land both when the land was rezoned and when the subdivision was approved. Several dwellings have been constructed on Leam Road, in closer proximity to the Rural Resource land than the proposed dwelling. The proposed dwelling will not result in any further constraints on agricultural activities at 240 Leam Road.

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

## **E4.0 Road and Railway Assets Code**

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

#### **Objective**

To ensure that use and development involving or adjacent to accesses, junctions and level crossings allows sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

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Acceptable Solution	Performance Criteria
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with <i>AS1742.7 Manual of uniform traffic control devices - Railway crossings</i>, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p><b>Planners Response:</b> Relies on performance criteria.</p> <p>Sight distances at the access exceeds 100m to the south and approximately 70m to the north of the access. In this instance the sight distances achieved are considered to be reasonable.</p> <p>The application proposes to relocate the existing approved access by approximately 10m such that it is located in the centre of the lot.</p> <p>Council’s Infrastructure Department have advised that, although the sight distance falls short of the required distance, the proposed location of the driveway is deemed acceptable in this particular scenario due to the low-speed zone and low traffic volumes in the area.</p> <p>The relocation is minor and the sight distances will remain greater than those of the existing crossovers on the lots immediately to the north-west and south-east of the title.</p> <p>The proposal complies with the Performance Criteria and provides adequate sight distances to ensure the safe movement of vehicles to and from the property.</p>	

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

### **E6.7.2 Design and Layout of Car Parking**

**Objective**

To ensure that car parking and manoeuvring space are designed and laid out to an appropriate standard.

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<b>Acceptable Solution</b>	<b>Performance Criteria</b>
<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>

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

The proposal relies on Performance Criteria due to the access width being more than 10% greater than Table E6.2.

The increased width of the access is unlikely to compromise the convenience, safety or efficiency of the access.

Turning is available via the proposed looped driveway and vehicles can conveniently enter and exit the sight in a forward direction. Due to the central position of the proposed driveway, it will not encroach or interfere with other accesses on neighbouring properties.

## **10. REFERRALS**

### **Internal Referrals**

The application was referred to Council's Infrastructure Department. The Coordinator – Engineering and Projects provided the following:

#### **Sight Distance**

Although the sight distance falls short of the required distance, the proposed location of the driveway is deemed acceptable in this particular scenario due to the low-speed zone and low traffic volumes in the area.

#### **Stormwater**

Prior to the commencement of works, detailed stormwater management plans and Stormwater Disposal Evaluation Report are to be submitted to the satisfaction of Council's Director Infrastructure and Development. The drawings are to:

- a) be prepared by a suitably qualified person;
- b) include a soil and water management plan demonstrating how overland flow will be managed to minimize erosion and siltation of the reticulated stormwater system and watercourses during construction;
- c) show a grated trench drain with a minimum 450mm width and 300mm deep, installed to intercept water from the driveway and direct it to the reticulated stormwater system, prior to the property boundary on Leam Road; show details of the on-site stormwater collection system including adequate pits to drain all hardstand areas to the reticulated stormwater system.

Prior to the commencement of use the onsite stormwater system is to be installed as per the approved stormwater design drawings and to the satisfaction of Council's Director Infrastructure and Development.

#### **Driveway width**

The standard width for a single driveway, including the wings, is typically 5.6 meters. However, in this case, the proposed driveway width is 6 meters, assuming that this measurement already includes one-meter wings. This width exceeds the standard by 0.4 meters. Notably, the driveway is positioned centrally within the lot and does not encroach upon neighbouring properties. It is deemed acceptable.

### **External Referrals**

There were no external referrals required for this application.

## **11. SERVICES**

### ***Road***

Access is available to Leam Road, via a relocated driveway crossover.

### ***Sewer***

Reticulated sewerage is unavailable onsite. The proposal will rely on onsite wastewater management consistent with other residential properties in the vicinity.

### ***Water***

The land is serviced by reticulated water.

**Stormwater**

The land is serviced by a reticulated stormwater mains.

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

**Easements:**

The subject property contains a stormwater drainage easement. With the exception of the frontage fence and landscaping, no buildings or infrastructure are proposed to be built within the easement.

**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, with the exception of a fencing covenant, which has no bearing on the proposed use and development.

**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 Single Dwelling, Residential Outbuildings (x2), Frontage Fence and Garden Structures at 213 Leam Road, HILLWOOD (CT 178081/3), 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, Single Dwelling, Residential Outbuildings (x2), Frontage Fence and Garden Structures at 213 Leam Road, HILLWOOD (CT 178081/3) 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. Prime Design, Drawing No. PD23033, sheet 01, 02, 03, 06, 07, 09, 10, 11, 12, G01-G05 & P01, dated 30/05/2023.

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to the satisfaction of the Council, except where required otherwise by a specific condition of this permit.. 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's Town Planner:

Drawing PD23033, sheet 05, is to be amended to show the frontage fence elevation:

- a) A maximum height of 1.8m, including the gates and ornamentation.
- b) 30% uniform transparency for that part of the fence and gate over 1.2m in height (excluding the pillars).

Once approved, the amended plan will be endorsed and will form part of the planning approval.

## **3. DRIVEWAY CROSSOVER**

Prior to the commencement of the use:

- a) the proposed vehicular crossover must be constructed and sealed in accordance with LGAT Standard Drawing TSD R09 v3. All works must be carried out to the satisfaction of Council's Infrastructure Department; and
- b) the existing crossover and access strip are to be decommissioned, the kerb and channel reinstated and the impacted areas within the road reserve rehabilitated to the satisfaction of Council's Director Infrastructure and Development.

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

## **4. STORMWATER**

Prior to the commencement of works, detailed stormwater management plans and Stormwater Disposal Evaluation Report are to be submitted to the satisfaction of Council's Director Infrastructure and Development. The drawings are to:

- a) be prepared by a suitably qualified person;
- b) include a soil and water management plan demonstrating how overland flow will be managed to minimize erosion and siltation of the reticulated stormwater system and watercourses during and after construction;
- c) show a grated trench drain with a minimum 450mm width and 300mm deep, installed to intercept water from the driveway and direct it to the reticulated stormwater system, prior to the property boundary on Leam Road; show details of the on-site stormwater collection system including adequate pits to drain all hardstand areas to the reticulated stormwater system.

Prior to the commencement of use the onsite stormwater system is to be installed as per the approved stormwater design drawings and to the satisfaction of Council's Director Infrastructure and Development.

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Note: the site is at the base of a cleared slope and may be subject to natural overland flows during rain events. Stormwater designs should consider the impacts and management of overland flows relative to the proposed dwelling.

**5. NO POLLUTED RUNOFF**

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

**6. DAMAGE TO PUBLIC INFRASTRUCTURE**

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

**Permit Notes**

1. This permit was issued based on the proposal documents submitted for DA 2023/64. 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
  - c. Consent to undertake works in the road reserveAll 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.

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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:

**VOTING**

For:

Against:

## **8 OFFICE OF GENERAL MANAGER**

### **8.1 COUNCIL WORKSHOPS - JUNE AND JULY 2023**

<b>REPORT AUTHOR:</b>	Acting General Manager - Mrs C. Hyde
<b>REPORT DATE:</b>	17 July 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 27 JUNE 2023**

- Planning and Building Update
- Agenda Review
- Budget
- Governance Issues
- Councillors/General Manager Discussions

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

**Apologies:** Nil.

**In Attendance:** General Manager  
Director Corporate & Community Services  
Director Organisational Performance, Strategy & Engagement  
Director Infrastructure & Development  
Planner

**Guests:** Nil.

##### **TUESDAY 11 JULY 2023**

- Unconfirmed Minutes 27 June 2023
- Unconfirmed Minutes 27 June 2023 –Closed
- 2023/2024 Annual Plan
- Social Media Policy – Councillors
- Low Head Pontoon – Presentation

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- Tasmanian Housing Strategy
- Advocacy Plan
- Rating Matter
- Clarification of Public Question Time Response
- Anzac Drive Building Update
- Local Government Review
- Airport Masterplan
- Consideration of entering into a Lease – Hillwood
- Governance
- Councillors/General Manager Discussions
- Mayor and Councillor Discussions

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

**Apologies:** Nil.

**In Attendance:** General Manager  
Director Corporate & Community Services  
Director Organisational Performance, Strategy & Engagement  
Director Infrastructure & Development  
Coordinator – Engineering and Projects  
Project Manager  
Planner

**Guests:** Representative of Low Head Breakwater/Pontoon Project

## **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.

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- ii. Fostering courage, kindness and determination in working through challenges and opportunities.
- iii. Communicating well.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government (Meeting Procedures) Regulations 2015.

**RISK CONSIDERATIONS**

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

**FINANCIAL IMPLICATIONS**

Nil.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

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

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

**CONSULTATION**

Nil.

**OPTIONS**

Council may choose to:

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

**OFFICER'S COMMENTS**

That Council receives the report on the Council Workshops held on the 27 June and 11 July 2023.

**OFFICER'S RECOMMENDATION**

That Council receives the report on the Council Workshops held on 27 June and 11 July 2023.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**9 INFRASTRUCTURE AND DEVELOPMENT**

Nil.

## **10 CORPORATE AND COMMUNITY**

### **10.1 ANNUAL REPORT OF THE AUDIT PANEL FOR 2022/2023**

<b>REPORT AUTHOR:</b>	Director Corporate & Community - Ms C. Hyde
<b>REPORT DATE:</b>	30 June 2023
<b>FILE NO:</b>	29.11
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. GTC - Audit Panel - Annual report 2022-2023 [<b>10.1.1</b> - 4 pages]</li><li>2. GTC - Audit Panel - Annual Workplan 2023-2024 [<b>10.1.2</b> - 3 pages]</li><li>3. Confirmed Audit Panel Minutes 30 03 2023.wbk [<b>10.1.3</b> - 4 pages]</li></ol>

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#### **SUMMARY**

This report seeks Council endorsement of the Annual Report for 2022/2023, Audit Panel Annual Work Plan for 2023/2024 and the Audit Panel Confirmed Minutes of the meeting held 30 March 2023.

#### **BACKGROUND**

At the meeting of the Audit Panel held on the 22 June 2023 the Panel recommended the Audit Panel Annual Report for 2022/2023, the Annual Work Plan for 2023/2024 to Council for adoption.

#### **STRATEGIC PLAN**

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

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

1. A culture of engagement and participation
  - iv. Understanding processes and participating in decision making.

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

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**

The Local Government Act 1993.  
The Local Government (Audit Panels) Order 2014 Statutory Rules 2014.

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**RISK CONSIDERATIONS**

No risks identified.

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**FINANCIAL IMPLICATIONS**

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

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

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

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

**CONSULTATION**

The Annual Report 2022/2023 and Annual Workplan 2023/2024 was presented to the Audit Panel Committee by the Chair on the 22 June 2023 and the Minutes of the 30 March 2023 meeting confirmed.

**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**

The Annual Report of the Audit Panel for 2022/2023 to the Council has been received from the Chair of Council's Audit Panel. This Annual Report explains how the Audit Panel discharged its responsibilities during 2022/2023. The Report also highlights the Panel's key activities in 2022/2023.

The Annual Workplan for the Audit Panel for 2023/2024 has been based on the 2022/2023 workplan for the Committee as advised by the Chair. The Workplan provides for a minimum of four (4) meetings to be held each financial year and provides direction regarding its reporting requirements.

The confirmed minutes of the Audit Panel meeting held on the 30 March 2023 are attached for information purposes.

**OFFICER'S RECOMMENDATION**

That Council:

1. Receives the Annual Report for the Audit Panel 2022/2023;
2. Endorses the Annual Workplan for the Audit Panel for 2023/2024; and
3. Accepts the confirmed minutes of the Audit Panel for the 30 March 2023 meeting.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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

### **11.1 POLICY REVIEW - GTC-05 SOCIAL MEDIA POLICY FOR COUNCILLORS**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
<b>REPORT DATE:</b>	17/07/2023
<b>FILE NO:</b>	14.13
<b>ATTACHMENTS:</b>	1. GTC 5 v 1.1 - Social Media Policy for Councillors [11.1.1 - 7 pages]

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#### **SUMMARY**

This report is to provide Council with details of a policy currently due for review in accordance with the requirements of Council's GTC-12 Policy Governance Policy.

#### **BACKGROUND**

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

This brief is in relation to Policy GTC-05 Social Media Policy for Councillors.

Current version:	Version 1
Date Approved:	16 <sup>th</sup> April 2019
Minute Reference:	066/19
Procedures:	Nil

This policy is in relation to the behaviour expectations of Councillors on all social media platforms.

#### **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.
  - iv. Communicating so everyone knows what each group is doing.
  - v. Working towards removing all barriers to participation in community life.

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**Future Direction One - Community Pride**

5. Community groups work together on common goals
- i. Working together on common goals.
  - ii. Communicating proposed projects and programs to leverage opportunities, avoid duplication and keep up with what is going on.

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

- Local Government Act 1993
- Personal Information Protection Act
- Copyright Act 1968
- George Town Council – GTC-03 - Code of Conduct
- George Town Council – GTC-21 - Personal Information Protection Policy
- George Town Council – GTC-27 - Information Disclosure
- George Town Council – GTC-15 - Risk Management

**RISK CONSIDERATIONS**

The risk involved is low if the Policy is followed, if this Policy was not in place or is not followed the risk level would rise to medium to high. The risks involved are both reputational and legal.

**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**

Discussion was held at the Council Workshop on 11<sup>th</sup> July 2023.

**OPTIONS**

Council may choose to:

1. Accept the changes to the Social Media Policy for Councillors.
2. Accept the changes to the Social Media Policy for Councillors with amendment; or
3. Not accept the changes to the Social Media Policy for Councillors.

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**OFFICER'S COMMENTS**

A review of the policy has been undertaken and minor amendments made to reflect updates to the names of associated Council Policies and references to the Strategic Plan. Only minor amendments have been made during this review period as in the main the policy is clear and concise.

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopt the amended draft GTC-05 Social Media Policy for Councillors version 1.1, effective 25<sup>th</sup> July 2023;
2. Update the Version number to Version 2; and
3. Authorise the General Manager to make the following Minor Amendments if required within the next three years:
  - a. Update of a related Policy name referred to within the policy if required; and
  - b. Update the Responsible Director if organisational changes have been made.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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## **11.2 Submission to Local Government Review Board**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
<b>REPORT DATE:</b>	5 July 2023
<b>FILE NO:</b>	14.20
<b>ATTACHMENTS:</b>	1. Local Government Reform Submission (1) [11.2.1 - 4 pages]

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### **SUMMARY**

This report seeks endorsement of the attached George Town Council submission to the Future of Local Government Review Board.

### **BACKGROUND**

The Tasmanian Government has commissioned a review into the future of local government.

Enabled under s12A of the *Local Government Act 1993*, the Minister has appointed a Future of Local Government Review Board to undertake the review. The Future of Local Government Review Board is to research, report its findings and present recommendations to the government for consideration in accordance with its Terms of Reference.

The aim of the review is to *'ensure our system of local government is robust, capable and ready for the challenges and opportunities for the future. The review is an ambitious, generational opportunity to explore the role, function and design of local government in Tasmania'* (source: <https://www.futurelocal.tas.gov.au/about-faq/>). The review commenced on 20 January 2022 and was to be conducted over an 18-month period. Timeframes have since been extended.

The review is being conducted in three stages:

Stage One     Community engagement and research  
(March 2022 – June 2022)

Stage Two     Identification and development of opportunities for reform  
(July 2022 – March 2023)

Stage Three    Evaluation of options and delivery of practical recommendations  
(April 2023 – October 2023)

### **STRATEGIC PLAN**

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

#### **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.

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- ii. Understanding the outcomes and directions sought by all levels of government.
- iii. Building skills in attracting funding and investment.

**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.

**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 Act 1993.

**RISK CONSIDERATIONS**

Significant disruption can be expected to local government across northern Tasmania should amalgamations occur as proposed in the Review Boards Community Catchment Information Packs.

**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.

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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.

## **CONSULTATION**

Council communications team have been promoting all opportunities for the community to participate in the consultation process for reform.

The General Manager has participated in the Regional Collaboration Working Group as part of Stage One and Two of the review. The General Manager has also attended various engagement opportunities representing the interests of the George Town Council.

George Town Council met with the Minister for Local Government Hon Nick Street on the 3rd February 2023, discussing its position in relation to the Stage Two process and concerns of low levels of community participation. The Mayor and General Manager have also met with Nick Duigan MLC and have scheduled meetings with Lara Alexander MP and Michelle O'Byrne MP to present Councils position.

Further, the Mayor and General Manager have met with each of the Mayors and General Managers of West Tamar Council, Dorset Council and Launceston City Council, again representing the interests of the George Town Council.

Some elected members have also attended workshops on reform and proposed community catchment areas.

Council is considering participation in a region wide survey to gather larger data sample sizes from its community, than have been achieved to date by Board.

Submissions on the proposed Community Catchment Areas are invited until 2 August 2023. The attached paper aims to capture Councils position with regard to boundary alignments and Council mergers, as workshopped with the NOA Group 28 June 2023.

## **OPTIONS**

Council may choose to:

1. Endorse the attached submission to the Future of Local Government Review Board
2. Endorse the attached submission to the Future of Local Government Review Board with amendment; or
3. Reject the attached submission to the Future of Local Government Review Board.

## **OFFICER'S RECOMMENDATION**

That Council:

1. Endorses the attached submission to the Future of Local Government Review Board.
2. Authorises the General Manager to formally submit the attached submission to the Future of Local Government Review Board

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**11.3 DRAFT 2023/2024 ANNUAL PLAN**

<b>REPORT AUTHOR:</b>	Director Organisational Performance, Strategy & Engagement - Ms K. Desmond
<b>REPORT DATE:</b>	18th July 2023
<b>FILE NO:</b>	17.4
<b>ATTACHMENTS:</b>	1. 2695 George Town Council Annual Plan 2023-24 - V 4 [11.3.1 - 40 pages]

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**SUMMARY**

This report seeks Council endorsement of the draft 2023/2024 Annual Plan.

**BACKGROUND**

The draft 2023/2024 Annual Plan is the third plan developed to deliver the George Town Community Strategic Plan 2020-2030. The Annual Plan incorporates 2023/2024 budget estimates in accordance with the provisions of the *Local Government Act 1993* and applicable Australian Accounting Standards.

The Annual Plan includes specific actions to be delivered in 2023/2024 and continues Council's journey to achieve the Future Directions of its Community Strategic Plan 2020-2030.

The actions within the Annual Plan range from strategic planning, infrastructure projects, economic development, tourism, enhanced cultural awareness and reconciliation efforts, support and participation in key community and business groups and seeks to achieve greater social and health outcomes for the community.

The Annual Plan also establishes the performance measures in which the community will hold Council to account.

**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.
  - 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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- i. Building knowledge and understanding of planning and regulatory responsibilities and processes.

### **STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

*Section 71 of the Local Government Act 1993 requires:*

- (1) *A council is to prepare an annual plan for the municipal area for each financial year.*
- (2) *An annual plan is to –*
  - (a) *be consistent with the strategic plan; and*
  - (b) *include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and*
  - (c) *include a summary of the estimates adopted under section 82; and*
  - (d) *include a summary of the major strategies to be used in relation to the council's public health goals and objectives.*
- (3) *As soon as practicable after a council adopts an annual plan, the general manager is to –*
  - (a) *make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and*
  - (b) *provide the Director and the Director of Public Health with a copy of the annual plan.*

### **RISK CONSIDERATIONS**

Risk associated with the adoption of the draft 2023/2024 Annual Plan is considered low.

The Annual Plan has been developed in direct alignment with the Council's 2020-2030 Community Strategic Plan and Council's adopted budget for 2023/2024.

### **FINANCIAL IMPLICATIONS**

Costs associated with the delivering actions within the 2023/2024 Annual Plan have been accommodated in the 2023/2024 budget.

### **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.

### **CONSULTATION**

The 2023/2024 Annual Plan has been developed to deliver on Council's 2020-2030 Community Strategic Plan. Extensive community consultation was undertaken in the development of the strategic plan.

The draft 2023/2024 Annual Plan was presented to elected members at the Council Workshop on 11 July 2023 for feedback.

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The draft 2023/2024 Annual Plan is presented to Council for adoption at its July 2023 Ordinary Council Meeting.

Once endorsed, a copy will be provided to the Director of Local Government and the Director of Public Health. A copy will be made available for inspection and will be released to the public.

**OPTIONS**

Council can choose to:

1. Adopt the 2023/2024 Annual Plan as presented.
2. Adopt the 2023/2024 Annual Plan with amendments.

**OFFICER'S COMMENTS**

The draft Annual Plan meets Councils statutory and strategic obligations and establishes the performance measures for the organisation and Council for the 2023/2024 year.

**OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the 2023/2024 Annual Plan.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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## **12 MAYOR**

### **12.1 MATTERS OF INVOLVEMENT - MAYOR**

**REPORT DATE:** 18 July 2023

**FILE NO:** 14.11

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<b>Mayor Cr Greg Kieser</b>		
<i>June</i>	23	Mayors Future of Local Government Catchment Consultation Workshop
	26	Attended TasWater General Meeting
	27	Chaired Council Workshop
	27	Chaired Ordinary Council Meeting
	28	Met with local resident
	28	Attended Local Government Reform Discussion
	29	LAFM Interview
	30	Met with local Resident
	30	LGAT General meeting and AGM
<i>July</i>	2	George Town Junior Football Club photo opportunity in appreciation of Council grant for goal posts
	3	Met with local resident
	3	Attended NAIDOC Week Celebrations
	3	Tamar FM Interview
	4	Met with Launceston City Council Mayor and General Manager with GTC General Manager
	4	Met with local resident
	5	Attended NTDC Board Meeting
	5	Attended Youth Advisory Group
	11	Chaired Council Workshop
	13	LAFM interview
	13	Met with TasPorts
	18	Met with Office of the Coordinator General

### **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 AQUATIC, HEALTH & WELLBEING CENTRE - CR ARCHER**

**Moved:** Cr Archer

That Council consider and adopt a funding method for any expense beyond the promised \$17.5m with options for descoping, before spending any further money on the upgrade of the Aquatic, Health & Wellbeing Centre.

### **DECISION**

Moved:

Seconded:

### **VOTING**

For:

Against:

**14.2 AUTHORISATION OF INITIATIVES OR PROJECTS - CR BARWICK**

**Moved:** Cr Barwick

That no new initiatives or projects are authorised or undertaken without a review of available funding and the impact on the underlying surplus presented to council including, but not limited to the Health & Well-being Centre.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**14.3 HEALTH AND WELLBEING CENTRE - CR ARCHER**

**Moved:** Cr Archer

That Council consult with the community on the recurrent funding required for the proposed Health and Wellbeing Centre, including options for Council to divest itself of the Health and Wellbeing Centre.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

## **15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE**

### **ORDINARY COUNCIL MEETING – 28 MARCH 2023**

**Cr Harris**

**Q1. Mt George Semaphore**

Cr Harris asked if there is any paperwork on the decision to cancel the contract by the then General Manager from 2012?

Response

I can confirm that neither Council nor PWS can locate “any paperwork on the decision to cancel the contract by the then General Manager from 2012”, in relation to Mt George Semaphore.

### **ORDINARY COUNCIL MEETING – 27 JUNE 2023**

**Cr Orr**

**Q1. Building Occupancy**

*Cr Orr asked the question of what the Occupancy number for the Council Chambers?*

Response

The occupancy number for the Council Chambers is 57 (1 person per 2m2).

### **ORDINARY COUNCIL MEETING 25 JULY 2023**

**Cr Barwick**

**Q1. ALGA Conference**

Can you please give me a costings for the Canberra Council Conference including:

- Air fares for two to Canberra
- All meals
- Accommodation Sunday night to Friday departure
- Taxi fares (if any)
- Cost for attendance at the Conference.?

Response

- |  |            |
|--|------------|
| - Air fares for two to Canberra                  | \$2,130.52 |
| - All meals                                      | \$ 762.22  |
| - Accommodation Sunday night to Friday departure | \$2,037.87 |

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- Taxi fares (if any)	\$ 154.76
- Cost for attendance at the Conference.?	\$2,590.00
Total cost:	\$7,675.37

**Q2. Renew George Town**

Can you give Council an update on the Pilot Parklet Program.?

Response

Expressions of Interest for Businesses to participate in the parklet program have closed and two businesses have been selected to participate. Future Impact Group will announce the successful businesses in early August. The parklets have now been manufactured and a delivery and installation date is currently being negotiated. It is expected the installation will be no later than the end of September 2023.

**Q3. George Town Entrance Sign**

Has a permit been applied for the entrance sign to George Town (near the Pump track) called YA PULINGINA.?

Response

No, as a permit was not required. Exemption is under the following:

*George Town Interim Planning Scheme 2013:*

*5.2.10 Minor Infrastructure*

*Provision, maintenance and modification of footpaths, cycle paths, playground equipment, seating, shelters, bus stops and bus shelters, street lighting, telephone booths, public toilets, post boxes, cycle racks, fire hydrants, drinking fountains, waste or recycling bins, public art, and the like by, or on behalf of, the Crown, a council or a State authority.*

**Q4. Dual Name Permission**

Has permission been given or sought-after for Council to use dual names in our community?

Response

The use of ya pulingina and kinimathatakinta on the entry statement has been approved by the Tasmanian Aboriginal Centre (TAC).

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**Q5. Hillwood Pathway**

Work order 1786 shared Hillwood Pathway from Jetty Road along Craighburn Road to entrance Egg Island Point Reserve

Why has this walkway along the side of the road not been started? This grant "Vulnerable Road Users" was for outside of the Reserve -nothing to do with the licence that management got over the walking track on the reserve under delegation.

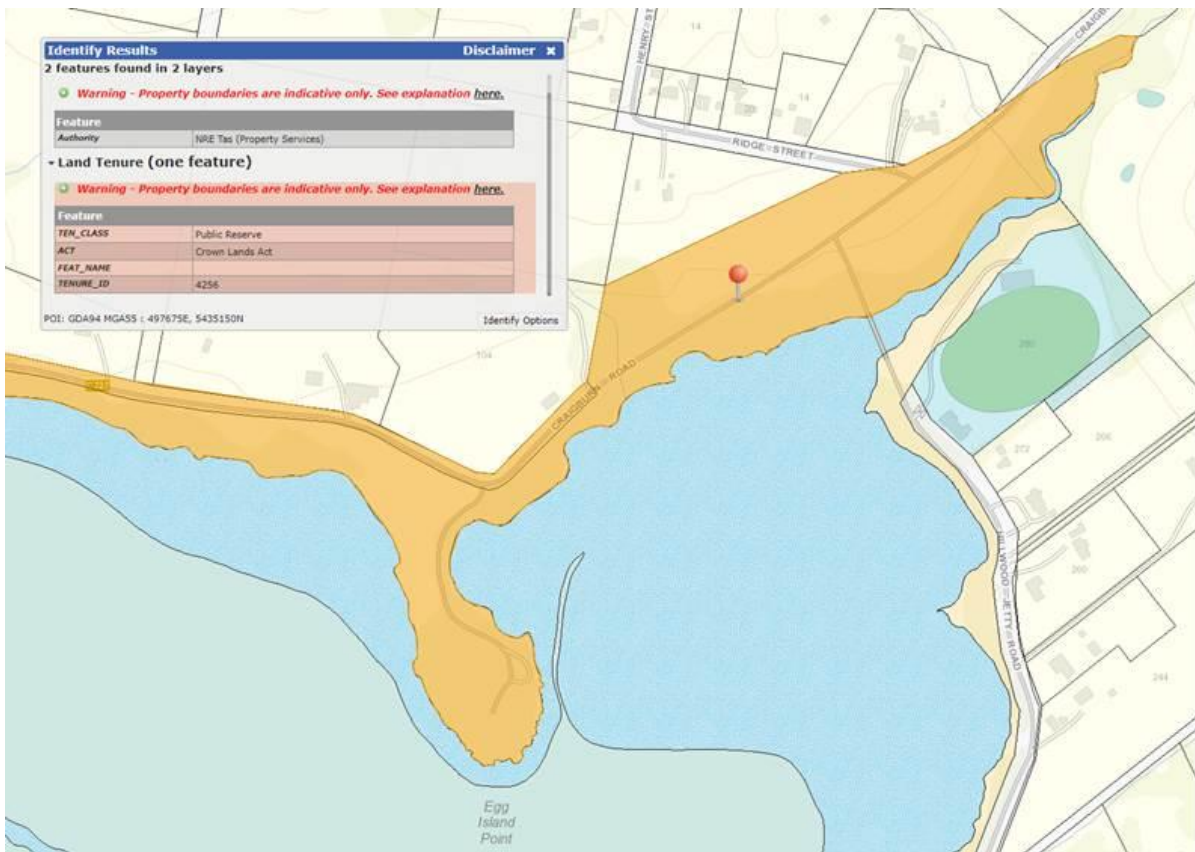
Response

The land adjacent to the road is the same land parcel as the public area (Public Reserve) referred to as Egg Island Point (see map below), and therefore require the same approvals from Property Services. Formal applications for approval were submitted on 7<sup>th</sup> October 2021, those being: A Crown licence application over the trail alignment, landowner approval to submit a Development Application, and a Works and Development Permit application.

The development is entirely contained within land tenured as Public Reserve (managed under the Crown Lands Act), but the waterline and kanamaluka / Tamar River is Conservation Area (managed under the Nature Conservation Act). As part of the approvals process by Property Services the application was referred to Park and Wildlife Services (PWS) for comment, and Council have continued to provide information to the appointed PWS regional planner. On 27 June 2023 Council Officers resubmitted the requested information regarding construction methodology in reference to the landslip hazard classification of the area, and whether the development would impact the water quality of the river. Council was notified on the 10 July 2023 that the Development Application has been forwarded for delegate signing, signifying landowner approval, and meaning it can then be submitted for assessment by Council's planning department (an external planner will be used to assess the application). Once Council receives the planning permit, an application to Property Services will be made for the issue of a Works and Development Permit.

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**Q6. Biomass Burner**

Work Order 1834 Biomass Burner had 100k of rate payers money left in the budget from last Financial Year. Where has the money transferred to!!!

I know it is not the Rock Climbing project nor the Mountain Bike Trail...could it be the "spare" 100k in the budget for project funding that may come up.

Response

At the 28 June 2022 Ordinary Council meeting, Minute No. 084/22 Council resolved the following:

*That Council:*

1. *Approve to reallocate funds from the 2021/2022 approved capital works program and budget of \$100,000 originally approved for co-funding of a biomass burner for the purposes of providing capital to assist new tourism related business ventures as part of the Wild Tamar initiative; and*
2. *Continue to seek funding opportunities for a biomass burner.*

**Q7. Hillwood Football Clubrooms**

Work Order 1857 Hillwood Football Club rooms. Has council called for Tenders if not why not ? This project is over \$150k..and needs to go to tender.

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Response

A tender for this project is not required as the cost of works is expected to be less than the tender threshold of \$150,000. Council officers are seeking 3 quotes as per Council's procurement policy.

**Cr Orr**

**Q1. Drainage Work on Seascape Drive and Boobyall Drive**

During 2021 and 2022, the Council undertook drainage work on Seascape Drive in front of lots 28-34 & 15 Seascape Drive and 1 Boobyalla Drive. As part of works the residents agreed to pay \$4,300 for private works that consisted of five new crossover pipes and headwalls installed to the LGAT Standards. drawing number TSD-R03-v3.

Would the Council table the costs of the five pipes and ten headwalls?

Does the new crossover pipes and headwall comply with the LGAT Standards drawing number TSD-R03-v3?

Response

Council Officers are reviewing the works and will provide a response at the next Ordinary meeting of Council.

## **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 27 June 2023**

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

**Agenda Item 16.3 General Manager's Performance Review**

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

**Agenda Item 16.4 RFT 02/23 ANZAC Drive Building Redevelopment**

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

**Agenda Item 16.5 Lease for Part of 2 Greenhythe Road (Hillwood Rock Climbing Area)**

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

**Agenda Item 16.6 Confidential Councillors' Questions With Notice – Staff Member – Cr Archer**

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

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

### **DECISION**

Moved:

Seconded:

### **VOTING**

For:

Against:

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**16.7 OUT OF CLOSED MEETING**

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

**DECISION**

Moved:

Seconded:

That:

1. Council moves out of Closed Meeting 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**