



GEORGE TOWN COUNCIL AGENDA

Notice is hereby given
that the next Ordinary Council Meeting
will be held on
Tuesday 22 August 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.

The public are requested to pre-register if attending this meeting of Council.

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.

Council requests that members of the public pre-register to attend this meeting of Council.

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

1 PRESENT

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 IN ATTENDANCE

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 25 JULY 2023

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 25 July 2023 numbered 119/23 to 129/23 and 135/23 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.

Council requests members of the public pre-register to attend this meeting of Council.

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4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

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4.3 PUBLIC QUESTION TIME

Commenced at:

Concluded at:

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4.4 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME

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

Nil.

5 DECLARATIONS OF INTEREST

6 ACTING GENERAL MANAGER'S DECLARATION

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

- the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- where any advice is given directly to Council by a person who does not have the required qualifications 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 DA2023/58 - VISITOR ACCOMMODATION - SIX (6) UNITS & COFFEE STAND - 193 MOUNT GEORGE ROAD, GEORGE TOWN

REPORT AUTHOR:	Senior Town Planner - Mr J. Simons Town Planner - Mr A. Bowles
REPORT DATE:	15/08/2023
FILE NO:	DA 2023/58
ATTACHMENTS:	<ol style="list-style-type: none">1. Attachment 1: Assessment of Compliance with Acceptable Solutions - DA 2023/58 [7.1.1 - 62 pages]2. Plans and Supporting Documents - DA 2023/58 [7.1.2 - 81 pages]3. Representation - DA 2023/58 [7.1.3 - 2 pages]4. Response to Representation - DA 2023/58 [7.1.4 - 3 pages]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	P Dingemane
Site Address:	193 Mount George Road, George Town
Titles Details:	156738/1
Property ID:	2951336
Zone:	Rural Resource Zone
Use:	Visitor Accommodation
Proposed Development:	Visitor Accommodation - Six (6) Units & Coffee Stand
Application Received:	23 May 2023

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Visitor Accommodation - Six (6) Units & Coffee Stand at 193 Mount George Road, George Town (CT 156738/1)

During the advertising period one (1) representation was received by Council. The representation largely raises concerns regarding the visual impact of the proposal on the

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scenic value of the area, with particular regard to vegetation removal as part of the bushfire hazard management area, as shown within the advertised documents. Other matters raised in the representation include development within the landslip hazard bands encompassing the site, potential disruption to eagle habitats in the area and the reduction of business to the George Town CBD.

The accredited bushfire hazard practitioner who prepared the indicative hazard management area has responded to the representation on behalf of the applicant, outlining the intention of the hazard management area and identifying measures that can be taken to ensure that the scenic values of the area are not compromised.

These matters are addressed in the representation section below and in the scheme assessment, and where possible, conditions are recommended to address the concerns of the representor. These conditions include a tree retention plan intended to manage potential scenic impacts and baffling lighting.

With the inclusion of appropriate conditions, the proposal complies with the Acceptable Solutions and Performance Criteria of the Rural Resource Zone and applicable codes. The proposal is recommended with a number of conditions to ensure compliance with the intent of the zone and objectives of the standards.

2. STRATEGIC PLAN

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

Future Direction Four - Leadership and Accountable Governance

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

3. CONSULTATION

In accordance with section 57(5) of *The Land Use Planning and Approvals Act 1993*, the application was advertised for public comment for the period of 14 days. 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 at 193 Mount George Road, George Town (CT 156738/1).

The total land area of the subject title is 19.81ha.

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The property is in the Rural Resource Zone under the *George Town Interim Planning Scheme 2013*.

The site is subject to a number of conditions including landslip hazard bands, as well as bushfire prone area and scenic management areas overlays.

The area of proposed development is located on a ridge line extending from the existing car park servicing the Mount George lookout; a high point of the property, with fall in most directions.

Records indicate the land is not serviced by reticulated water, sewerage and stormwater. Therefore, any development on the site will be required to manage these services onsite.

The land surrounding the property is largely covered with native forest, with large residential lifestyle lots to the north and north-west, Council's waste transfer station is to the south-west, and the lookout and telecommunications infrastructure east of the site.

A previous development approval has been issued for a residential dwelling on the property (DA 2009/99). This dwelling was never constructed; however, as a result of preparatory works anticipating this use, clearing of vegetation has occurred on the site between 2011 and 2016 to facilitate the dwelling and additionally a wastewater system was installed on the site in 2017. This has resulted in a large clearing on the ridgeline.



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

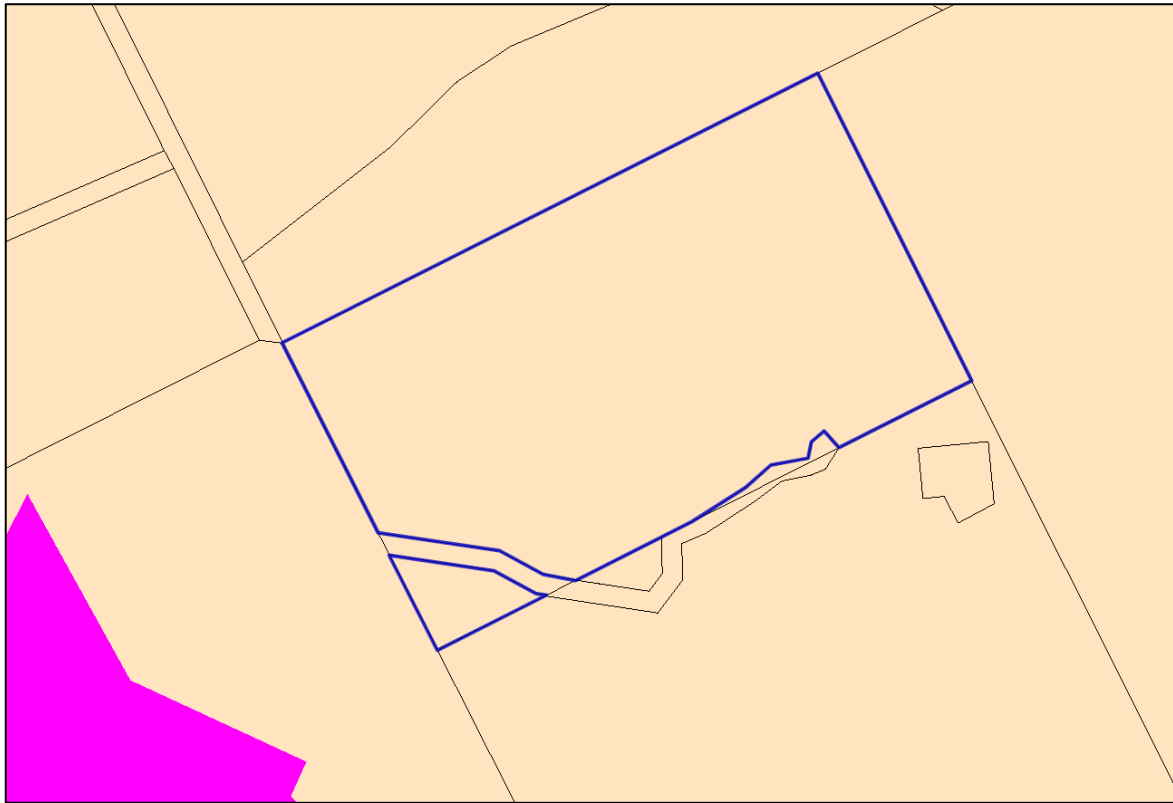


Figure 2: Zoning of subject title (outlined in blue) and surrounding land.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 193 Mount George Road, George Town (CT 156738/1) for Visitor Accommodation - Six (6) Units & Coffee Stand.

The proposal intends to develop the subject title with six (6), one bedroom, accommodation units, a separate utility module, coffee stand and car parking facilities.

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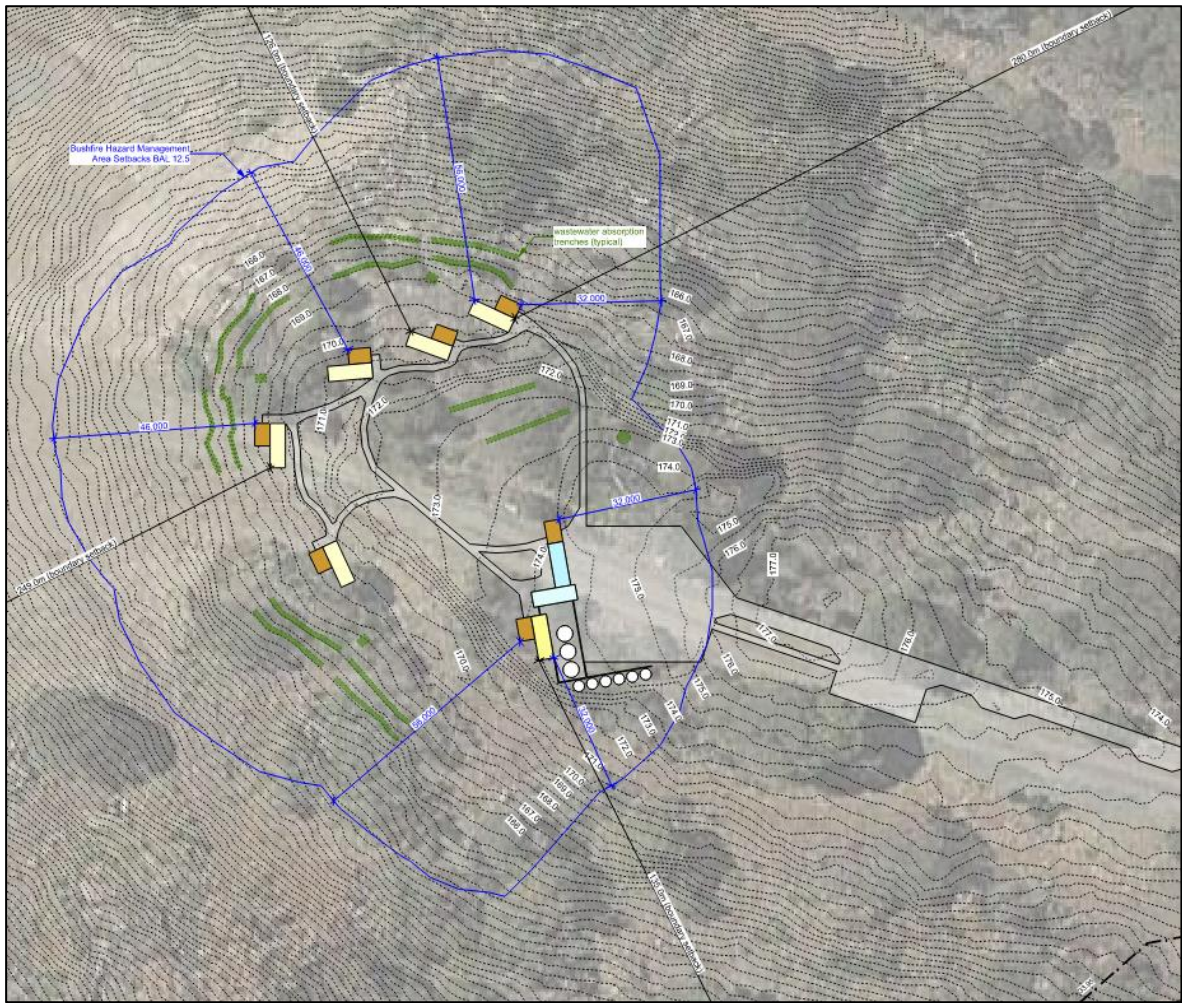


Figure 3: Proposal Plans – Site plan

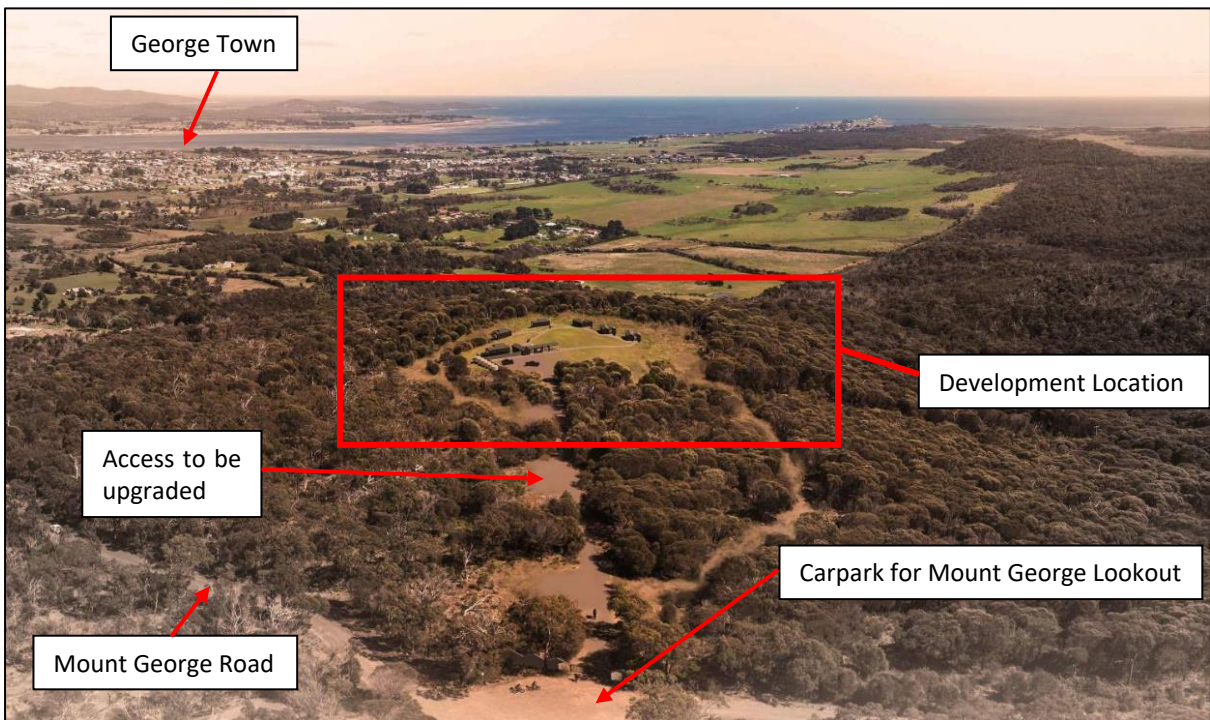


Figure 4: Proposal Plans – Aerial Perspective with annotations.

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The floor plans proposed for the units are relatively similar, encompassing 35.5m² each, with a bathroom, open plan bedroom living/dining/kitchen layout with a covered deck.

All structures (visitor accommodation units, coffee stand and utility module) are proposed to be the same height of 3.4m. However, some marginal variation is expected to occur depending on where in the site the unit will be located, and the amount of cut/fill required.

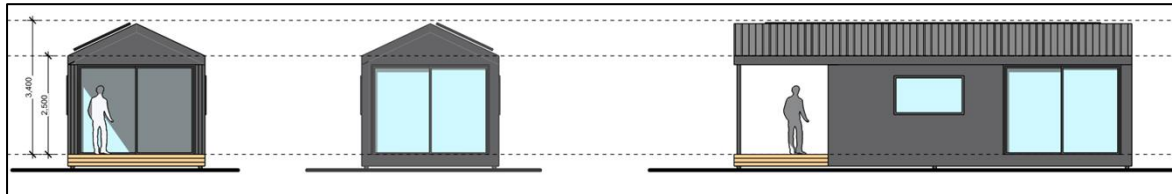


Figure 5: Proposal Plans – Coffee Stand - Elevations

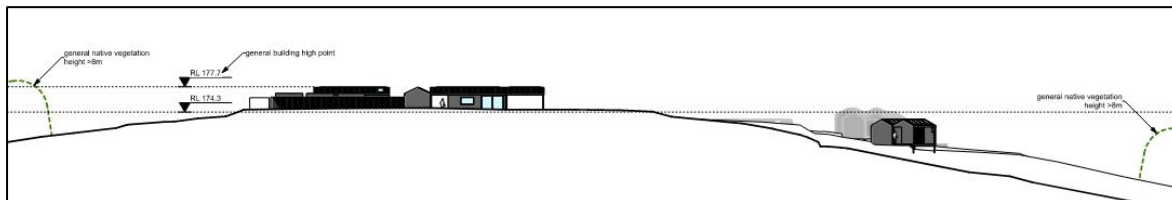


Figure 6: Proposal Plans – Site Section

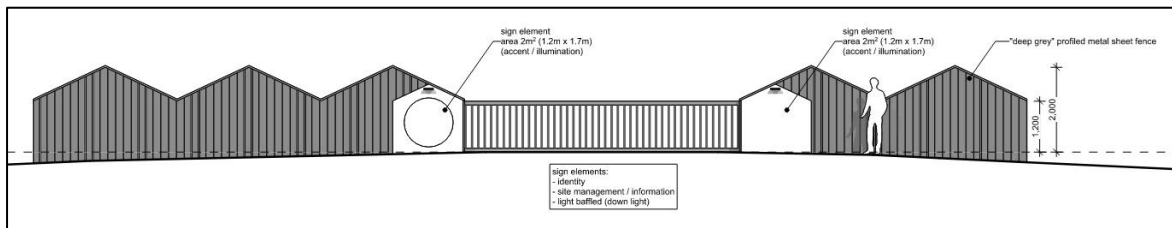


Figure 7: Proposal Plans – Fencing Elevation

Some fencing and signage are proposed for the Mount George Road cul-de-sac, where the existing access is located. The fence is proposed to be approximately 2m tall and used to highlight the sites access as opposed to providing substantive screening along the boundary. The fence is unable to meet the exemption for fencing 5.6.3 (a) of the *George Town Interim Planning Scheme 2013* as it exceeds the height outlined in the exemption, therefore an assessment of the impacts of this fencing is required.

The two (2) signs proposed are on either side of the property access gate. These have an approximate dimension of 2m² (1.2m x 1.7m) and include illumination in the form of accent lighting.

Access works form part of the proposal with two car parking areas, totalling 16 spaces, with passing bays and accessible parking space included. These aspects of the proposal are generally in accordance with the bushfire hazard requirements outlined within the *Building Act 2016*.

While some vegetation clearance is required to facilitate hazard management areas, the development will largely make use of the existing cleared area.

The full plans submitted are included in the attachments.

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8. REPRESENTATIONS

The application was advertised for community consultation from Saturday, 15 July 2023 to Monday, 31 July 2023. One (1) representation was received. The concerns raised in the representation are summarized in the assessment below. A full copy of the representation(s) has also been included as an attachment to this report.

Issues Raised in Representations	Council Response
<p>The property is within the Scenic Protection Area and is therefore subject to clause C8.0 – Scenic Protection Code, within the State Planning Provisions.</p> <p>The removal of vegetation within the visible skyline directly acts against the objectives of this standard.</p>	<p>The State Planning Provisions are not currently in effect in the George Town Municipality and are not relevant to the assessment. The proposal is considered against the provisions of the <i>George Town Interim Planning Scheme 2013</i>.</p> <p>This application is considered against E7.0 - Scenic Protection Code within the <i>George Town Interim Planning Scheme 2013</i>. Please see the body of this report 9.2: Planning Scheme Assessment and Attachment 1: Assessment of Compliance with Acceptable Solutions, for Council’s Planners’ assessment of this proposal.</p> <p>The proposal is located on the ridgeline of Mount George in a heavily cleared site that is currently not visible from Mount George Road and is not readily discernible from the urban areas of George Town. This is largely due to a combination of topography, the height of the existing tree line surrounding the clearing and the angle of observation from public places. Therefore, to retain the scenic value of this area and ensure the vegetation remains the visually dominant feature of the ridgeline, it is necessary to keep the canopy obscuring the cleared portion of the site relatively intact.</p> <p>Previous earthworks on the site have created a broad flat plateau on the ridge, cleared of vegetation. With the exception of the communal building and coffee stand, the proposed buildings, are to be located below the plateau, to minimise their visibility. The location, however, necessitates the maintenance of bushfire hazard management areas surrounding the buildings to achieve a BAL 12.5 (as is required under the <i>Building Act 2016</i>).</p> <p>In the response to the representor’s concerns an accredited Bushfire Hazard Consultant has elaborated on the extent of clearance required. The consultant has advised that wholesale vegetation clearance of the area identified is not necessary. The intent is for the area to be kept in a low-fuel condition. This may include fuel reduction measures such as providing vertical separation between low lying branches and the</p>

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	<p>ground fuel, as well as removal of debris and flammable understorey vegetation.</p> <p>On inspecting the site, it is evident that much of the vegetation to be removed is relatively low and does not substantially contribute to the tree line visible from George Town. Although some horizontal separation between tree canopies may be required, this does not constitute complete removal of the tree canopies surrounding the area of development. Careful retention of taller vegetation, will be sufficient to substantially maintain the tree line and obscure the development.</p> <p>The application proposed to finish the buildings in a combination of natural timbers and dark colours, which will further assist the low profile buildings to recede into the screening vegetation and ensure they are not obtrusive when viewed from George Town.</p> <p>To ensure compliance with the objectives of the Scenic Management Code, conditions are included in the recommendation that require a Tree Retention Plan to be provided by the applicant and marking out of trees to be retained to ensure they can be inspected by Council staff and are not removed as part of works.</p> <p>While some vegetation may be removed, retention of taller canopy trees is anticipated to adequately maintain the visual tree line. Combined with a dark colour pallet and significant separation distance from public observation areas, this is sufficient to meet the objectives of E7.0 - Scenic Protection Code within the <i>George Town Interim Planning Scheme 2013</i>.</p>
<p>At night, the lighting from the buildings will highlight the development.</p>	<p>Lighting proposed for the development is relatively minor and does not include large-scale floodlights. There is only internal lighting incidental to the modules on the site additionally some area lighting intended to highlight the paths.</p> <p>At night the visibility of Mount George as a landscape features is already relatively compromised and therefore the overall scenic value of the ridgeline is somewhat reduced.</p> <p>The distance from public receptors is substantial and the amount of lighting proposed is not anticipated to be intrusive. While light points will be discernible at night, the impact is unlikely to contribute to light pollution to a substantial extent that it would diminish the visibility of the night sky.</p>

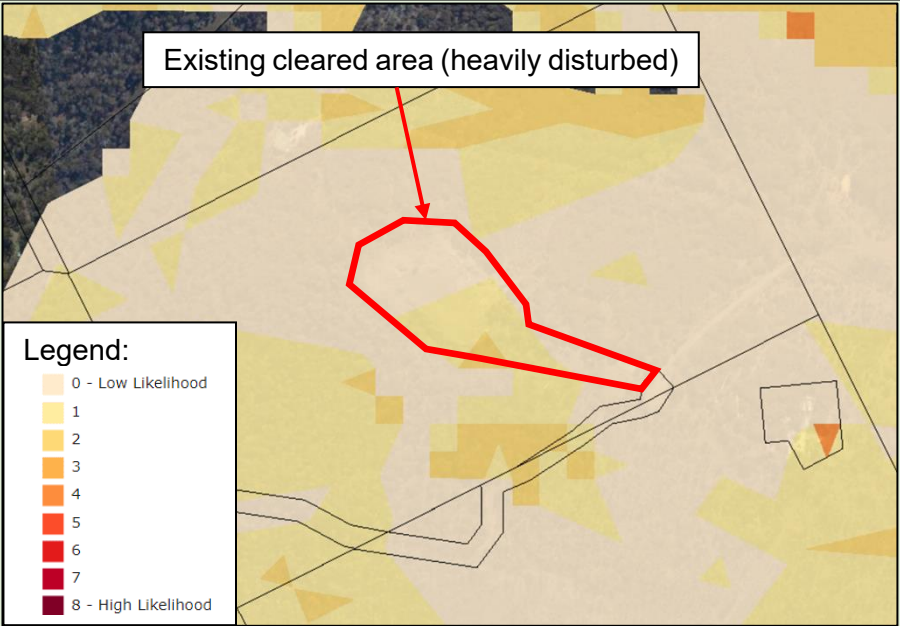
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	<p>In order to ensure low light levels across the site it is recommended that a condition be included to restrict flood lighting and to ensure that down lighting and baffled lighting is utilised. This will ensure that lighting in outdoor areas is minimised and will reduce the risks of diffused light reflecting off the clouds.</p> <p>It is not generally considered reasonable to manage internal lighting emanating from the visitor accommodation units. Given the distance to the nearest sensitive receptor to the proposal, internal lighting will not cause a nuisance or unreasonable impact.</p> <p>It is also noted that the maintenance of the vegetation canopy on the ridge line will further assist to reduce the visibility of the site and the impact of the lighting.</p> <p>Conditions are included in the recommendation that require the external area lighting included in the proposal to be baffled downwards to reduce any of the impacts from this lighting.</p>
<p>The proposal contains some works (vegetation removal and on site wastewater systems) within the landslip hazard bands and is therefore subject to clause C15.0 – Landslip Code, within the State Planning Provisions.</p>	<p>The State Planning Provisions are not currently in force within the George Town Municipality and are therefore, unable to be considered within an assessment against the current <i>George Town Interim Planning Scheme 2013</i>.</p> <p>This application is considered against E3.0 - Landslip Code within the <i>George Town Interim Planning Scheme 2013</i>. Please see the body of this report 9.2: Planning Scheme Assessment and Attachment 1: Assessment of Compliance with Acceptable Solutions, for Council's Planners' assessment against these provisions.</p> <p>A landslip risk assessment prepared by a suitably qualified Geotechnical Consultant has been submitted with the application.</p> <p>The report concludes that there is no credible risk of landslip resulting from the proposed development. As a consequence of the low risk, no specific recommendations are made by the Geotechnical consultant.</p> <p>No further conditions are considered necessary.</p>
<p>Visual impact of reflective solar panels and glass surfaces.</p>	<p>Photovoltaic cells are designed to have as minimal reflectivity as possible to preserve their efficiency. While it is likely that some glint will occur, the scale of the impacts are not anticipated to compromise the amenity of residential properties in the area and are not of a scale that would compromise the scenic values of Mount George.</p>

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	<p>Glint is generally caused by the specific angle of the sun relative to the reflective surface. It most frequently occurs in the morning or afternoon when the sun is low, however the impacts are generally fleeting due to the constant movement of the sun.</p> <p>The solar arrays are relatively small and are a significant distance from public points of observation and the impacts are not anticipated to be unreasonable.</p> <p>It is noted that there is a general exemption for roof mounted solar panels in the planning scheme. Such features are generally not subject to a planning assessment due to the impacts being generally acceptable.</p> <p>Council could consider requiring the solar panels to be incorporated in a ground mounted array on the north-eastern side of the plateau, however, the impacts of the proposal, as it stands, are minimal and an additional condition is unlikely to result in a meaningful improvement.</p>
<p>Possible Wedge tailed and sea eagle habitat is within this area, as such a flora/fauna report has not been submitted demonstrating that the habitat of these animals is not impacted by the proposal.</p>	<p>No flora or fauna assessment has been undertaken as part of this assessment. This is not considered necessary due to the small scale of vegetation proposed to be removed and the lack of any records of threatened species or vegetation communities in the vicinity. Assessment of biodiversity under the planning scheme is generally based on habitat representation rather than the presence of individual specimens.</p> <p>The vegetation has not been identified as threatened on the LIST Map's TASVEG layer, and there is no identified priority habitat within the <i>George Town Interim Planning Scheme 2013</i> that overlays the site. An assessment has been undertaken in accordance with E8.0-Biodiversity Code. Please see the body of this report 9.2: Planning Scheme Assessment and Attachment 1: Assessment of Compliance with Acceptable Solutions, for Council's Planners' assessment of this proposal against this code. The proposal is considered to meet the applicable standards of this code.</p> <p>With regard to the wedge tailed eagle specifically, the LIST Map provides indicative information of wedge tailed eagle nesting information as shown below:</p>

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	 <p>The area of development generally has a low likelihood of containing wedge-tailed eagle nesting habitat. There are some areas where the coffee stand and accessible visitor accommodation unit are located that constitute a 1 or 2 likelihood, although these are already predominantly cleared and it would be highly unlikely to contain any substantive raptor habitats.</p> <p>Generally, it appears nesting habitats are more likely to be located further to the north and south-east of this site.</p> <p>Therefore, the risk of impacting this threatened fauna is not considered substantive enough to warrant a fauna assessment.</p>
<p>The coffee stand included in the proposal could reduce traffic to businesses in the George Town central business district. As mountain bike trail users are not as likely to come into town.</p>	<p>The reduction of business to the George Town central business district is not a consideration within the assessment of 26.0 – Rural Resource Zone or the subsequent code assessments. The proposal is low scale and subservient to the visitor accommodation use of the site.</p> <p>Competition between business operators is not a planning matter considered in an assessment of the development application against the provisions of the <i>George Town Interim Planning Scheme 2013</i> and cannot be used as a basis for refusal or conditioning of the application.</p> <p>No additional conditions are considered warranted.</p>
<p>Large space is present between accommodation units, therefore more units could be incorporated into the site as infill development.</p>	<p>Council as the planning authority is to assess the development that is proposed and not speculate as to what the development could lead to in the future.</p> <p>It is acknowledged that there is potential for further development on the site, however this does not form part of the consideration of the current proposal against the planning scheme.</p>

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	<p>A reasonably recent tribunal decision, P & J Smith v Northern Midlands Council [2019] TASRMPAT 15, has shown that evidence is required of this consideration before any conditions or restrictions are imposed. There is no evidence of the applicant intending to expand the development or otherwise intensify the usage to any degree other than what is proposed, whether through indicative staging plans or otherwise. Therefore, this cannot be considered within the assessment or subsequent recommendation.</p> <p>Council will assess any subsequent applications in accordance with the criteria outlined within the planning scheme if/when they are received.</p>
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9. STATUTORY REQUIREMENTS

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

- 26.0 Rural Resource Zone
- E3.0 Landslip Code
- E4.0 Road & Railway Assets Code
- E6.0 Car Parking and Sustainable Transport Code
- E7.0 Scenic Management Code
- E8.0 Biodiversity Code
- E14.0 Signs Code

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

9.1 Use Class

The application is classified as Visitor Accommodation. The definition of the Visitor Accommodation 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 Visitor Accommodation Use Class is classified as discretionary use in the Rural Resource Zone. In this instance, the proposal also relies on Performance Criteria and is subject to the discretionary application process.

9.2 Planning Scheme Assessment

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

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

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

Zone Purpose Assessment

26 Rural Resource Zone

26.1 Zone Purpose

26.1.1 Zone Purpose Statements

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

Planners Response:

The application proposes a visitor accommodation use and development on a site with limited potential for agricultural development.

The location of the proposal is on an elevated ridgeline close to the summit of Mount George. The agricultural capacity of the site is substantially fettered by the steep topography, low land capability, native vegetation cover and scenic protection overlay.

The application proposes an alternative use of the land which supports tourism related economic development by providing an accommodation option and food services in proximity to the George Town mountain bike trails and scenic lookout.

The proposed use and development will not unreasonably confine or restrain existing primary industry activities on the surrounding properties. The development site is centrally located on the property with substantial vegetated buffers separating the use and development from adjacent titles. In addition to the substantial buffers, it is noted the site is surrounded by a number of heavily constrained sites, which are not used for agriculture. The impact of the proposal in surrounding land uses is negligible.

This is further discussed relative to the Performance Criteria in the assessment below.

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26.1.2 Local Area Objectives

a) Primary Industries:

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

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

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

b) Tourism

Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.

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

c) Rural Communities

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

Planners Response:

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

In this instance the proposed use and development is consistent with the Local Area Objectives in regard to the provision of non-primary industry uses in the zone.

The Local Area Objectives identify tourism as an important contributor to the economy. In this case the proposed visitor accommodation will make use of a heavily constrained site within proximity to a major local economic contributor, particular proximity to the George Town mountain bike tracks and Mount George lookout.

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The location on the ridge of Mount George will not only attract users of the mountain bike tracks, but also those using the proximate lookout.

The land is currently not being unutilized for any agricultural or other primary industry use, its size and the presence of scenic protection areas limits its capacity to be used for this purpose in perpetuity, without extensive detriment to the scenic value of the site. The use of the land for Visitor Accommodation in the capacity proposed will have minimal impact on primary industry activities or productivity of the area and will not compromise the long-term sustainability of primary industry.

The proposal is consistent with the Local Area Objectives.

26.1.3 Desired Future Character Statements

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

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

Planners Response:

While the proposed development will certainly result in some changes to the visual appearance of the site, the effect is not considered to be obtrusive to the scenic protection values of the area, if managed properly. The proposed structures are not of an unusually large scale and maintain a low profile. From the road, the buildings will be extensively obscured by vegetation. The proposal intends to maintain the vegetated ridgeline which obscures visibility of the summit and conditions are recommended to ensure the vegetation remains the dominant feature of the site.

Conditions that are included within the recommendation that intend to regulate vegetation clearance on the site to ensure that the scenic protection value of the site is not compromised by unnecessary clearance of vegetation. This will ensure that the scenic value of the site when viewed from public areas is not impacted.

The combination of form, colour and retained vegetation is considered sufficient to minimise the visual impact such that the effects are not obtrusive.

Performance Criteria assessment.

26 Rural Resource Zone

26.3 Use Standards

26.3.1 Discretionary Uses if not a single dwelling

Objective	
<p>a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.</p> <p>b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.</p> <p>c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.</p> <p>d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.</p> <p>e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</p> <p>f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</p>	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	<p>P1.1 It must be demonstrated that the use is consistent with local area objectives for the provision of non-primary industry uses in the zone, if applicable; and</p> <p>P1.2 Business and professional services and general retail and hire must not exceed a combined gross floor area of 250m²over the site.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The application is for use of the land for Visitor Accommodation. Visitor Accommodation is a discretionary use in the Rural Resource Zone. Therefore, the proposal relies on performance criteria.</p>	

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The proposal has been assessed in relation to the Local Area Objectives relating to non-primary industry. The Local Area Objectives identify tourism as an important contributor to the rural economy. In this case the provision of visitor accommodation serves an important support function for the regionally significant mountain bike tracks located within proximity of the site.

While the land is currently being unutilized and is vacant of development. It's location on the ridge of Mount George limits its capacity to be used for the purpose of primary industries due to the slope and scenic significance.

The use of the land for Visitor Accommodation will have minimal impact on primary industry activities or productivity of the area and will not compromise the long-term sustainability of primary industry.

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

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

<p>A3 If for permitted or no permit required uses.</p>	<p>P3 The conversion of non-prime agricultural to non-agricultural use must demonstrate that:</p> <ul style="list-style-type: none"> a) the amount of land converted is minimised having regard to: <ul style="list-style-type: none"> i) existing use and development on the land; and ii) surrounding use and development; and iii) topographical constraints; or b) the site is practically incapable of supporting an agricultural use or being included with other land for agricultural or other primary industry use, due to factors such as: <ul style="list-style-type: none"> i) limitations created by any existing use and/or development surrounding the site; and ii) topographical features; and iii) poor capability of the land for primary industry; or c) the location of the use on the site is reasonably required for operational efficiency.
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Planners Response: Relies on performance criteria.

The proposed visitor accommodation use and development is located on non-prime agricultural land. The subject land is mapped as having a land capability of Class 6 (non-prime agricultural land). Classification of land as 3 or below is considered as 'prime'

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agricultural land. The site is generally mapped as severely constrained within the definition of this classification, and the most appropriate use of the land is for retention of existing natural vegetation on the site (Grose, 1999). Therefore, the impact on the agricultural value of the land is minimal as the land is not considered to contain substantive agricultural value.

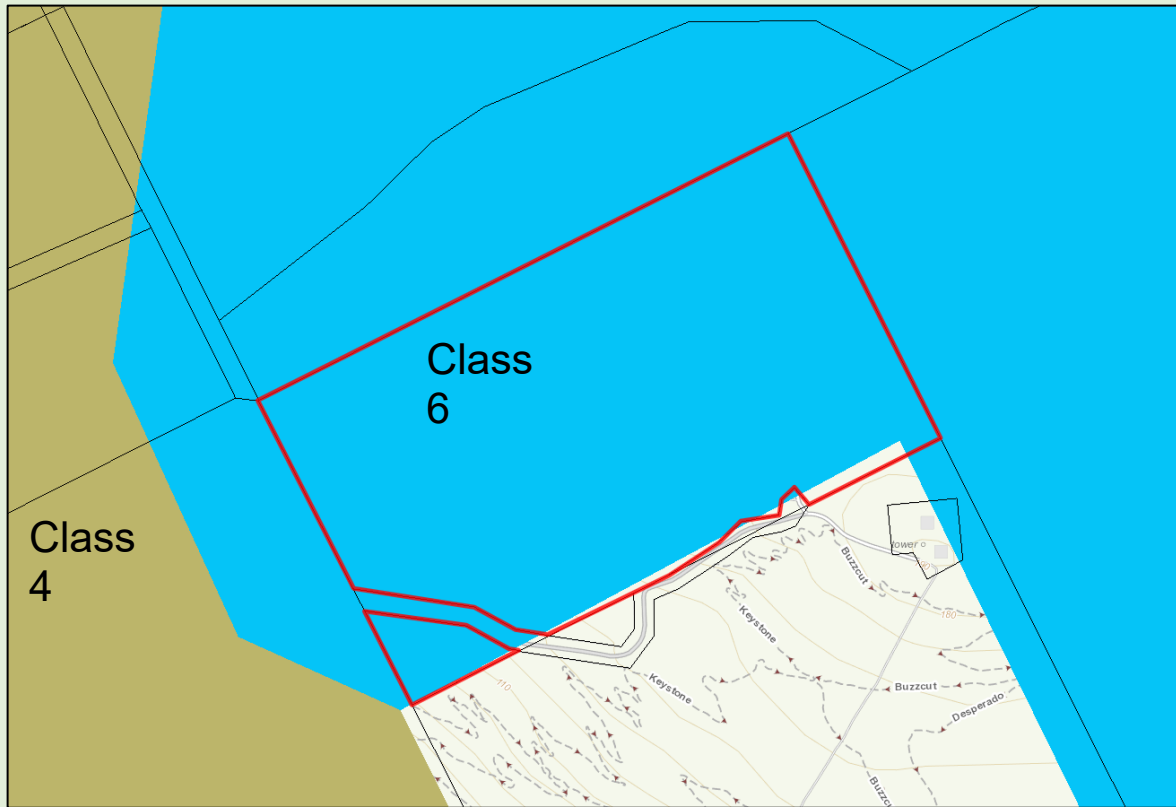


Figure 8: Subject title (outlined in red) showing land capability (LIST 2023)

The proposal will facilitate the use of a site with very little agricultural capacity.

Opportunities to purpose the site for primary industry activities are limited due to the topographical constraints.

Most of the site outside of the cleared development area is heavily sloped and unable to facilitate any meaningful agricultural activity.

This notwithstanding, the amount of land being permanently developed is minimal and the impacts on the agricultural estate and primary industry activities are negligible.

The proposal is considered to comply with the Performance Criteria.

A4 If for permitted or no permit required uses.	<p>P4 It must demonstrated that:</p> <ul style="list-style-type: none"> a) emissions are not likely to cause an environmental nuisance; and b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and
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	c) the capacity of the local road network can accommodate the traffic generated by the use.
<p>Planners Response: Relies on performance criteria.</p> <p>The proposed use of visitor accommodation will not give rise to an environmental nuisance as a result of emissions. The emissions likely to be generated by visitor accommodation of the scale proposed in the application are relatively minor and the site is surrounded by a substantial vegetated buffer.</p> <p>The proposal does not include any particular activity which is considered likely to give rise to an environmental nuisance as defined by the <i>Environmental Management and Pollution Control Act 1994</i>.</p> <p>The <i>Environmental Management and Pollution Control Act 1994</i> is a sufficient regulatory mechanism to manage any impacts outside of normal use.</p> <p>The proposed use and development will not unreasonably confine or restrain primary industry activities on the surrounding properties. The site is surrounded by a number heavily constrained sites on the ridge of Mount George. The impacts resulting from the proposed development are negligible.</p> <p>A Traffic Impact Assessment submitted with the application has advised that the road network, has adequate capacity to deal with the increase in movements associated with the proposed development.</p> <p>The proposed development complies with the Performance Criteria.</p>	
<p>A5 The use must:</p> <p>a) be permitted or no permit required; or</p> <p>b) be located in an existing building.</p>	<p>P5 Except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) it must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <p>a) the impacts on skylines and ridgelines; and</p> <p>b) visibility from public roads; and</p> <p>c) the visual impacts of storage of materials or equipment; and</p> <p>d) the visual impacts of vegetation clearance or retention; and</p> <p>e) the desired future character statements.</p>
<p>Planners Response: Relies on performance criteria.</p>	

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The land surrounding the property is predominantly forestry, with electrical and telecommunications infrastructure located to the east of the site. The immediate area remains relatively unmodified with a dwelling to the northwest and telecommunication infrastructure to the southeast.

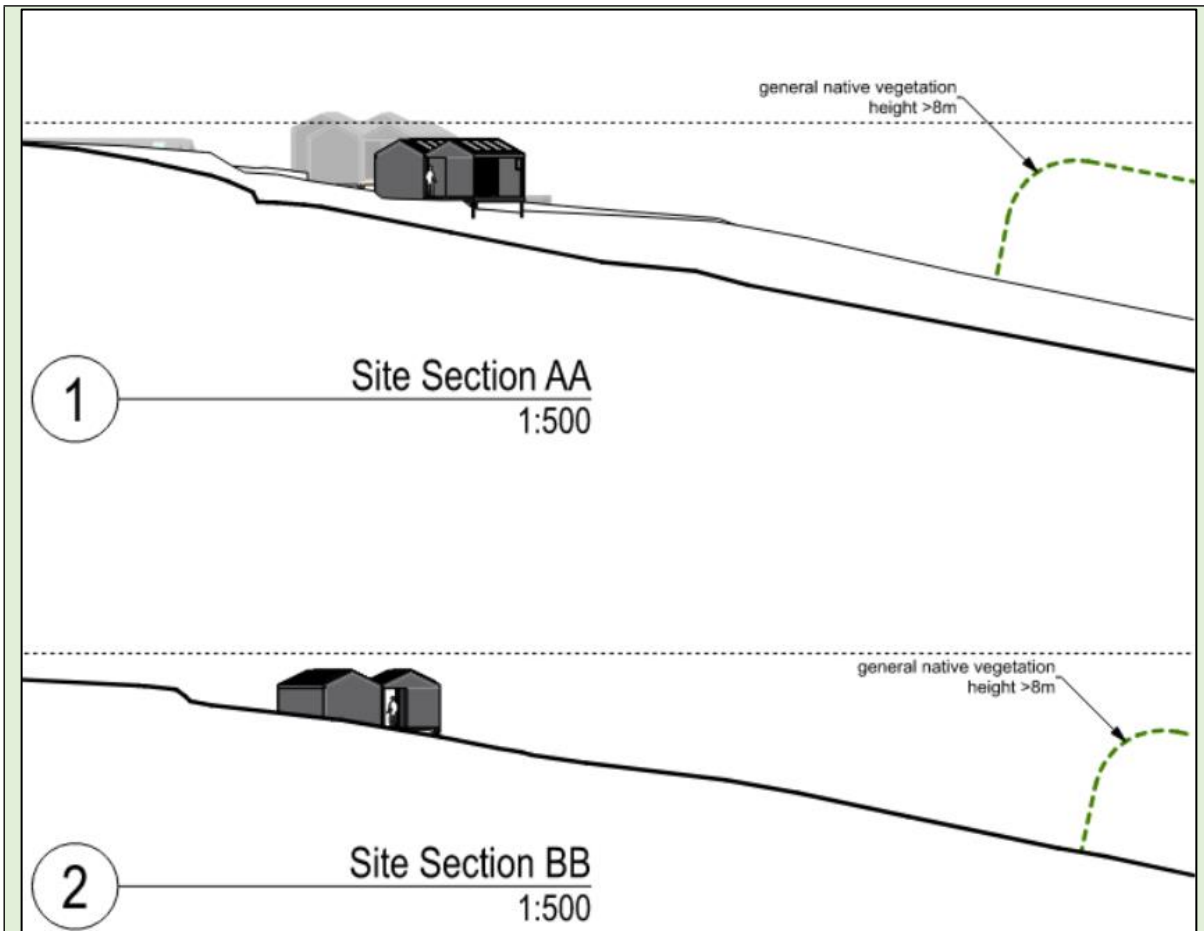
Due to the relatively small scale of the buildings, the visitor accommodation modules when viewed from the public road will not to visually dominate or alter the character of the local area to any meaningful extent.



There is almost no visibility into the site from the adjacent road reserve, as vegetation mitigates visual impacts from the proposal.

Visual impacts from the East Tamar Highway will be obscured by the slope of the mountain, the low profile of the structures and the setback from vegetation.

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The low profile will generally prevent extensive protrusion into the skyline and ridgeline in a manner similar to the nearby electrical and telecommunications infrastructure. While the buildings may be visible, it is unlikely they will be readily discernible to the casual observer.

The application proposes some vegetation removal for bushfire management purposes. However, as outlined within the response to the representation submitted on behalf of the applicant, a management area is not intended for wholesale clearance, instead the intent is to reduce fuel by creating separations between fuel sources and maintaining the area during bushfire season.

Although some horizontal separation between tree canopies may be required, this will not constitute complete removal of the tree canopies surrounding the area of development. If some vegetation is retained this will be sufficient to substantially obscure most, if not all the obstructive visual impacts of the development.

To ensure that the proposal is not compromising the scenic values of the tree line and ridgeline, a condition is recommended for a tree retention plan to be submitted prior to works commencing. This will allow Council officers to review the extent of clearance and the height of trees to be retained. The height of native vegetation screen will remain the most visually dominant aspect of the site when viewed from public areas.

The proposal has been considered against the Desired Future Character Statements in the assessment above and is consistent with appropriate management.

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The low profile of the buildings, small footprints and separation from public viewpoints ensures the proposal will not be obtrusive with appropriate vegetation management.

With the recommended conditions, the proposal will comply with the Performance Criteria and is consistent with the objectives.

Development Standards

Building Location and Appearance

Objective

To ensure that the:

- a) ability to conduct extractive industries and resource development will not be constrained by conflict with sensitive uses; and
- b) development of buildings is unobtrusive and complements the character of the landscape except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2); and
- c) the wind turbine height at 553 Old Aerodrome Road (CT 198926/1), 381 Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) is:
 - (i) necessary for the operation of the use; and
 - (ii) minimises adverse impacts on neighbouring properties.

Acceptable Solutions

- A2.1 Buildings must be set back a minimum of:
- a) 50m where a non sensitive use or extension to existing sensitive use buildings is proposed; or
 - b) 200m where a sensitive use is proposed; or
 - c) the same as existing for replacement of an existing dwelling.

Performance Criteria

- P2 Buildings must be setback so that the use is not likely to constrain adjoining primary industry operations having regard to:
- a) the topography of the land; and
 - b) buffers created by natural or other features; and
 - c) the location of development on adjoining lots; and
 - d) the nature of existing and potential adjoining uses; and
 - e) the ability to accommodate a lesser setback to the road having regard to:
 - i) the design of the development and landscaping; and
 - ii) the potential for future upgrading of the road; and

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	iii) potential traffic safety hazards; and iv) appropriate noise attenuation.
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Planners Response: Relies on performance criteria.

The proposal is not considered a sensitive use as defined within the *George Town Interim Planning Scheme 2013*. Therefore, a 50m setback applies to the proposal.

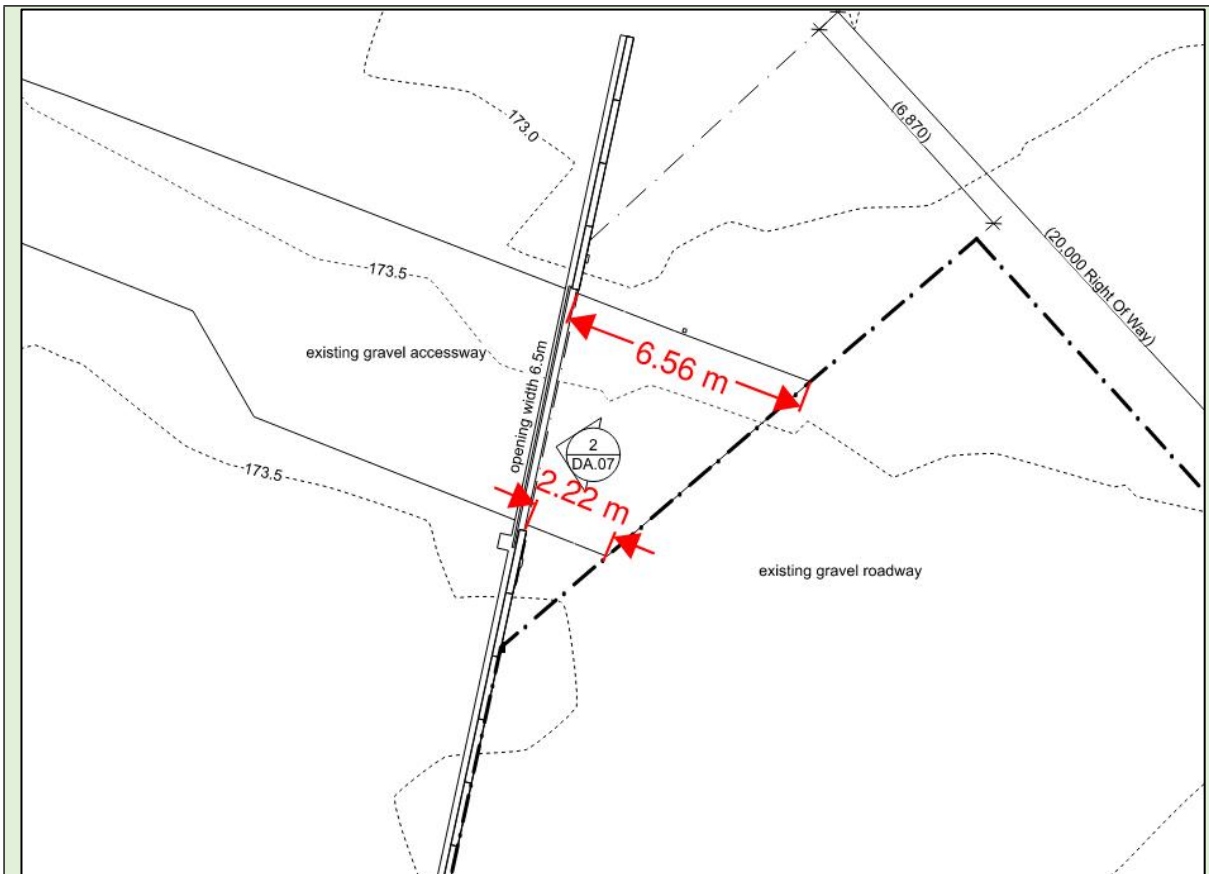
The highlight fencing and signage that is proposed to be constructed in proximity to the crossover is unable to meet the setback requirements of the zone. The fencing proposed is unable to meet exemption 5.6.3 (a) of the *George Town Interim Planning Scheme 2013* as it exceeds the height outlined in the exemption. This is the only component that is unable to meet the setback requirements, all other components of the development are able to meet the acceptable solution and do not require further assessment against this criteria.

Fencing is a non-sensitive structure and of this scale is not going to constrain, impact or otherwise undermine any adjoining properties. The fencing and signage (excluding the gate) is approximately 26.6m in length. It is only a very minor portion of the development, does not run the length of the boundary and is not unusually large.

This frontage of the property is approximately 665m in length, of which 4% will be fenced in the manner proposed.

Due to the location in the cul-de-sac the fencing and signs is generally set back from the road and the property boundary, so as not to cause any sight distance concerns or other traffic hazards.

See below for approximate setback for the fencing:



The proposal will not constrain adjoining primary industry operations or otherwise cause any unreasonable impacts and is considered consistent with the Performance Criteria and the objectives of the standard.

All other buildings proposed are setback more than 100m from the nearest boundary and include substantial vegetation buffers.

E3.0 Landslip Code

E3.6 Development Standards

E3.6.1 Development on Land Subject to Risk of Landslip

Objective

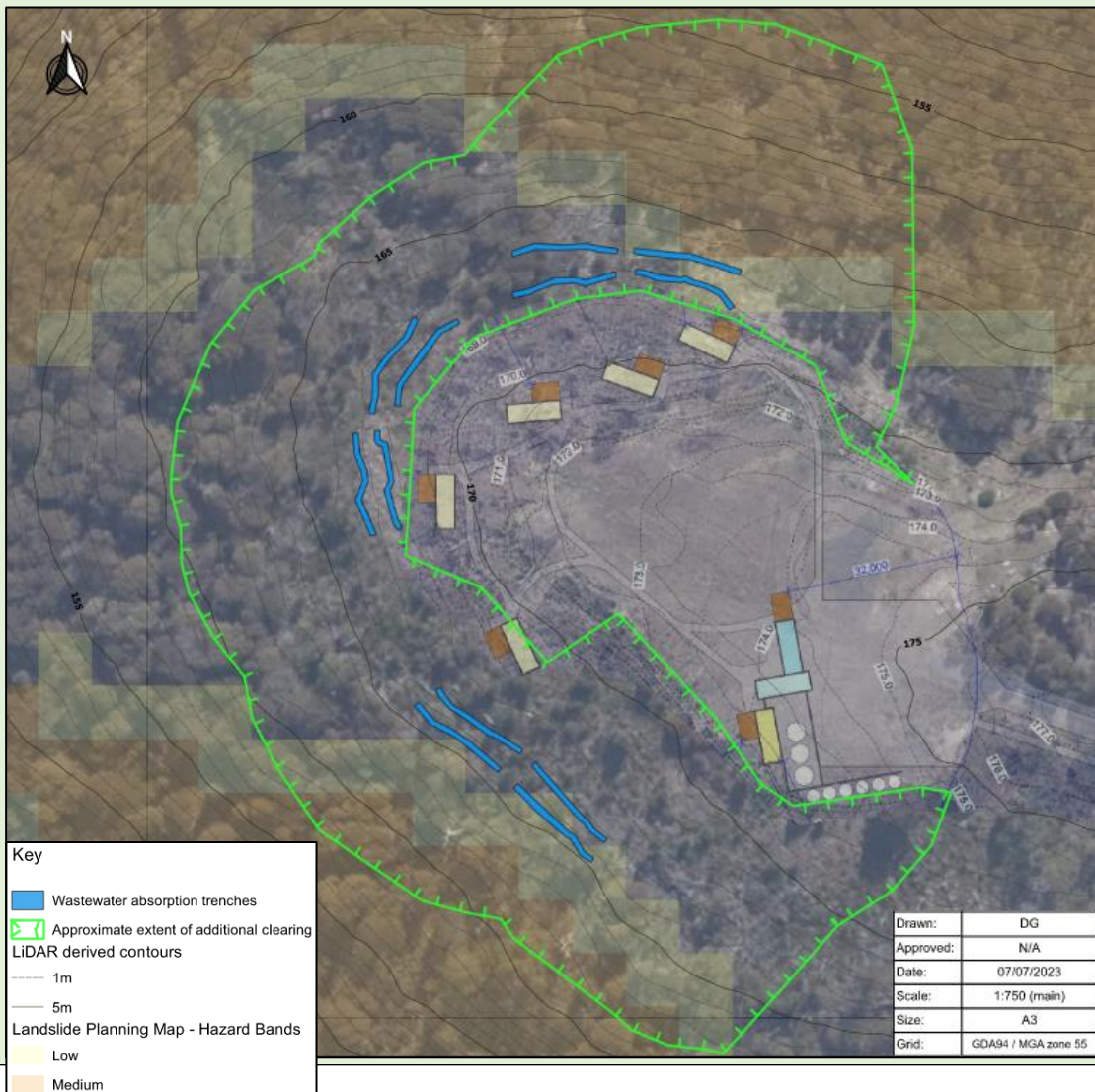
To ensure that development is appropriately located through avoidance of areas of landslip risk, or where avoidance is not practicable, suitable measures are available to protect life and property.

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Acceptable Solution	Performance Criteria
A1 No acceptable solution.	P1 Development must demonstrate that the risk to life and property is mitigated to a low or very low risk level in accordance with the risk assessment in E3.6.2 through submission of a landslip risk management assessment.

Planners Response: Relies on performance criteria.

The wastewater and bushfire vegetation removal occurs within low/medium hazard bands on the site. The extent of development encroaching into the hazard bands is found in the diagram below:



A landslip risk assessment prepared by a suitably qualified Geotechnical Consultant has been submitted with the application.

Dislodgement of rocks and minor erosion may occur as a result of the clearance works, however, any runout that may occur will impact undeveloped forestry. The 17° slope is not sufficient enough to facilitate dislodged materials travelling distances that result in any unacceptable risk to person or property in accordance with a risk assessment against E3.6.2 of the *George Town Interim Planning Scheme 2013*.

The report concludes that the risks associated with the removal of vegetation and the inclusion of wastewater are barely credible. The assessment does not include any specific recommendations, beyond standard construction requirements, to mitigate the risk.

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

E4.0 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective

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

Acceptable Solution

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

Performance Criteria

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

Planners Response: Relies on performance criteria.

The Traffic Impact Assessment (TIA) provided as part of the application prepared by a suitably qualified person determines that the amount of trips that may be generated by this development at peak is 154 vehicular movements per day. This exceeds the 40 vehicle entry and exit movement threshold outlined within the acceptable solution, therefore the proposal relies on performance criteria.

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The report considers the capacity and safety of the road to take on the additional vehicular movements and has assessed that Mount George Road, reasonably has the capacity to accommodate the additional traffic.

It is considered that even with the increase in traffic expected to be generated by the development, the road maintains safety for all road users, meeting the performance criteria and the objectives of the standard.

E4.7 Development Standards

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.

Acceptable Solution

Performance Criteria

- A1 Sight distances at
- a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and
 - b) rail level crossings must comply with *AS1742.7 Manual of uniform traffic control devices - Railway crossings*, Standards Association of Australia; or
 - c) If the access is a temporary access, the written consent of the relevant authority has been obtained.

- 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.

Planners Response: Relies on performance criteria.

The access is unable to comply with the acceptable solutions as it only provides an approximate 35m sight distance from the crossover into the Mount George Road cul-de-sac.

The traffic impact assessment provided as part of the application that has been prepared by a suitably qualified person has determined that the sight distance from the existing crossover are in accordance with the Austroads' Guide to Road Design. Which although the sight distance does not meet the acceptable solution outlined within the *George Town Interim Planning Scheme 2013*, the scheme does not provide sight distances for sub-

50km/hr speeds. As the cul-de-sac is a low speed environment, with an estimated vehicle speed of 30km/hr in preparation for turning movements at the terminus of the road, the required sight distance required by Austroads' for this speed is 34m, which the proposal meets.

Additionally, the TIA has recommended vegetation removal as part of the report which will improve sight distances along the road. This recommendation has been supported by Council's Infrastructure Department and a condition is included in the recommendation for sight distance improvements to be conducted on Mount George Road.

With appropriate conditions, the proposal complies with the Performance Criteria and provides an acceptable degree of safety, consistent with the objective.

E6.0 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective

To ensure that an appropriate level of car parking is provided to service use.

Acceptable Solution

- A1 The number of car parking spaces will not:
- a) If for dwellings in the General Residential Zone, be less than 100% of the requirements of Table E6.1; or
 - b) be less than 90% of the requirements of Table E6.1 and not exceed the requirements of Table E6.1 by more than 2 spaces or 5% whichever is the greater (except for dwellings in the General Residential Zone).

Performance Criteria

- P1 The number of car parking spaces provided must have regard to:
- a) the provisions of any relevant location specific car parking plan; and
 - b) the availability of public car parking spaces within reasonable walking distance; and
 - c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
 - d) the availability and frequency of public transport within reasonable walking distance of the site; and

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	<ul style="list-style-type: none">e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; andf) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; andg) an empirical assessment of the car parking demand; andh) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; andi) the recommendations of a traffic impact assessment prepared for the proposal; andj) any heritage values of the site; andk) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:<ul style="list-style-type: none">i) the size of the dwelling and the number of bedrooms; andii) the pattern of parking in the locality; andiii) any existing structure on the land.
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Planners Response: Relies on performance criteria.

The combination of uses proposed, generates a requirement for 12 vehicle parking spaces in accordance with Table E6.1.

The Visitor Accommodation use has a requirement of 1 space per unit or 1 space per 4 beds whichever is greater. In this circumstance, with 1 space per unit, there is a total of six (6) car parking spaces required for this use.

The application proposes a coffee stand as an ancillary component of the proposal. A food services use is required to provide 1 space per 15m² of net floor area in accordance with Table E6.1. Inclusive of the covered deck, utility building and coffee stand which make up

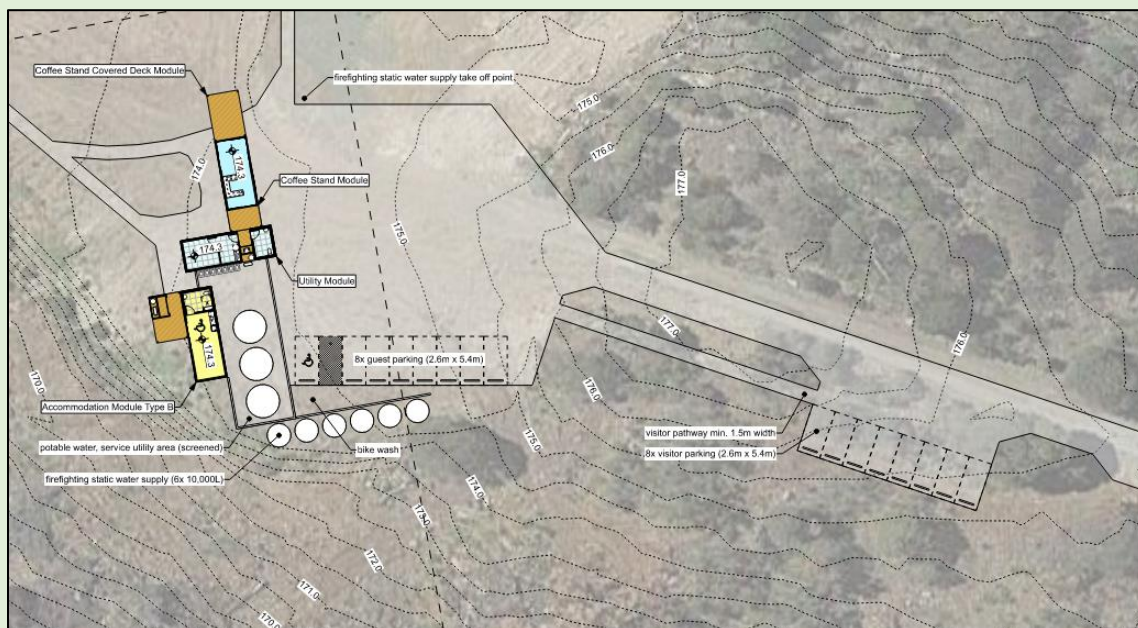
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this component of the proposal, 'food services' includes an area of 90m². Therefore, there are six (6) spaces (rounded up) required for this use.

Despite being an ancillary component of the development, it is reasonable to require adequate parking to accommodate patrons of the food services. The combination of uses requires 12 car parking spaces in total in accordance with Table E6.1. The proposal provides for 16 car parking spaces which is more than the 5% required by the Acceptable Solution.

The proposed parking is considered to be a reasonable amount of parking for the proposed development. Minimal additional clearance is required to facilitate parking, which will remain screened by retained trees downslope.

The parking proposed is split into two sections separated by an approximately 30m long, 1.5m wide dedicated pedestrian access way.



The main carparking area adjacent the coffee stand and utility module, will consist of eight (8) spaces, one (1) of which is a dedicated accessible space.

The additional parking bay to the east of the development site contains an additional eight (8) spaces.

There is no parking specific area plan within the *George Town Interim Planning Scheme 2013*.

There are no parking issues of concern within the area as this is a rural area with extensive onsite parking if required. This proposal will not impede the flow of traffic or the safety of the road users. The proposal will not compromise any public on street parking arrangements and will not compromise the safety of the road users as it will be setback from the crossover over 100m.

No public bus stops service this area.

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Pedestrian/bicycle traffic is anticipated due to the proximity of the use to the mountain bike tracks and the intent of the use to service users of this activity.

There are no heritage values identified on the site.

A traffic impact assessment was undertaken by a suitably qualified person as the impact of the proposal is significant enough to warrant an assessment of impacts. The traffic impact assessment determines that the additional parking is warranted due to the food services use and will prevent overflow parking into the local road network or unintended informal parking arrangements that may compromise safety of site users.

This parking arrangement proposed is generally not visible from the road and is well screened by vegetation, therefore impacts to the existing streetscape are considered negligible.

The impact of utilising this carparking arrangement is insignificant to the surrounding area, is appropriate for the scale of the development proposed and meets the objective of the standard.

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

E6.7 Development Standards

E6.7.1 Construction of Car Parking Spaces and Access Strips

Objective

To ensure that car parking spaces and access strips are constructed to an appropriate standard.

Acceptable Solution

- A1 All car parking, access strips manoeuvring and circulation spaces must be:
- a) formed to an adequate level and drained; and
 - b) except for a single dwelling, provided with an impervious all weather seal; and
 - c) except for a single dwelling, line marked or provided with other clear physical means to delineate car spaces.

Performance Criteria

- P1 All car parking, access strips manoeuvring and circulation spaces must be readily identifiable and constructed to ensure that they are useable in all weather conditions.

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Planners Response: Relies on performance criteria.

The carpark is gravel, therefore the proposal is reliant on performance criteria due to the unsealed car parking proposed.

Not sealing access strips, manoeuvring and circulation spaces; instead using gravel is generally consistent with rural properties and when sufficiently formed poses no issues for vehicular movements on the site in it's current format.

Additionally, as the surface is unsealed and therefore much more permeable, there is much greater infiltration for water during rain events. A permeable surface for parking and manoeuvring will reduce the impacts of potentially erosive concentrated run off. As the site is considered 'landslip prone' in the lower portions of the site, it would be advantageous to reduce concentration of stormwater that could contribute to erosion on the site.

The access strip currently onsite is relatively well formed and there is sufficient space to manoeuvre from all car parking spaces proposed.

The proposal indicates delineation of car parking spaces through line marking and wheel stops. However, a recommendation has been included within the conditions to ensure compliance with this performance criteria.

It is unlikely that the turnover and speed of vehicles will result in any dust impacts that will affect the amenity of site users or adjoining landowners.

The access will be required by the *Building Act 2016 (Requirements for Building in Bushfire-Prone Areas (transitional) - Table 4.2 – Requirements for Property Access)* to be constructed to an all weather access standard to comply with the bushfire requirements of the site. As the intent is to allow heavy firefighting vehicles to access the site, it is therefore considered sufficient for use by the general public.

The car parking is sufficient for the proposal and allows safe and efficient movement, therefore the proposal demonstrated compliance with the performance criteria.

E6.7.2 Design and Layout of Car Parking

Objective

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

Acceptable Solution

Performance Criteria

A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and

P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the

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<p>carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> a) the layout of the site and the location of existing buildings; and b) views into the site from the road and adjoining public spaces; and c) the ability to access the site and the rear of buildings; and d) the layout of car parking in the vicinity; and e) the level of landscaping proposed for the car parking.
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Planners Response: Relies on performance criteria.

Car parking is not located behind the building line, therefore the proposal relies on performance criteria.

The site is large and can facilitate extensive parking if required, the scale of the parking proposed with regard to the scale of the proposal is reasonable.

This proposal's car parking will not detriment or otherwise compromise the amenity of the streetscape surrounding area. As the visibility into the site from public roads is relatively low due to vegetation screening. Even with removal of some vegetation, parking will be obscured when viewed from the cul-de-sac on Mount George Road and the greater Mount George area. The risk of detriment is negligible.

The site is open, large and relatively easy to access all sections of the site.

Council manages an existing gravel carpark adjacent to the cul-de-sac at the end of Mount George Road, to provide for the lookout and mountain bike tracks. The proposed parking area is of a similar standard.

Some clearance is required to facilitate the car parking, however this will not be so extensive as to create substantial visibility of car parking facilities on the site. The canopy of existing vegetation to the front and rear of the parking bay will maintain a vegetated ridgeline when viewed from the urban area of George Town.

Therefore the proposal is considered to have met the performance criteria and the objectives of the standard.

<p>A2.1 Car parking and manoeuvring space must:</p>	<p>P2 Car parking and manoeuvring space must:</p>
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<p>a) have a gradient of 10% or less; and</p> <p>b) where providing for more than 4 cars, provide for vehicles to enter and exit the site in a forward direction; and</p> <p>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</p> <p>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:</p> <p style="margin-left: 20px;">i) there are three or more car parking spaces; and</p> <p style="margin-left: 20px;">ii) where parking is more than 30m driving distance from the road; or</p> <p style="margin-left: 20px;">iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and</p> <p>A2.2 The layout of car spaces and access ways must be designed in accordance with <i>Australian Standards AS 2890.1 - 2004 Parking Facilities, Part 1: Off Road Car Parking</i>.</p>	<p>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</p> <p>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.</p>
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Planners Response: Relies on performance criteria.

The proposal provides for a minimum 4.0m wide access for the length of the access strip which is not in accordance with Table E3.2 which has the following requirement for the parking proposed “4.5m* for initial 7m from road carriageway and 3.0m thereafter”. Therefore, this threshold is exceeded by over 10%.

The size of the access strip is not seen as an issue, it is not unduly large and provides sufficient spaces for the anticipated light vehicle traffic expected to frequent the site.

The minimum 4m access strip that is being proposed is in accordance with the *Building Act 2016 (Requirements for Building in Bushfire-Prone Areas (transitional) - Table 4.2 – Requirements for Property Access)* and therefore is a requirement construction of this development under this act.

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In the context of the site, this is an appropriate size and does not impact the ability for manoeuvring, safety or efficiency of traffic on the site.

Therefore the proposal is considered consistent with the performance criteria and the objectives of the standard.

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

Objective

To ensure adequate access for people and goods delivery and collection and to prevent loss of amenity and adverse impacts on traffic flows.

Acceptable Solution

Performance Criteria

- A1 For retail, commercial, industrial, service industry or warehouse or storage uses:
- a) at least one loading bay must be provided in accordance with Table E6.4; and
 - b) loading and bus bays and access strips must be designed in accordance with *Australian Standard AS/NZS 2890.3 2002* for the type of vehicles that will use the site.

- P1 For retail, commercial, industrial, service industry or warehouse or storage uses, adequate space must be provided for loading and unloading the type of vehicles associated with delivering and collecting people and goods where these are expected on a regular basis.

Planners Response: Relies on performance criteria.

A dedicated loading bay for the food services aspect of the development is not provided for within the application, therefore the proposal relies on performance criteria.

The scale of the coffee stand is minor in the context of the site. The scale of the food services element of the proposal does not warrant dedicated loading, as traffic (including any delivery trucks) is not anticipated to be large scale and quantities of goods delivered will be relatively small.

The site includes a relatively large marshalling area adjacent to the access and buildings which can be utilised informally for the delivery of goods. Informal delivery of relatively small quantities of goods is unlikely to compromise the amenity or efficiency of the access and parking areas. There are unlikely to be any impacts on road users outside of the site.

Therefore, the proposal meets the performance criteria.

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E6.8.2 Bicycle Parking Access, Safety and Security

Objective
To ensure that parking and storage facilities for bicycles are safe, secure and convenient.

Acceptable Solution	Performance Criteria
<p>A1.1 Bicycle parking spaces for customers and visitors must:</p> <ul style="list-style-type: none"> a) be accessible from a road, footpath or cycle track; and b) include a rail or hoop to lock a bicycle to that meets <i>Australian Standard AS 2890.3 1993</i>; and c) be located within 50m of and visible or signposted from the entrance to the activity they serve; and d) be available and adequately lit in accordance with <i>Australian Standard AS/NZS 1158 2005 Lighting Category C2</i> during the times they will be used; and <p>A1.2 Parking space for residents' and employees' bicycles must be under cover and capable of being secured by lock or bicycle lock.</p>	<p>P1 Bicycle parking spaces must be safe, secure, convenient and located where they will encourage use.</p>

Planners Response: Relies on performance criteria.

The proposal does not provide for dedicated bicycle parking in accordance with the standards outlined within the acceptable solutions, therefore the proposal relies on performance criteria.

Given the proximity of the site to the mountain bike trial head, a condition could be incorporated to include formal bicycle parking infrastructure. However, given the proximity to the trail head, most visitors with bikes will be guests of the visitor accommodation (who have their own storage spaces capable of facilitating bicycle parking) and those using the site as a 'rest stop', who will generally have bicycles loaded into their vehicle or proximate to their person. There is adequate space on the site for informal bicycle parking to occur in

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a manner that is safe, secure and convenient, and there is a high likelihood of facilities being provided to meet the demand of the target customer base.

- A2 Bicycle parking spaces must have:
- a) minimum dimensions of:
 - i) 1.7m in length; and
 - ii) 1.2m in height; and
 - iii) 0.7m in width at the handlebars; and
 - b) unobstructed access with a width of at least 2m and a gradient of no more 5% from a public area where cycling is allowed.

P2 Bicycle parking spaces and access must be of dimensions that provide for their convenient, safe and efficient use.

Planners Response: Relies on performance criteria.

Formal bicycle parking spaces are not provided for as the locality does not have demand for these services due to the distance from population centres and topography of the site.

Bicycle storage attached to the individual accommodation units complies with the Acceptable Solution.

Therefore, the proposal is consistent with the performance criteria and the objectives of the standard.

E6.8.5 Pedestrian Walkways

Objective

To ensure pedestrian safety is considered in development

Acceptable Solution

Performance Criteria

A1 Pedestrian access must be provided for in accordance with Table E6.5.

P1 Safe pedestrian access must be provided within car park and between the entrances to buildings and the road.

Planners Response: Relies on performance criteria.

A dedicated pedestrian access is only incorporated into the area between the 'main' car parking area and the 'overflow' car parking area. Adequate delineation between the 'main

carpark' area and the coffee stand is not included within the application. Therefore the proposal relies on performance criteria.

The low-speed, low trafficked car park will allow for safe pedestrian movement to all buildings proposed. The relatively low usage of this car park will mitigate risks associated with utilising the car park for pedestrian movements.

To ensure compliance with the objective of this standard, it is recommended that the site be signposted with a 10km/h speed limit sign and a sign indicating a shared carriageway for pedestrians and vehicles. This will ensure vehicular traffic is aware of pedestrian traffic using these areas.

Therefore, the proposal is determined to have demonstrated compliance with the performance criteria.

E7.0 Scenic Management Code

E7.6 Development Standards

E7.6.2 Local Scenic Management Areas

Objective

- a) To site and design buildings, works and associated access strips to be unobtrusive to the skyline and hillsides and complement the character of the local scenic management area; and
- b) To ensure subdivision and the subsequent development of land does not compromise the scenic management objectives of the local scenic management area.

Acceptable Solution

A1 No acceptable solution.

Performance Criteria

- P1 Development (not including subdivision) must have regard to the:
- a) character statement and scenic management objectives of the particular area set out in Table E7.1 – local scenic management areas; and
 - b) impact on skylines, ridgelines and prominent locations; and
 - c) retention or establishment of vegetation to provide screening in

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	<p>combination with other requirements for hazard management; and</p> <p>d) design or treatment of development including:</p> <ul style="list-style-type: none">i) the bulk and form of buildings including materials and finishes; andii) earthworks for cut or fill; andiii) complementing the physical (built or natural) characteristics of the site or area.
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Planners Response: Relies on performance criteria.

The proposed development is within a local scenic management area, as defined within the code, therefore the proposal relies on performance criteria.

There are no character statement or particular area objectives outlined within Table E7.1. therefore this does not need to be taken into consideration within this assessment.

The application proposes a large bushfire management area, whereby fuel is required to be modified during bushfire season. Which causes some concern regarding the impacts to the visible ridgeline of the site, as this management area extends into the existing visible vegetation on the ridgeline. However, as outlined within the response to the representation submitted on behalf of the applicant, a management area is not intended for wholesale clearance, instead the intent is to reduce fuel by creating separations between fuel sources and maintaining the area during bushfire season.

This provides reasonable opportunity to manage the existing vegetation to retain taller trees and maintain the existing tree line. It is recommended that a condition is included for a tree retention plan to be submitted prior to works commencing. This will ensure vegetation to be retained is inspected by Council officers prior to removal with the intent of maintaining as much of the canopy as possible to screen the development and maintain the scenic values of Mount George.

The natural plateau at the peak of the ridge allows for development to occur on the ridgeline, without substantially extending above the tree line.

Visually the structures proposed are relatively low profile and maintain a small footprint.

The finish proposed is relatively dark and will recede within the natural vegetation so as not to be a prominent feature. A condition is included in the recommendation to ensure management of colour.

Separation between the structures lessens any perceived visual bulk from the development.

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While the development will likely be visible, the retention of the vegetated ridgeline, topography, colour scheme and distance from public view points will substantially mitigate the visual impact of the proposal such that it is not obtrusive to the casual observer and does not compromise the scenic values of Mount George.

The conditions included will heavily reduce the impacts to the scenic management area, thereby meeting the Performance Criteria and the objectives of the standard.

E8.0 Biodiversity Code

E8.6 Development Standards

E8.6.1 Habitat and Vegetation Management

Objective

To ensure that:

- a) vegetation identified as having conservation value as habitat has priority for protection and is appropriately managed to protect those values; and
- b) the representation and connectivity of vegetation communities is given appropriate protection when considering the impacts of use and development.

Acceptable Solution

A2 Clearance or disturbance of native vegetation is in accordance with a certified Forest Practices Plan.

Performance Criteria

P2.1 Clearance or disturbance of native vegetation must be consistent with the purpose of this Code and not unduly compromise the representation of species or vegetation communities of significance in the bioregion having regard to the:

- a) quality and extent of the vegetation or habitat affected by the proposal, including the maintenance of species diversity and its value as a wildlife corridor; and
- b) means of removal; and
- c) value of riparian vegetation in protecting habitat values; and
- d) impacts of siting of development (including effluent disposal) and vegetation clearance or excavations, , in proximity to habitat or vegetation; and
- e) need for and adequacy of proposed vegetation or habitat management; and
- f) conservation outcomes and long-term security of any offset in accordance with the General Offset Principles for the

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RMPS, Department of Primary Industries, Parks, Water and Environment.

Planners Response: Relies on performance criteria.

The proposal relies on performance criteria, as a Forest Practices Plan is not in effect for the clearance of vegetation on this site.

The purpose of the Biodiversity code is to:

- a) *protect, conserve and enhance the region's biodiversity in consideration of the extent, condition and connectivity of critical habitats and priority vegetation communities, and the number and status of vulnerable and threatened species; and*
- b) *ensure that development is carried out in a manner that assists the protection of biodiversity by:*
 - i) *minimising vegetation and habitat loss or degradation; and*
 - ii) *appropriately locating buildings and works; and*
 - iii) *offsetting the loss of vegetation through protection of other areas where appropriate.*

The site in which the development is proposed to be developed on is highly disturbed land with large areas of vegetation clearance that have occurred in the past.

Some additional clearance is required in order to achieve an acceptable degree of bushfire safety. However, the extent of additional vegetation clearance is not significant and largely comprises areas which have been previously cleared in the recent past. The site is predominantly made up of *Allocasuarina verticillata* forest (TASVEG Code: NME), which is a relatively common non-eucalypt forest and not considered as threatened or of substantive conservation value through any relevant legislation (whether State or Federal). Minor removal of some of this vegetation will not impact the representation of the vegetation community or make up species in the bioregion, due to the widespread nature of the plant species present.

The proposed development is relatively small scale and on the periphery of an existing clearing. The additional vegetation removal will not create any particular obstructions to the passage of wildlife.

The means of removal has very little impact on the representation of species or vegetation communities in the bioregion.

The site does not contain any riparian vegetation.

Due to the conservation status of the native vegetation and the high degree of modification of the area of the development, removal of relatively minor amounts of vegetation to

facilitate this development is not considered to be inconsistent or otherwise contrary to the intent of the Biodiversity Code.

No further conservation measures or offsets are considered warranted, given the small scale and low impact of the proposal on the conservation values of the bioregion.

The proposal complies with the performance criteria and is consistent with the objective.

E14.0 Signs Code

E14.6 Development Standards for Buildings and Works

E14.6.2 Illumination of Signs

Objective:	To: (a) ensure illuminated signs are consistent with the streetscape; (b) manage the cumulative impact of illuminated signs on the character of the area, including the need to avoid visual disorder or clutter of signs; and (c) minimise potential negative effects of illuminated signs on road safety and pedestrian movement.
Acceptable Solutions	Performance Criteria
A1 No Acceptable Solutions.	P1 An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to: (a) the location of the sign; (b) the size of the sign; (c) the intensity of the lighting; (d) the hours of operation of the sign; (e) the purpose of the sign; (f) the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity; (g) the intended purpose of the changing message of the sign;

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	(h) the percentage of the sign that is illuminated with changing messages; (i) proposed dwell time; and (j) whether the sign is visible from the road and what impact the sign may have on traffic safety.
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Planners Response: Relies on performance criteria.

The signs proposed contain illumination in the form of downlights highlighting the business and do not contain any third party information. The signage is unlikely to contribute to a loss of amenity, as the signs are located a substantial distance from the nearest dwelling or sensitive receptor and the lighting will be baffled towards the sign, highlighting only a small area.

The sign will presumably operate during the night time hours. Given the separation between the development and any sensitive use receptors and substantial vegetation screening, it is not anticipated that the proposal will result in an unreasonable impact on the adjoining properties or the urban areas of George Town.

The sign will not change, rotate or otherwise be altered.

Therefore, it is unlikely that this will distract or otherwise impact road users.

The proposal is consistent with the performance criteria and the objectives of the standard.

10. REFERRALS

Internal Referrals

Infrastructure Department

A referral was issued to Council's Infrastructure Department on Monday, 29 May 2023.

A response to this referral was received by Council's Planning Department on Thursday, 27 July 2023.

The following advice was provided:

"Localized patching work for the damaged seal section of the road should be done.
Any Bushes blocking the sight distance at the cul-de-sac must be removed.
Upgrade the driveway at the cul-de-sac according to the standard.
Internal roads with passing bays as proposed is required."

A further response to the Traffic Impact Assessment was provided by Council's Infrastructure Department on Friday, 11 August 2023.

The advice provided was that improvements to the line of sight on Mount George Road are required, particularly on sharper corners.

Conditions have been included where possible to address these concerns.

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EHO

The application was referred to Council's Environmental Health Officer. Standard notes relating to the legislative requirements as a food service provider and private water supplier are to be included on the permit.

External Referrals

TasNetworks

A referral was issued to TasNetworks on Monday, 29 May 2023.

A response was received by Council's Planning Department on Friday, 16 June 2023

The following advice was provided -

"Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

The standard arrangements will apply for connection to the electricity network. For further information, please refer to TasNetworks' website: New electricity connections - TasNetworks."

This has been included as a permit note.

11. SERVICES

Road

Access is available to Mount George Road, via the existing driveway crossover located at the cul-de-sac at the terminus of the road.

Sewer

Records indicate that the land is not serviced by reticulated sewer and will therefore require wastewater to be managed onsite.

Water

Records indicate that the land is not serviced by reticulated water.

Storm Water

Records indicate that the land is not serviced by reticulated stormwater and will therefore be required to manage this onsite.

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

Easements:

The subject property contains a registered wayleave burdening easement on the title. This easement benefits the reticulated electrical entity (TasNetworks). As a referral has been issued to TasNetworks in accordance with Section 44L of the *Electricity Industry Supply Act 1995*, which has foreseen negligible impact on their infrastructure.

The burdening wayleave easement will not have an impact on this proposal.

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.

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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.

14. ALTERNATIVE OPTIONS

Council can approve the application with alternative conditions or refuse the application with appropriate grounds.

15. CONCLUSION

The application for construction and use of Visitor Accommodation - Six (6) Units & Coffee Stand at 193 Mount George Road, George Town (CT 156738/1), has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

16. RECOMMENDATION

That the application for use and development, Visitor Accommodation - Six (6) Units & Coffee Stand at 193 Mount George Road, George Town (CT 156738/1) be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

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

- a. PMD Architecture & Design, job no. 18002, drawing no. DA. 01 to DA. 07 inclusive, revision 1, dated 10 July 2023;
- b. Hubble Traffic, Traffic Impact Assessment, "The George, Visitors Accommodation At Mount George, Georgetown", pages 1 to 28 inclusive, dated April 2023;
- c. Tasman Geotechnics, Site Classification Investigation, 193 Mount George Road, George Town, reference TG20055/1 – 01, dated 07 July 2023;

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

2. TREE RETENTION PLAN

Prior to the commencement of works a detailed 'Tree Retention Plan' for the purposes of maintaining screening vegetation to the north-east, east and south-east of the development is to be submitted to the satisfaction of Council's Director Infrastructure and Development.

The Plan is to be suitable for use by contractors or individuals undertaking the work and is to clearly show the following:

- a. Clearly delineate the location and extent of vegetation clearance required for bushfire hazard management areas; and
- b. Identify canopy trees and shrubs with a height greater than 2m, to be retained within the hazard management area for screening purposes.

Once received and approved, the plan will be endorsed and will form part of the planning permit.

The owner of the land may only remove or modify any of the trees recommended for retention upon receiving advice of an arborist or an accredited bushfire hazard practitioner and with the approvals from Council's Director Infrastructure and Development and any tree removed is to be replaced with a tree of similar species.

3. MARKING OUT

Prior to the commencement of works:

- a. the vegetation identified for retention in the Tree Retention Plan is to be clearly delineated on the ground by tape, marking paint or some other clear means.
- b. Once marked, the developer is to contact Council and the site is to be inspected by Council's Planning Officers to ensure adequate retention of screening vegetation to the satisfaction of Council's Director Infrastructure and Development.
- c. Once marked, the site is to be inspected by an accredited bushfire hazard assessor to ensure retained vegetation does not compromise bushfire hazard management areas.

No clearance of vegetation is to extend beyond the Bushfire Hazard Management Area indicated within the endorsed plans.

4. VEHICULAR CROSSOVER

Prior to the commencement of the use, the proposed vehicular crossover must be constructed in accordance with LGAT Standard Drawing (TSD-R03-v3 & TSD-R04-v3). All works must be carried out to the satisfaction of Council's Infrastructure Department.

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 the expense of the person responsible for the development.

5. ROAD PATCHING WORKS

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Prior to the commencement of use, road repatching works are required within Council's road reserve, adjacent the existing driveway crossover. Works are to be conducted, ensuring that the cul-de-sac is in a satisfactory trafficable condition and any potholes or localised damage within the immediate area is filled or otherwise remediated. All works are to be completed 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.

6. SIGHT DISTANCES

Prior to the commencement of use, vegetation trimming works are required within Council's Mount George Road road reserve, in accordance with the endorsed Traffic Impact Assessment and the requirements of Council's Infrastructure Department. Ensuring that limbs, branches and low lying vegetation are trimmed or otherwise removed to improve sight distances at the access.

All works are to be completed to the satisfaction of Council's Director Infrastructure and Development.

Prior to undertaking any works within the Council road reserve, including vegetation removal, 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.

7. COLOUR

The external finished colour of the buildings is to be in accordance with the endorsed plans and remain in tones that blend with the landscape. Unless otherwise approved by Council's Director Infrastructure and Development.

8. LIGHTING

Prior to the commencement of works a site lighting plan is to be submitted to the satisfaction of Council's Director Infrastructure and Development for approval. The plan is to show:

- a. External lighting is to be ground based and baffled to minimise light pollution.
- b. External floodlighting is to be minimised, but where strictly necessary for safety, it is to be baffled and directed downwards toward the ground.
- c. Illuminated signage shown in the endorsed plans is to be baffled and is not to extend beyond the extent of the sign.

9. SHARED ACCESS

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Prior to commencement of use, the access to the property is to be signposted with a 10km/h speed limit and a sign indicating shared carriage way for pedestrians, bicycles and vehicles.

10. CAR PARKING AND MANOUVERING AREAS

Prior to the commencement of use, the areas shown to be set aside for vehicle access and car parking must be:

- a) Designed and laid out in accordance with the endorsed plans; and
- b) All vehicle parking spaces are to include wheel stops and be clearly delineated by line marking or other means;

to the satisfaction of Council's Director Infrastructure and Development.

11. ACCESSIBLE PARKING

Prior to commencement of use, the accessible car parking space indicated within the endorsed plans is to be constructed to AS/NZ2890.6 – 2009 - Parking facilities – Off-street parking for people with disabilities, to the satisfaction of Council's Director Infrastructure and Development.

12. 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.

13. 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 Council's Director Infrastructure and Development.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2023/58. You should contact Council with any other use or development, as it may require the separate approval of Council. Council's planning staff can be contacted on 6382 8800.
2. Registration as a Food Business under the *Food Act 2003* may be required if it is intended for any food to be provided as part of the proposed business. Please contact Council's Environmental Health Officer on (6382 8800).
3. Registration as a Private Water Supplier under the *Public Health Act 1997* and the Tasmanian Drinking Water Quality Guidelines is required if any non – reticulated water (i.e. tank water) is provided as part of the business operation. The registration is required prior to commencement of the business operation. The registration is an annual requirement. Please contact Council's Environmental Health Officer on (6382 8800).

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4. In accordance with the Section 44L of the *Electricity Supply Industry Act 1995*, the following information is to be forwarded to the applicant:

“Based on the information provided, the development is not likely to adversely affect TasNetworks’ operations.

The standard arrangements will apply for connection to the electricity network. For further information, please refer to TasNetworks’ website: New electricity connections – TasNetworks”

5. 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.

6. 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.

7. 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.

8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council’s discretion if a request is received within six (6) months of the expiration.

9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

10. 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.

11. If any Aboriginal relics are uncovered during works:

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- a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
- c. The relevant approval processes will apply with state and federal government agencies.

12. 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 2023/73 - LOT 15, BUSH HAVEN, LULWORTH - SUBDIVISION (2 LOTS AND PUBLIC OPEN SPACE)

REPORT AUTHOR:	Statutory Town Planner - Mr J. Simons
REPORT DATE:	25/07/2023
FILE NO:	DA 2023/73
ATTACHMENTS:	<ol style="list-style-type: none">1. Attachment 1 Assessment of Compliance with the Acceptable Solutions DA 20 [7.2.1 - 28 pages]2. Plans and Supporting Documents - DA 2023-73 [7.2.2 - 70 pages]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	6ty Pty Ltd
Site Address:	Lot 15 Bush Haven, Lulworth
Titles Details:	CT 49450/15
Property ID:	-
Zone:	Village Zone
Use:	Residential
Proposed Development:	Subdivision (2 Lots and Public Open Space)
Application Received:	22/06/2023

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Subdivision (2 Lots and Public Open Space) at Lot 15 Bush Haven, Lulworth (CT 49450/15).

The subject land is privately owned, but is designated as Private Open Space on the sealed plan.

The application proposes to create 2 lots intended to be used for residential purposes. One lot will have an area of 1678m², the other will have an area of 2650m². The balance of the land comprises 11917m² which is intended to be transferred to Council as Public Open Space.

The application did not receive any representations.

The proposed residential lots are of an area and dimensions that are consistent with other residential lots in the immediate area and are capable of supporting a residential use and development of a single dwelling. The application demonstrates the lots can manage waste water and stormwater onsite. Access can be taken from Bush Haven safely.

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The principle function of the proposed public open space is to provide off road pedestrian connectivity within the residential area, with potential for a formal pedestrian link to the beach. While the beach forms the primary open space utilized by the local community and visitors, it is essential to provide public pedestrian connectivity between residential areas and the beach. Currently there are no formal public options for accessing the beach in the eastern neighbourhoods of Lulworth. The proposed open space offers an opportunity to formalise public beach access in this location. While other access points may ultimately be more desirable, the public open space will assist with safe and high amenity pedestrian movement through the settlement to other points of beach access.

The application is recommended for approval. The proposed lots comply with the relevant Acceptable Solutions and Performance Criteria of the planning scheme and the proposed open space will make a positive contribution to the character and amenity of Lulworth.

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. No representations were received.

4. RISK IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

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

6. SITE AND LOCATION

The subject site is located at Lot 15 Bush Haven, Lulworth (CT 49450/15). This lot has an area of 1.637hectares and is an irregular shape. While in private ownership, the land is identified on the Sealed Plan as being private open space and has a legal right of access for 14 other

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land owners registered on the sealed plan. The land is currently used for passive recreation, however, it is noted that there is no general right of access to the public, with the exception of those land owners identified on the sealed plan.

The lot comprises a mix of cleared areas, walkways and remnant native vegetation. An 8m wide easement crosses the title and includes Council maintained drainage infrastructure.

The lot is largely internal, with frontage on Seascapes Drive, Bush Haven and the coastal reserve.

The land is identified as being in a bushfire prone area, but is not identified as being subject to any other planning overlays.

The land is not serviced by reticulated water or sewerage, however, it is intersected by and has access to the reticulated stormwater system.

The land surrounding the property is residential in nature and has largely been developed with single dwellings. The coastal reserve, owned by the Crown and managed by the Tasmanian Parks and Wildlife Service is located to the immediate north of the property.



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

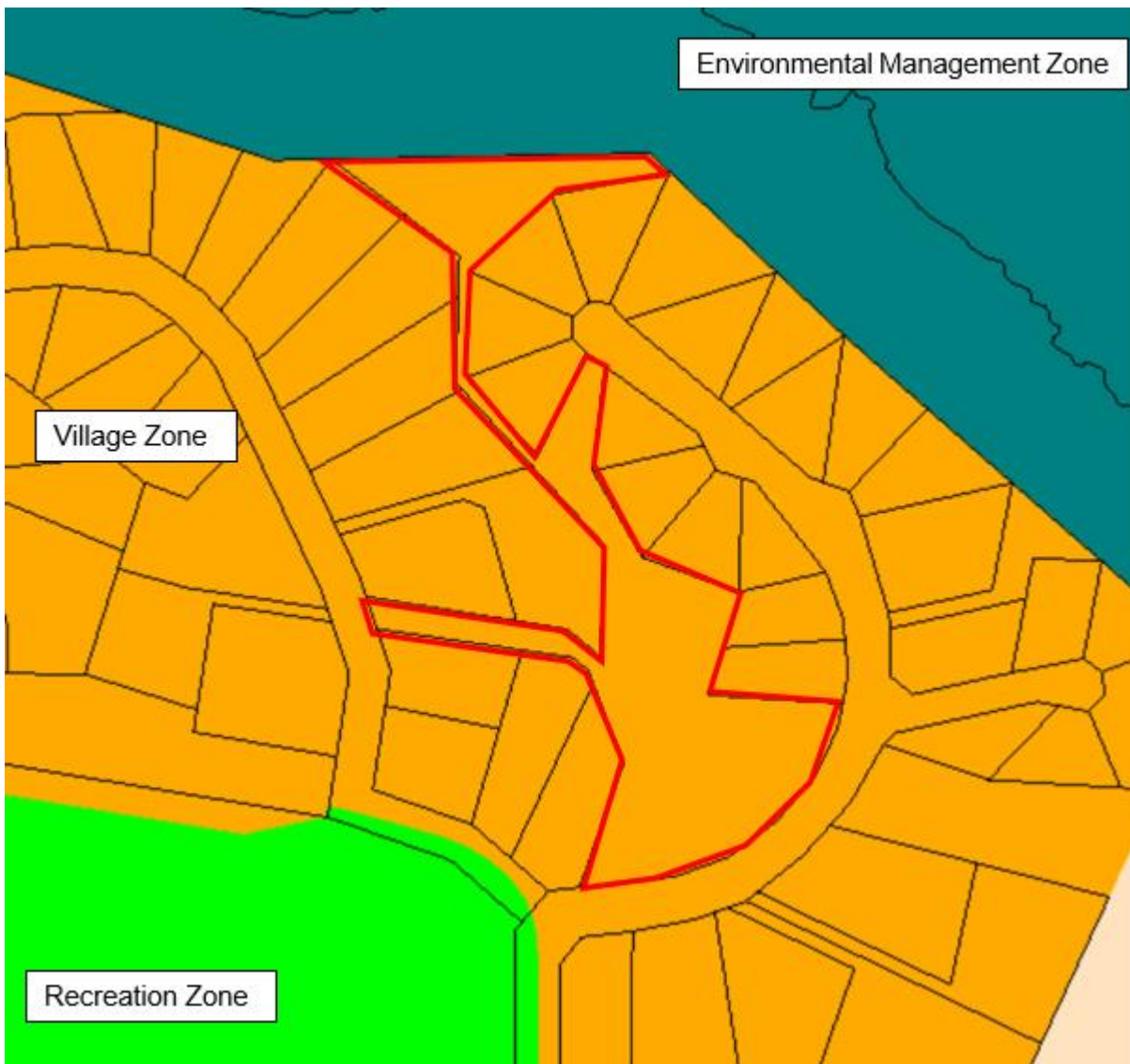


Figure 2: Zoning of subject title (outlined in red) and surrounding land.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at Lot 15 Bush Haven, Lulworth (CT 49450/15) for Subdivision (2 Lots and Public Open Space).

Table 1: Propose Lot Features

Lot No.	Area	Frontage	Use
60	2650m ²	10m	Residential
61	1678m ²	45.3m	Residential
Public Open Space	11917m ²	103.6m, 9.3m & 15m	Public Open Space

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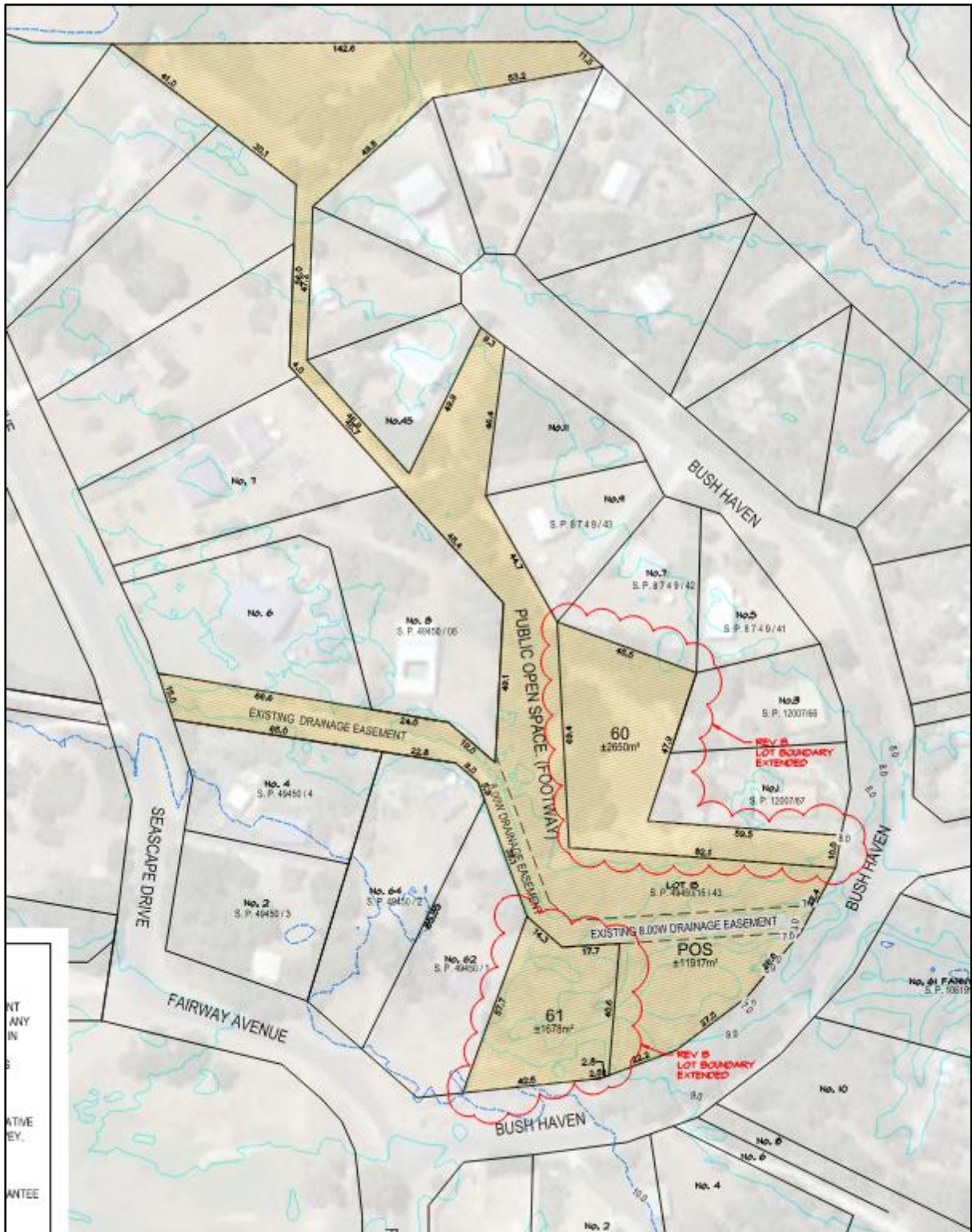


Figure 3: Proposal Subdivision Plans

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Figure 4: Approx. location of proposed Lot 61, viewed from Bush Haven.



Figure 5: Approx. location of proposed Lot 60, viewed from within the lot, looking north.

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Figure 6: Proposed public open space, viewed from Bush Haven.



Figure 7: Proposed public open space, viewed at the narrowest point.



Figure 8: Existing informal beach access.

The full plans submitted are included in the attachments.

8. REPRESENTATIONS

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The Application was advertised for community consultation from 15/07/2023 to 31/07/2023. Zero (0) representations were received.

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
- E4.0 Road and Rail Assets Code
- E6.0 Car Parking and Sustainable Transport Code
- E10.0 Open Space 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 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.
Planner Response:	
The application proposes a residential subdivision, creating two additional residential lots, within an existing settlement. This is consistent with the current role of Lulworth as a small rural centre.	

16.1.2 Local Area Objectives

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

Planner Response:

The proposal comprises infill development within the existing settlement footprint. The proposal does not include any new roads or contribute to ribbon development.

All lots are proposed to be self-sufficient, do not constrain community resources and do not create harm to the surrounding environment. Servicing of the lots is further addressed in the assessment below. While the proposal will reduce the area available as open space, the benefit is enjoyed via a relatively small portion of the community and is accessed via a private agreement. Approval of the subdivision does not result in an amendment to the sealed plan or an amendment to the rights of the benefitting landowners to continue using the land.

Any development application that stems from this proposal will be further assessed against the planning scheme if/when an application is received, including assessment of overlooking.

The proposal is consistent with the existing pattern of development. The lots are generally consistent with the size and dimensions of other lots in the vicinity and does not compromise the functionality of the existing walkway.

The land to be subdivided is highly disturbed by past earthworks and vegetation clearance and is not considered environmentally significant. Therefore, the proposal is consistent with the desired future character statement.

16.1.3 Desired Future Character Statements

In the small coastal settlements of:

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

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

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

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

Planner Response:

The lots are demonstrated to be large enough to accommodate the development of a dwelling, including capacity for onsite waste water treatment, car parking and private open space. Stormwater is considered in the assessment below and can be adequately managed by conditions. Both lots are in close proximity to piped stormwater mains.

Adequate space on the proposed lot is available to facilitate boats and similar recreational vehicles consistent with the space available on other lots in the vicinity.

Bushfire risk has been considered in the assessment below and is considered to be appropriately managed. The proposed lots are not subject to any other natural hazards and have not been identified as being a site of cultural significance.

The proposed lots are capable of being self-sufficient with respect to water supply and waste water disposal.

The proposal is consistent with the desired future character statement.

Performance Criteria assessment.

16.1.4 Subdivision

Objective

- a) Provides for appropriate wastewater disposal and stormwater management in consideration of the particular characteristics or constraints of the land; and
- b) To ensure the area and dimensions of lots are appropriate for the mixed use characteristics of the locality; and
- c) To encourage residential development that respects the village character; and
- d) Provides frontage to a road at a standard appropriate for the use; and

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e) To further the local area objectives and desired future character statements for the area, if any.					
Acceptable Solutions	Performance Criteria				
<p>A1 Each lot must:</p> <p>a) have a minimum area in accordance with Table 16.4.2 below; and</p> <p style="text-align: center;">Table 16.4.2 – Lot Size</p> <table border="1" style="margin-left: 20px;"> <tr> <td>Connected to an offsite reticulated and re-use system</td> <td style="text-align: center;">1200m²</td> </tr> <tr> <td>For onsite waste disposal</td> <td style="text-align: center;">2500m²</td> </tr> </table> <p>b) be able to contain a 18m diameter circle with the centre of the circle not more than 18m from the frontage; or</p> <p>c) required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>d) for the provision of public utilities; or</p> <p>e) for the consolidation of a lot with another lot with no additional titles created; or</p> <p>f) to align existing titles with zone boundaries and no additional lots are created; and</p> <p>A1.2 Lots must have new boundaries aligned from buildings that satisfy the relevant acceptable solutions for setbacks.</p>	Connected to an offsite reticulated and re-use system	1200m ²	For onsite waste disposal	2500m ²	<p>P1 Each lot must have sufficient useable area and dimensions suitable for its intended use having regard to:</p> <p>a) the relevant requirements for development of buildings on the lots;</p> <p>b) the intended location of buildings on the lots;</p> <p>c) the topography of the site;</p> <p>d) the presence of any natural hazards;</p> <p>e) adequate provision of private open space; and</p> <p>f) the pattern of development existing on established properties in the area.</p>
Connected to an offsite reticulated and re-use system	1200m ²				
For onsite waste disposal	2500m ²				

Planners Response: Relies on performance criteria.

While the proposed open space area complies with the Acceptable Solutions, the proposed residential lots rely on the Performance Criteria. Lot 60 is an internal lot and does not contain an 18m²diameter circle within 18m of the frontage, while Lot 61 is less than 2500m² in area.

The proposed lots are considered to have sufficient usable area and dimensions to accommodate a residential use and associated development.

The proposal is consistent with the pattern of development in the area and follows the linier development of dwellings along Bush Haven. It also maintains the presence of a substantial internal open space area, albeit, reduced in size, maintaining the pattern of residential properties interspersed with vegetated open space areas. The area and dimensions of the

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lots are consistent with those of the existing residential lots in the vicinity. There are a number of close by lots with an area of 1300m² approx. and lots as low as 1044m².

Both lots include a buildable area with a minimum dimension of 20m², capable of containing a dwelling and complying with both the setback requirements of the Village Zone and setback requirements for bushfire management.

A waste water assessment prepared by a suitably qualified person has been submitted with the application, demonstrating that the lots have adequate capacity to manage waste water onsite.

The topography of Lots 60 and 61 is relatively flat and not prohibitive of development.

Therefore, the proposal complies with the Performance Criteria and is consistent with the objective.

<p>A3 Each lot must be connected to a:</p> <ul style="list-style-type: none"> a) reticulated water supply; and b) reticulated sewerage system. 	<p>P3 Each new lot created must be:</p> <ul style="list-style-type: none"> a) in a locality for which reticulated services are not available or capable of being connected; and b) capable of accommodating an on-site wastewater management system.
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Planners Response: Relies on performance criteria.

The lots proposed are not connected to reticulated services, therefore the proposal relies on performance criteria.

The locality of Lulworth is entirely unserved by reticulated water, therefore onsite water is required to be used by all developments in this subdivision. This is typical of the coastal towns.

The application includes a waste water assessment prepared by a suitably qualified person demonstrating lots 60 and 61 are capable of managing waste water onsite in addition to the development of a dwelling. Council's Consultant Environmental Health Officer has reviewed the assessment and advised that the lots are suitable for onsite waste water management.

The particular type of system will be determined based on site and development specific investigation if/when an application for building approval is received.

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

<p>A4 Each lot must be connected to a reticulated stormwater system.</p>	<p>P4 If the proposed site is unable to be connected to a reticulated stormwater system then all runoff from the subdivision can only be released from the site in a manner that will not cause</p>
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	<p>an environmental nuisance, and that will prevent erosion, siltation or pollution of any watercourses, coastal lagoons, coastal estuaries, wetlands or inshore marine areas, having regard to:</p> <ul style="list-style-type: none">i) the intensity of runoff that already occurs on the site before any development has occurred for a storm event of 1% Annual Exceedance Probability (pre-development levels); andii) how the additional runoff and intensity of runoff that will be created by the subdivision for a storm event of 1% Annual Exceedance Probability, will be released at levels that are the same as those identified at the pre-development levels of the subdivision; andiii) whether any on-site storage devices, retention basins or other Water Sensitive Urban Design (WSUD) techniques are required within the subdivision and the appropriateness of their location; andiv) overland flow paths for overflows during extreme events both internally and externally for the subdivision, so as to not cause a nuisance.
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Planners Response: Relies on performance criteria.

The proposal relies on a combination of onsite management of stormwater and the use of the existing easement.

An 8m wide drainage easement is located in the open space lot and contains public stormwater infrastructure. Lot 61 is capable of discharging stormwater directly to the drainage easement.

Lot 60 will require an onsite stormwater absorption trench. Consideration of stormwater management is included in the waste water assessment. The sandy, free draining soils onsite provide adequate opportunity for onsite absorption of stormwater, ultimately draining to the existing drainage line.

The proposal complies with the Performance Criteria, providing adequate opportunity for drainage and is 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.

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>

Planners Response: Relies on Performance Criteria.

Sight distances for the proposed accesses onto Bush Haven are less than those required by Table E4.7.4. Although the sight distance at the access is less than that required by Table E4.7.4, the development can be managed to ensure an adequate degree of safety.

The lot accesses are located in a low speed residential environment with a speed limit of 40km/h. Councils Infrastructure Department has advised that the line of sight for exiting/entering onto Bush Heaven Road for proposed Lot 61 appears to be satisfactory.

However, for Lot 60, there is a need for improvement to the sight lines. It is recommended that the permit be conditioned to require the trimming of overgrown tree limbs/branches in order to increase sight distances at the entrance, to the satisfaction of Council's Director Infrastructure and Development.

With a condition to improve the safe sight distances for Lot 60, the proposal complies with the Performance Criteria and will not compromise the safety or efficiency of the road network, consistent with the objective.

E10.0 Recreation and Open Space Code

E10.6.1 Provision of Public Open Space

Objective	
<ul style="list-style-type: none"> a) To provide public open space which meets user requirements, including those with disabilities, for outdoor recreational and social activities and for landscaping which contributes to the identity, visual amenity and health of the community; and b) To ensure that the design of public open space delivers environments of a high quality and safety for a range of users, together with appropriate maintenance obligations for the short, medium and long term. 	
Acceptable Solution	Performance Criteria
<p>A1 The application must:</p> <ul style="list-style-type: none"> a) include consent in writing from the General Manager that no land is required for public open space but instead there is to be a cash payment in lieu; 	<p>P1 Provision of public open space, unless in accordance with Table E10.1, must:</p> <ul style="list-style-type: none"> a) not pose a risk to health due to contamination; and b) not unreasonably restrict public use of the land as a result of: <ul style="list-style-type: none"> i) services, easements or utilities; and ii) stormwater detention basins; and iii) drainage or wetland areas; and iv) vehicular access; and c) be designed to: <ul style="list-style-type: none"> i) provide a range of recreational settings and accommodate adequate facilities to meet the

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	<p>needs of the community, including car parking; and</p> <ul style="list-style-type: none"> ii) reasonably contribute to the pedestrian connectivity of the broader area; and iii) be cost effective to maintain; and iv) respond to the opportunities and constraints presented by the physical characteristics of the land to provide practically useable open space; and v) provide for public safety through <i>Crime Prevention Through Environmental Design</i> principles; and vi) provide for the reasonable amenity of adjoining land users in the design of facilities and associated works; and vii) have a clear relationship with adjoining land uses through treatment such as alignment, fencing and landscaping; and ix) create attractive environments and focal points that contribute to the existing or desired future character statements, if any; and <p>d) have a minimum area of 5000m².</p>
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Planners Response: Relies on Performance Criteria.

The application includes an area to be transferred as public open space.

This area, along with the entirety of the lot is currently identified as “Private Open Space” on the sealed plan, with a right of footway benefitting Lots 1-14. It remains in private ownership and is managed by the land owner in combination with the efforts of the surrounding community.

The status as private open space is largely a result of an intention at the outset of the development for the entirety of the Tam O’Shanter development at the eastern end of Lulworth to be a privately owned community, with an incorporated association being

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responsible for the management of roads, drainage and open space areas within the development. While the development did not proceed with as originally envisioned, the eastern neighbourhood of Lulworth remains interspersed by areas of open space which remain in private ownership and have various rights of access, including the subject lot.

The subject private open space has practically been utilized as open space by the community. A number of informal, but well defined, tracks traverse the title and it has been informally improved with signage and picnic tables. The open space provides access to the coastal reserve, however, Parks and Wildlife does not maintain an access track from the property to the beach. While a track exists, no licence has been issued to any party to undertake works or remove vegetation on the reserved land. Should Council desire to maintain the open space with an intent to provide beach access, a licence would need to be obtained from the Crown to undertake maintenance of any track extending to the beach. Discussion with Parks and Wildlife Officers have suggested there is no obvious impediment to obtaining a licence, but application would need to be made and an assessment undertaken via the normal channels before there is certainty.

The proposed public open space will contribute to the mix of recreational settings in the Lulworth community, providing an off road pedestrian route through native vegetation with potential to formalize a link to the beach. This is consistent with the needs of the community, where the natural setting and proximity to the beach is a primary attractor to living in and visiting the area. While the beach is the primary public open space in the area, and access appears to be abundant, in reality formal access to the beach is limited.

The site does not have a history of being used for any contaminating activity.

While there is currently no formal parking, the site has frontage to Bush Haven and there is ample cleared area for informal parking or development of a formal parking space.

Maintenance of the public open space is anticipated to be relatively low. Periodic maintenance to keep walking tracks free from encroaching vegetation is likely to be required. Lawned areas are largely maintained by native wild life. Occasional maintenance to remove excessive combustible plant material may also be required to manage fire risk.

Some improvements, such as wayfinding and improved creek crossings are also likely to enhance the space, but are not strictly required in the short term. As the space is intended to act as a natural space and walkway, there is no express intent for substantial improvement unless desired by Council at a later date.

A drainage easement crosses the title and contains an open drain/watercourse. As the principle use of the open space is intended to be as a walking route, the drain is not anticipated to compromise its intended function.

There is currently no fencing or clear delineation between the open space and several of the adjacent private properties. It is likely that some form of clear delineation will be required to identify the extent of the open space to users.



Figure 9: Unfenced areas circled in red.

A number of properties overlook the open space and in several instances the fencing has a high degree of transparency or, as above, is non-existent. This allows for some passive surveillance within the reserve. Although internal open space areas with small frontages are not ideal, the remoteness of the community is sufficient to ensure the open space does not provide an unreasonable risk to opportunistic crime. Given the existing use and function of the space, the risk to safety and security will not be increased by transferring to Council. As public open space Council would have the ability to limit fence heights to assist with passive surveillance.

The area is in excess of 5000m².

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

10. REFERRALS

Internal Referrals

Infrastructure

The application was referred to Council's Infrastructure Department.

"The line of sight for exiting/entering onto Bush Haven Road for proposed Lot 61 appears to be satisfactory.

However, for Lot 60, there is a need for Sight Line improvement work, including the trimming of overgrown tree limbs/branches as part of the proposed development. The line of sight is hindered due to its location and the geometry of Bush Haven Road in this area."

Environmental Health

The application was referred to Council's consultant Environmental Health Officer. The following was provided:

"I believe both lots will be capable of supporting a residence with OWMS providing careful design, particularly in relation to Lot 61.

I would also suggest a condition in relation to the disposal of vegetation eg prohibit burning of cleared vegetation..."

It is noted that clearance has already occurred on the lots and burning of green waste is generally regulated via the *Environmental Management and Pollution Control Act 1994* and a further condition is not considered necessary.

External Referrals

The application was referred to TasNetworks. TasNetworks advised:

"Based on the information provided, the development is not likely to adversely affect TasNetworks' operations."

11. SERVICES

Road

Access is proposed to Bush Haven from the proposed lots and the proposed public open space.

Sewer

The land is not serviced by sewer. The proposed lots have been considered by Council's consultant Environmental Health Officer and are capable of managing waste water onsite.

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Water

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

Stormwater

A Council managed drain is located at the low point in the landscape in close proximity to the proposed lots. The lots have adequate space to manage stormwater onsite with opportunity to drain to the easement if required.

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

Easements:

The subject property includes a drainage easement containing a mix of piped and open drainage infrastructure maintained by Council.

Part V Agreements:

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

Covenants:

The title is impacted by a number of private covenants. Full details are included in the schedule of easements included in the attachments. Covenants are not relevant to an assessment of a planning application for compliance with the planning scheme.

However, as the intent is for a portion of the land to transfer to Council, in this instance, it is prudent to be aware of the impact of covenants.

Currently the land is designated Private Open Space on the sealed plan with a right of footway benefitting lots 1-14 on this plan. It is noted the proposed subdivision is currently at odds with the private open space status, as this designation will carry onto the new Lots 60 and 61 and the right of access to other lot owners will be in direct conflict with any residential use and development. It is also noted that the covenants restrict each of the original lots on the sealed plan to a single main building and a single dwelling unit. In order to avoid conflicting with the covenants, it will be necessary for the land owner to amend the sealed plan to remove the right of access to the new lots and to ensure there is opportunity to erect a dwelling on each lot. It is the responsibility of the landowner to take this step and Council cannot compel such an action to occur.

Council also has the ability to initiate an amendment to the Sealed Plan. While the private right of footway is unlikely to be compromised by making access to the land public, Council can initiate an amendment to the sealed plan to remove the covenants applicable to the open space if it is considered necessary.

The process of removing the covenants under the *Local Government (Building and Miscellaneous Provisions) Act 1993* is mutually exclusive of the assessment of a planning application under the *Land Use Planning and Approvals Act 1993* and cannot be given effect through a planning permit.

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While there are a number of other covenants on the title restricting the use and development of land, they largely apply to the development of buildings on the land and are unlikely to impact Council's ability to manage the land as public open space.

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*.

Local Government (Building and Miscellaneous Provisions) Act 1993:

The proposed development includes provisions for public open space. In accordance with Section 85 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, Council may refuse to approve a plan of subdivision if it is of the opinion that the layout should be altered to omit public open space.

As such, should Council determine that transfer of the open space is not in the public interest, this section provides an avenue for refusal.

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.

14. ALTERNATIVE OPTIONS

Council can approve the application with alternative conditions or refuse the application with appropriate grounds.

15. CONCLUSION

The application for construction and use of Subdivision (2 Lots and Public Open Space) at Lot 15 Bush Haven, Lulworth (CT 49450/15), 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. The proposed public open space is considered to enhance the urban environment, providing an opportunity for off street walking and recreation, with an opportunity to formalise public access to the beach.

16. RECOMMENDATION

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That the application for use and development, Subdivision (2 Lots and Public Open Space) at Lot 15 Bush Haven, Lulworth (CT 49450/15) 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. 6ty⁰, Project No. 21.077, Drawing No. P02, Rev B. dated 22/05/2023;
- b. 6ty⁰, Project No. 21.077, Planning Compliance Assessment, 19/06/2023;
- c. JD Consulting, Onsite Waste Water Assessment, dated 23/05/2023;
- d. Rebecca Green and Associates, Bushfire Hazard Assessment Report and Bushfire Hazard Management Plan, Job No. RGA-B2289, dated 24/05/2023;

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

2. DRIVEWAY CROSSOVERS

Prior to the sealing of the Final Plan, the driveway crossovers servicing each lot are to be constructed and sealed in accordance with the endorsed plans, Tasmanian Standard Drawing TSD R03-v2 and TSD R04-v2 and to the satisfaction of Council's Director Infrastructure and Development.

Prior to undertaking any works within the road reserve, the developer must make application to Council for a road opening permit using Council designated form and obtain Council's written approval. All these works must be at the expense of the person responsible for the development.

3. SAFE SIGHT DISTANCES

Prior to the sealing of the Final Plan, the developer must undertake minor vegetation management adjacent to the Lot 60 access to achieve safe sight distances to the satisfaction of Council's Director Infrastructure and Development.

Vegetation removal is to be limited to the extent reasonably required to achieve safe sight distances.

4. COVENANTS ON SUBDIVISIONS

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

- a) such covenants or controls are expressly authorised by the terms of this permit;
- or

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b) such covenants or similar controls are expressly authorised by the consent in writing of the Council.

See Note 7 for further information relating to covenants.

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 Council's Director Infrastructure and Development.

7. CONVEYANCE OF PUBLIC OPEN SPACE

On sealing of the final plan of survey the public open space lot identified on the plan of subdivision must be conveyed to the Council and the lot issued directly in the name of George Town Council. All costs involved in this procedure must be met by the developer.

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2023/73. You should contact Council with any other use or development, as it may require the separate approval of Council. Council's planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
 - a. Plumbing approval
 - b. Building approval
 - c. Approval to undertake work in the road reserve.

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

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information see the Tasmanian Civil & Administrative Tribunal website www.tascat.tas.gov.au.

5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within six (6) months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
7. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor. In this case it is noted that the proposed residential lots will be burdened with a right of footway in favour of other lot owners in the subdivision. It is strongly recommended that the owner take steps to amend the sealed plan prior to undertaking any further work.
8. If any Aboriginal relics are uncovered during works:
 - a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c. The relevant approval processes will apply with state and federal government agencies.

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

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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**7.3 DA 2022/109 - 2 GREENHYTHE ROAD, HILLWOOD - EXTRACTIVE INDUSTRIES
(INTENSIFICATION OF EXISTING LEVEL 2 QUARRY)**

REPORT AUTHOR:	Statutory Town Planner - Mr J. Simons
REPORT DATE:	15/08/2023
FILE NO:	DA 2022/109
ATTACHMENTS:	<ol style="list-style-type: none">1. ATTACHMENT 1: Assessment of Compliance with Acceptable Solutions - DA 2022/109 [7.3.1 - 40 pages]2. Plans & Supporting Information - DA 2022/109 [7.3.2 - 439 pages]3. Environmental Assessment Report - DA 2022/109 [7.3.3 - 61 pages]4. Environmental Protection Authority - Permit Part B (no. 11398) - DA 2022/109 [7.3.4 - 16 pages]5. Representation - DA 2022/109 [7.3.5 - 2 pages]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	East Arm Resources
Site Address:	2 Greenhythe Road, Hillwood & adjoining Road Reserves
Titles Details:	CT's 182487/1 (formerly 175732/1 & 152416/12), 175733/1 & 175735/1 and adjoining road reserve.
Property ID:	9990364
Zone:	Rural Resource
Use:	Extractive Industries
Proposed Development:	Intensification of existing Level 2 Quarry
Application Received:	16/12/2022

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for the Intensification of existing Level 2 Quarry at 2 Greenhythe Road, Hillwood & adjoining Road Reserves (CT 182487/1, 175733/1 & 175735/1).

It is noted that following the advertising of the application two of the titles and portions of the road reserve involved were acquired by the landowner and amalgamated with the title, resulting in a change in the title numbers. As the change occurred following the advertising period, it is not considered to have resulted in any party being disadvantaged.

The application proposes to increase the annual extraction rate of the quarry to 130,000m³ per annum, the equivalent of approximately 208,000 tonnes. The application does not propose to increase the approved footprint of the existing quarry.

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No new buildings are proposed as part of the application. The intensification of use will see the introduction of spot shipments (export) of aggregate to non-Tasmanian locations, likely be via the Bell Bay Port at Bell Bay.

The application was referred to the Environment Protection Authority (EPA) as a level 2 Activity in accordance with the Section 25 of *The Environmental Management and Pollution Control Act 1994*. The EPA have assessed the application and determined that the environmental aspects of the proposal can be effectively managed through conditions.

One representation was received during the advertising period from the Department of State Growth. The representation does not raise any objection to the proposal, but indicates a Works Permit will be required for works in the State Road Reserve. The proposal does not include any works in the State Road Reserve and as such the representation has little relevance to the proposal. Regardless a note has been included in the recommendation addressing this matter.

The application has been assessed against all of the applicable Acceptable Solutions and Performance Criteria of the Planning Scheme and 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 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

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The subject site is located at 2 Greenhythe Road, Hillwood, predominately on CT 182487/1 (formerly 175732/1 & 152416/12), a small portion of CT 175733/1 & stockpile area on CT 175735/1.

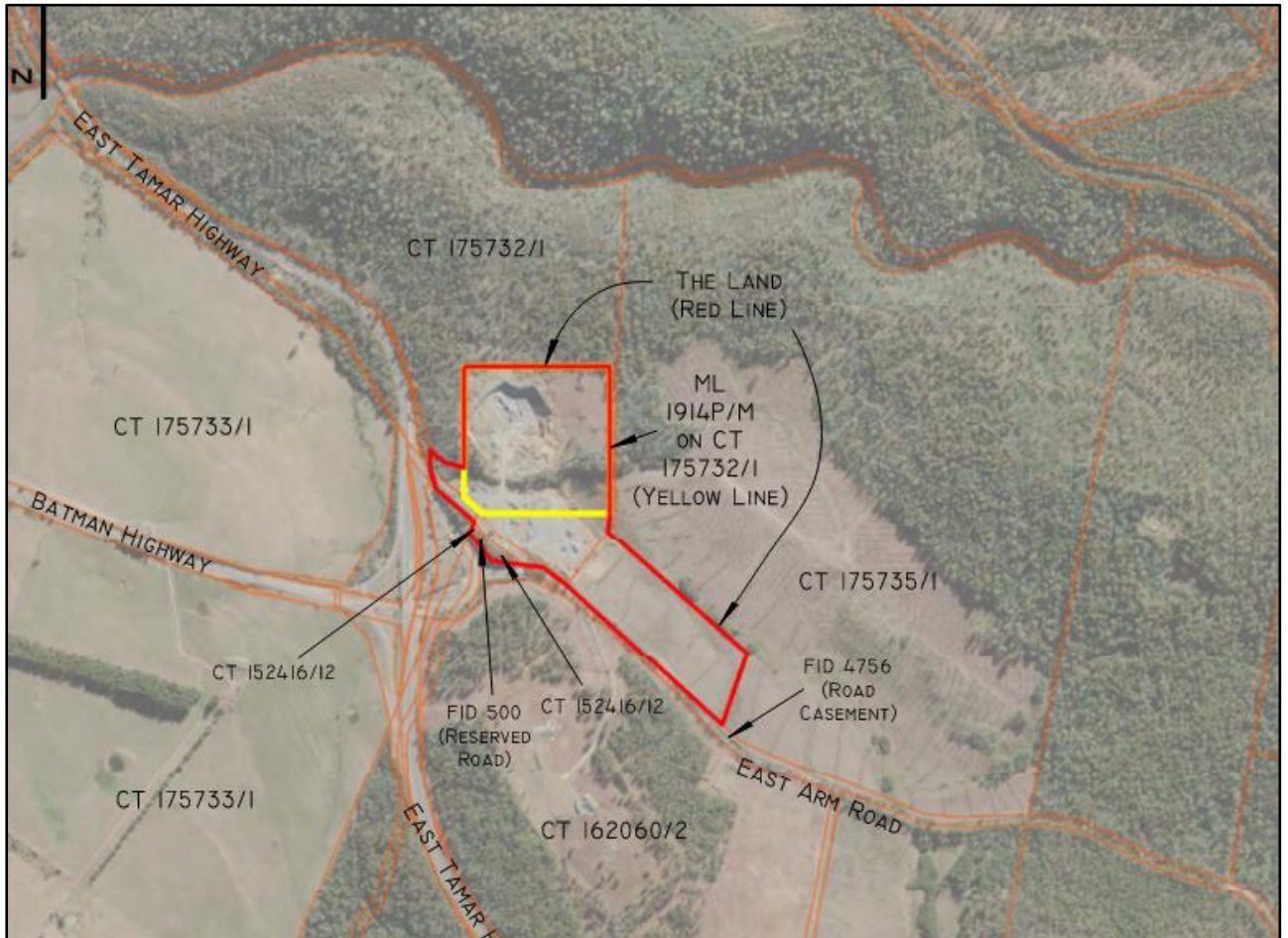


Figure 1: Aerial photo of subject title (outlined in red) and surrounding land (East Arm Resources, 2023).

The site is to the north of the East Tamar Highway, adjacent to the Batman Highway interconnector. The site of the quarry includes extensive vegetation buffers between the site and properties to the north, which are largely forested. The land to the east and south comprises a mix of agricultural pasture, forestry and native forest. The land to the west of the East Tamar Highway predominately comprises pasture. The nearest dwelling is located approximately 505m to the south of the quarry (690m from the nearest rock extraction).

The site has been developed with an existing had rock quarry, which commenced operating in 2011. The site expanded to a Level 2 quarry in 2011, under DA 2010/104, with an extract and process capacity of up to 50,000m³ of rock per annum. Approval was given in 2022 via DA 2022/007 for additional infrastructure, including an office, weighbridge, amenities, laboratory and other incidental structures.

The titles are un-serviced. Water, sewerage and stormwater are managed onsite via existing systems.

The existing access to the site is from East Arm Road, which has been designed to accommodate heavy vehicle movements to and from the site. Access to the East Tamar Highway, the primary freight route, is within 100m of the access.

The site is predominately located in the Rural Resource Zone, with a small portion in the Utilities Zone.

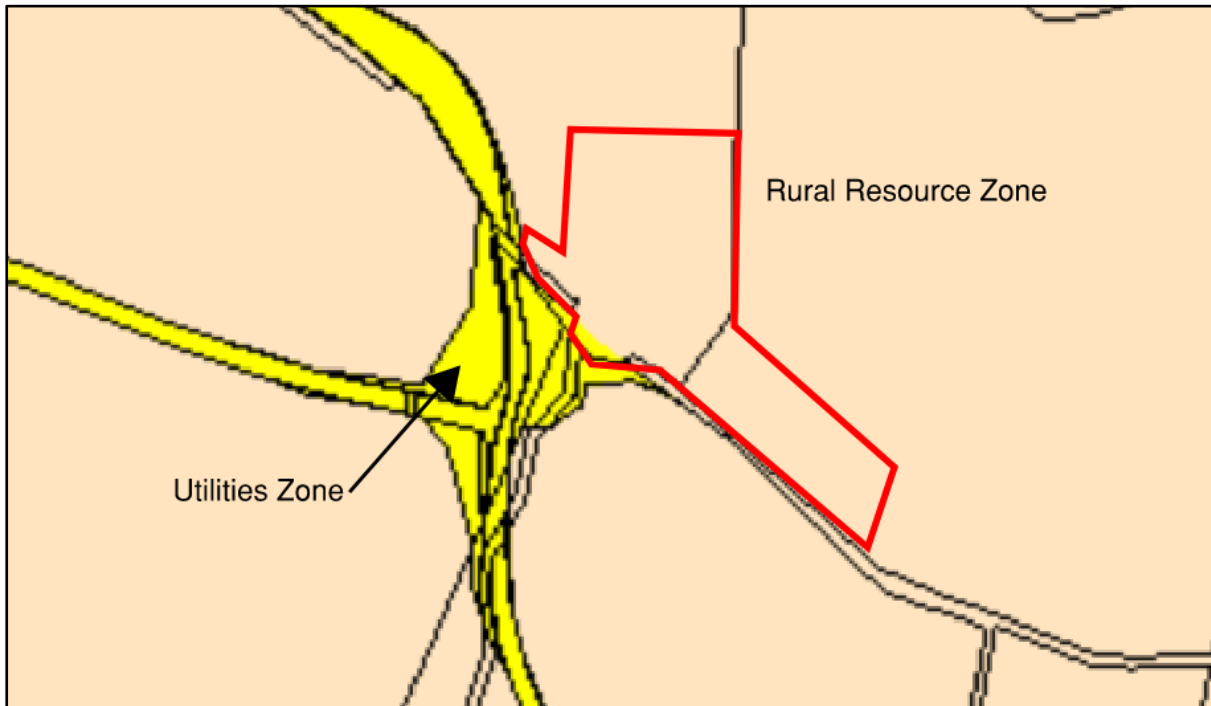


Figure 2: Zoning of development site (outlined in red).

The site is subject to a bushfire hazard overlay, but as it is not considered a sensitive or hazardous use, therefore this code does not apply.

The East Tamar Highway is designated a scenic tourist corridor, however, no development is proposed within 100m of the Highway.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 2 Greenhythe Road, Hillwood for Intensification of the existing Level 2 Quarry.

The application proposes an increase to the rate of extraction from 90,000 tonnes per annum to approximately 208,000 tonnes (130,000m³ per annum). The application does not propose to increase the approved footprint of the existing quarry and no other development is proposed.

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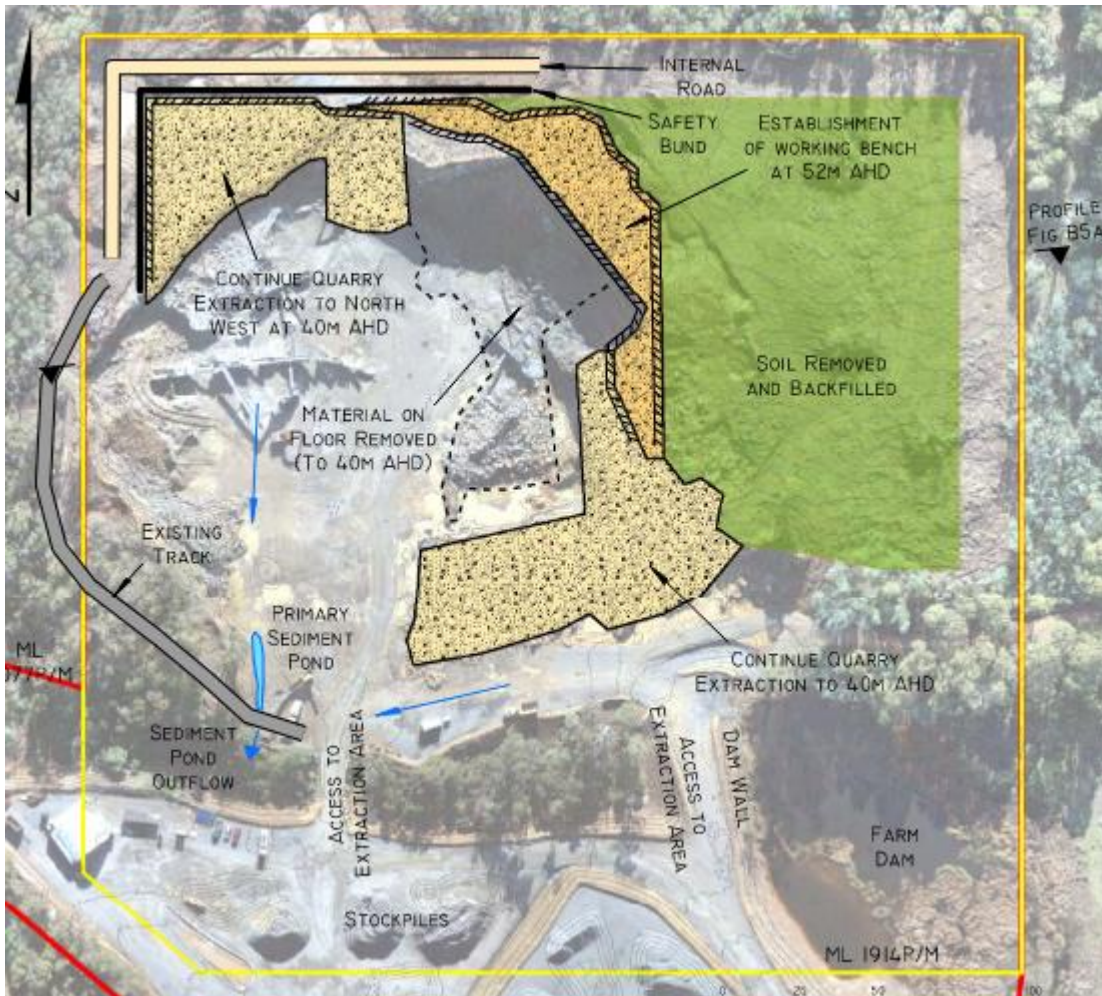


Figure 3: Proposal Plans (showing extent of 6 months extraction)

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Figure 4: Proposal Plans showing extent of 2 years extraction.

The full plans submitted are included in the attachments.

8. REPRESENTATIONS

The Application was advertised for community consultation from 03/06/2023 to 03/07/2023. One (1) representations was received and is 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
Department of State Growth- The submission related to a recommendation in the Traffic Impact Assessment, with the Department having no objections, but advising that a permit would be required prior to any works commencing on Department of State Growth roads.	The Traffic Impact Assessment submitted with the application was prepared with respect to a much larger expansion. The TIA includes thresholds where additional upgrades are required to the State Road. However, the current application does not trigger these thresholds and as such does not propose any works in the State Road Reserve.

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	Regardless, a note will be included on the permit indicating a works permit is required for work in the Road Reserve. Generally the representation indicates there is no objection to the proposal.
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A submission was also received from TasRail after the completion of the advertising period. The submission acknowledged receipt of the notification and advised TasRail had no concerns with the proposal.

9. STATUTORY REQUIREMENTS

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

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

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

9.1 Use Class

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

“use of land for extracting or removing material from the ground, other than Resource development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.”

The [Title] Use Class is classified as a Discretionary use in the Rural Resource Zone and a discretionary use in the Utilities Zone. The proposal is also for a Level 2 Activity and, as such, 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.

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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

26. Rural Resource Zone

26.1 Zone Purpose

26.1.1 Zone Purpose Statements

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

Planners Response:

The application is consistent with the Zone Purpose Statements and provides for a primary industry activity, principally the intensification of an existing Level 2 quarry.

26.1.2 Local Area Objectives

a)	<p>Primary Industries:</p> <p>Resources for primary industries make a significant contribution to the rural economy and primary industry uses are to be protected for long-term sustainability.</p> <p>The prime and non-prime agricultural land resource provides for variable and diverse agricultural and primary industry production which will be protected through individual consideration of the local context.</p> <p>Processing and services can augment the productivity of primary industries in a locality and are supported where they are related to primary industry uses and the long-term sustainability of the resource is not unduly compromised.</p>
b)	<p>Tourism</p> <p>Tourism is an important contributor to the rural economy and can make a significant contribution to the value adding of primary industries through visitor facilities and the downstream processing of produce. The continued enhancement of tourism facilities with a relationship to primary production is supported where the long-term sustainability of the resource is not unduly compromised.</p>

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

c) Rural Communities

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

Planners Response:

The proposal is consistent with the Local Area Objectives for primary industry activities and provides for the development of non-prime agricultural land for extractive industries.

26.1.3 Desired Future Character Statements

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

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

Planners Response:

The development application is for an increase in the rate of production. However, at this time it is not proposed to expand the quarry footprint or alter its eventual appearance from that already approved. It is noted that the landowner has undertaken substantial roadside plantings fronting the East Tamar Highway, Batman Highway and East Arm Road. New plantings, in addition to the existing mature roadside vegetation are considered adequate to manage the visual impacts of this stage of the proposal. As discussed above, no additional development is proposed. The application is to increase the rate of production, shortening the life of the currently approved quarry, but not expanding the footprint.

The proposal is consistent with the Desired Future Character Statement.

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28. Utilities Zone

28.1 Zone Purpose

28.1.1 Zone Purpose Statements

28.1.1.1 To provide land for major utilities installations and corridors.

28.1.1.2 To provide for other compatible uses where they do not adversely impact on the utility.

Planners Response:

The application is consistent with the Zone Purpose and is for a use that is compatible with utilities. A portion of the land is zoned utilities. This is due to it formerly forming part of the East Tamar Highway Road Reserve. The land not being necessary for ongoing development of the highway, the Department of State Growth has recently sold the land to the landowner of the other titles included in the application.

It is noted that the application does not include any changes that would exclude the Utilities Zone from being used for its intended purpose in the future.

28.1.2 Local Area Objectives

The zone reflects the major utilities developed and provides certainty for the continued operation and investment in those facilities.

Planners Response:

The land is no longer necessary for utilities and has been transferred into private ownership. This notwithstanding, it is noted that the proposal does not compromise the ability for the Utilities Zone to be used for utilities in the future.

28.1.3 Desired Future Character Statements

Features both specific site and linear development with distinctive physical, visual and operational characteristics.

The use may impact on the amenity and safety of land use in the immediate vicinity.

The operational requirements and limitations on alternate site options may necessitate location in sensitive and operational characteristics.

Planners Response:

The land is no longer necessary for utilities and has been transferred into private ownership. This notwithstanding, it is noted that the proposal does not compromise the ability for the Utilities Zone to be used for utilities in the future.

The proposal is consistent with the Desired Future Character Statement.

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Performance Criteria assessment.

26.3.1 Discretionary Uses if not a single dwelling

Objective	
<p>a) To provide for an appropriate mix of uses that support the Local Area Objectives and the location of discretionary uses in the rural resources zone does not unnecessarily compromise the consolidation of commercial and industrial uses to identified nodes of settlement or purpose built precincts.</p> <p>b) To protect the long term productive capacity of prime agricultural land by minimising conversion of the land to non-agricultural uses or uses not dependent on the soil as a growth medium, unless an overriding benefit to the region can be demonstrated.</p> <p>c) To minimise the conversion of non-prime land to a non-primary industry use except where that land cannot be practically utilised for primary industry purposes.</p> <p>d) Uses are located such that they do not unreasonably confine or restrain the operation of primary industry uses.</p> <p>e) Uses are suitable within the context of the locality and do not create an unreasonable adverse impact on existing sensitive uses or local infrastructure.</p> <p>f) The visual impacts of use are appropriately managed to integrate with the surrounding rural landscape.</p>	
Acceptable Solutions	Performance Criteria
A4 If for permitted or no permit required uses.	<p>P4 It must demonstrated that:</p> <p>a) emissions are not likely to cause an environmental nuisance; and</p> <p>b) primary industry uses will not be unreasonably confined or restrained from conducting normal operations; and</p> <p>c) the capacity of the local road network can accommodate the traffic generated by the use.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The environmental impacts of the application, including the likely risk of emissions associated with dust, noise and water quality, have been assessed by the EPA. A copy of the Environmental Effect Report is attached. The EPA concludes that the environmental impacts can be readily managed by conditions, which will be enforced via the Permit Part B. The recommendations of the EPA are supported.</p> <p>The proposal complies with the Performance Criteria and is consistent with the objective.</p>	
A5 The use must:	P5 Except for a wind farm and associated utilities infrastructure located at 553 Old Aerodrome Road (CT 198926/1), 381
a) be permitted or no permit required; or	

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b) be located in an existing building.	<p>Soldiers Settlement Road (CTs 210237/1 and 212067/1) and Soldiers Settlement Road (CTs 152982/5, 104543/1 and 104543/2) it must be demonstrated that the visual appearance of the use is consistent with the local area having regard to:</p> <ul style="list-style-type: none"> a) the impacts on skylines and ridgelines; and b) visibility from public roads; and c) the visual impacts of storage of materials or equipment; and d) the visual impacts of vegetation clearance or retention; and e) the desired future character statements.
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Planners Response: Relies on performance criteria.

Although the proposed intensification of use is not contained within an existing building, it is contained within the footprint of the existing approved quarry. Extraction is not proposed to extend beyond the existing approved footprint, and, as such, the visual appearance will be similar to that already approved.

The existing approved quarry face does not extend beyond a ridgeline or extend into the skyline. And will maintain a quarry face with a natural rock appearance, topped by native vegetation. The quarry floor, including most of the plant and structures are screened by existing vegetation.

Although it is and will be visible from public roads, the landowner has recently undertaken additional vegetation planting along the boundaries with the East Tamar Highway and East Arm Road, along with the installation of a substantial vegetation screen adjacent to the Batman Highway. Once mature, these plantings will result in a significant improvement to the visual impact of the site.

The proposed increase in production rates is not anticipated to result in a radically different appearance to that of the approved quarry and existing plantings will result in an improved visual appearance from public roads. The proposal complies with the Performance Criteria and is consistent with the objective.

28.3.1 Capacity of existing utilities

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Objective	
To ensure that uses do not compromise the capacity of utility services.	
Acceptable Solutions	Performance Criteria
A1 If for permitted or no permit required uses.	P1 The proposal must not unreasonably compromise or reduce the operational efficiency of the utility having regard to: <ul style="list-style-type: none"> a) existing land use practices; and b) the location of the use in relation to the utility; and c) any required buffers or setbacks; and d) the management of access.
<p>Planners Response: Relies on performance criteria.</p> <p>Although part of the land is in the Utilities Zone, it is no longer used for its original purpose and has recently been sold into private ownership. The proposal is for an increase in the rate of production only and does not involve any works that would compromise the use of or access to the Utilities Zoned land. The proposal complies with the Performance Criteria and is consistent with the objective.</p>	

E4.0 Road and Railway Assets Code

E4.6 Use Standards

E4.6.1 Use and road or rail infrastructure

Objective	
To ensure that the safety and efficiency of road and rail infrastructure is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.	
Acceptable Solution	Performance Criteria
A3 For roads with a speed limit of more than 60km/h the use must not increase the annual average daily traffic (AADT) movements at the existing access or junction by more than 10%.	P3 For limited access roads and roads with a speed limit of more than 60km/h: <ul style="list-style-type: none"> a) access to a category 1 road or limited access road must only be via an existing access or junction or the use or development must provide a

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

The proposal will substantially increase the rate of production and will generate additional vehicle movements likely to exceed 10% of the existing. The Traffic Impact Assessment (TIA) submitted with the application has been prepared by a suitably qualified consultant and is based on an extraction rate of 4 million tonnes of material per annum. This rate far exceeds that proposed in the application and, as such, the findings are considered to be applicable to the proposed increase to 208,000 tonnes.

While the assessment identifies additional upgrades are required to the intersections with the Batman Highway, these upgrades are not necessary until a production rate increases to 750,000 tonnes per annum. This rate is well beyond that included in the current application.

The application was referred to the Department of State Growth and to Council's Infrastructure Department. No objections were raised in regard to the findings of the TIA and it is anticipated that the safety and efficiency of the existing road network will not be compromised by the increased traffic.

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

10. REFERRALS

Internal Referrals

Infrastructure

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Council's Technical Officer advised that the recommendations of the TIA are acceptable.

External Referrals

EPA

The application was referred to the EPA as a Level 2 Activity in accordance with Section 25 1(b) of the *Environmental Management and Pollution Control Act 1994*. The attached Environmental Assessment Report prepared by the EPA considers the impacts of the proposal including emissions such as noise, vibrations, air quality, natural values, weed and disease management, waste management and environmental hazards.

The report concludes:

1. the RMPS and EMPCS objectives have been duly and properly pursued in the assessment of the proposal; and
2. the assessment of the proposal has been undertaken in accordance with the Environmental Impact Assessment Principles; and
3. the proposal is capable of being managed in an environmentally acceptable manner such that it is unlikely that the RMPS and EMPCS objectives would be compromised, provided that the Permit Conditions - Environmental No. 11398 appended to this report are imposed and duly complied with.

The environmental conditions are also included in the attachment and referenced in the recommendation.

State Growth

State Growth were notified of the application as an adjoining land owner. The advice of State Growth is discussed in the representation section above. A note is included on the permit confirming that any works in the State Road Reserve will require a works permit approved by the Department of State Growth.

TasNetworks

A referral was issued to TasNetworks on 23 December 2023.

A response was received by Council's Planning Department on 16 January 2023

The following advice was provided -

"Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.

11. SERVICES

Road

Access is available to East Arm Road, via the existing sealed truck access.

Sewer

The site is not serviced by sewer, but has an existing approved onsite waste water treatment system.

Water

The site is not serviced by water.

Stormwater

Stormwater is managed onsite via an approved stormwater management system approved by the EPA.

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

Easements:

CT 175733/1 includes a number of covenants and easements, however, they do not appear to be relevant to the small part of this title that is subject to the proposal.

Part V Agreements:

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

Covenants:

CT 175733/1 includes a number of covenants and easements, however, they do not appear to be relevant to the small part of this title that is subject to the proposal.

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 proposal is a Level 2 activity as classified within Schedule 2 of the *Environmental Management and Pollution Control Act 1994* and has been referred to the EPA. Consideration of the development and the EPA's recommendation is discussed above.

13. STATE POLICIES

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

14. ALTERNATIVE OPTIONS

Council can approve the application with alternative conditions or refuse the application with appropriate grounds.

15. CONCLUSION

The application for construction and use of Intensification of existing Level 2 Quarry at 2 Greenhythe Road, Hillwood & adjoining Road Reserves (CT 175732/1, 175733/1, 175735/1 & 152416/12), 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.

16. RECOMMENDATION

That the application for use and development, Intensification of existing Level 2 Quarry at 2 Greenhythe Road, Hillwood (CT 175732/1, 175733/1, 175735/1 & 182487/1 (incorporating

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prior CTs 175732/1 and 152416/12)), adjoining road reserve - north of East Arm Road; be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

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

- a. East Arm Resources, Environmental Impact Report, pages 1 to 439 inclusive, dated 21 March 2023;

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

2. PARKING WITHIN TITLE BOUNDARIES

All staff and customer vehicles are to be parked within the boundaries of the site, no parking is permitted in the road reserve or between the property boundary and the public road.

3. ENVIRONMENT PROTECTION AUTHORITY CONDITIONS

The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, Environmental No. 11398 which the Board of the Environment Protection Authority (EPA) has required the Planning Authority to include in the permit, pursuant to Section 25 (5) of the Environmental Management and Pollution Control Act 1994 (see Permit Part B, attached).

4. 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.

5. DAMAGE TO PUBLIC INFRASTRUCTURE

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

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2022/109. 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. It is the applicant's responsibility to make sure they have the proper consents/permits in place from the Department of State Growth prior to undertaking any works within the Batman Highway road reserve.
3. 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:

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- a. Plumbing approval
- b. Building approval

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

4. 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.
5. 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.
6. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. 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.
9. If any Aboriginal relics are uncovered during works:
- All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
- The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
- The relevant approval processes will apply with state and federal government agencies.
10. The applicant is requested to remove any planning advertising signs from the property boundary, and to dispose of it in a thoughtful and sustainable manner.

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DECISION

Moved:

Seconded:

VOTING

For:

Against:

8 OFFICE OF ACTING GENERAL MANAGER

8.1 COUNCIL WORKSHOPS - JULY AND AUGUST 2023

REPORT AUTHOR:	Acting General Manager – Mrs C. Hyde
REPORT DATE:	8 August 2023
FILE NO:	14.10
ATTACHMENTS:	Nil

SUMMARY

The purpose of this report is to provide a record of workshops held in accordance with the requirements of Section 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015*.

DATE AND PURPOSE OF WORKSHOP HELD

TUESDAY 25 JULY 2023

- Planning and Building Update
- Capital Works Update
- Weymouth Main Beach Recreation Area Development Plan Presentation
- 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: General Manager

In Attendance: Acting General Manager
Director Corporate & Community Services
Director Organisational Performance, Strategy & Engagement
Director Infrastructure & Development
Planner
Team Leader Building and Planning

Guests: Weymouth Progress Association President

TUESDAY 8 AUGUST 2023

- Unconfirmed Minutes 25 July 2023
- Policy Review – GTC-27 Information Disclosure Policy
- Quarterly Report – Quarter 4 – 1 April – 30 June 2023
- Draft 2023/2024 Annual Plan

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- NRM North Association 'Group A' Representative
- Community Strategic Plan Review – Presentation
- NTDC Regional Priority Projects
- Lulworth Public Open Space
- Weymouth Progress Association Sponsorship Application
- LGAT Motions – General Meeting November
- George Town Airport
- Governance
- 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 (for Lulworth Public Open Space only by phone)

Apologies: Cr Jason Orr
Mr Shane Power

In Attendance: Acting General Manager
Director Infrastructure & Development
Executive Support and Governance Officer
Planner
Team Leader – Building and Planning
Graduate Planner

Guests: Representative from Noa Group

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 25 July and 8 August 2023.

OFFICER'S RECOMMENDATION

That Council receives the report on the Council Workshops held on the 25 July and 8 August 2023.

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DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.2 APPOINTMENT OF ACTING GENERAL MANAGER

REPORT AUTHOR:	Acting General Manager – Mrs C. Hyde Mayor - Cr Greg Kieser
REPORT DATE:	8 August 2023
FILE NO:	14.101
ATTACHMENTS:	Nil

SUMMARY

This report is provided to Council for their consideration to appoint two officers of Council as Acting General Managers in the case of absence of the General Manager and in accordance with the requirements of Section 61B of the Local Government Act 1993.

BACKGROUND

The Local Government Act 1993 Section 61B provides for the Council to appoint a person to act in the office of general manager during every absence of the general manager for a term not exceeding 5 years.

George Town Council appointed Mrs Cheryl Hyde as Acting General Manager resolution number 107/18 at a Special Meeting of Council 1 August 2018 in closed session.

At the General Meeting of Council 23 August 2022, Council appointed Mrs Cheryl Hyde as Acting General Manager with Ms Kristen Desmond as Acting General Manager, if the appointed Acting General Manager was unavailable, resolution number 116/22 under the Local Government Act 1993 Section 61B

STRATEGIC PLAN

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

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 Section 61B:

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
- (a) he or she is absent from duty for any reason; or

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- (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
 - (c) the position of general manager is vacant.
- (2) The mayor may appoint a person to act in the office of general manager if –
- (a) the general manager is absent and no person holds an appointment under subsection (4); or
 - (b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under [subsection \(2\)](#) ends when the first of the following occurs:
- (a) the general manager returns to duty;
 - (b) the term of the appointment expires;
 - (c) the mayor or the council revokes the appointment;
 - (d) a person is appointed as general manager under [section 61](#) .
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.
- (5) An appointment under [subsection \(4\)](#) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
- (a) the term of the appointment expires;
 - (b) the council revokes the appointment;
 - (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

RISK CONSIDERATIONS

The appointment of an Acting General Manager is designed to minimise the risk to the organisation.

The recommendation also provides transparency to the elected members and the community.

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. The aims are as follows:

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

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CONSULTATION

The appointment of an Acting General Manager was discussed at the 8 August 2023 Council workshop.

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 Local Government Act 1993 S61B provides Council with the opportunity to appoint an Acting General Manager for a period of five (5) years. It may be prudent to review Council's delegation to reduce the risk of both the General Manager and Acting General Manager being absent and no person holds the appointment.

At the General Meeting of Council 23 August 2022, Council appointed Mrs Cheryl Hyde as Acting General Manager with Ms Kristen Desmond as Acting General Manager, if the appointed Acting General Manager was unavailable, resolution number 116/22 under the Local Government Act 1993 Section 61B

With the recent resignation of Ms Kristen Desmond, it is recommended that Council appoint an alternative Acting General Manager, in the event of Mrs Cheryl Hyde not being available.

OFFICER'S RECOMMENDATION

That Council:

1. Appoint Mrs Cheryl Hyde as Acting General Manager during the absence of the General Manager in accordance with the requirements of Section 61B(4) of the Local Government Act 1993; and
2. Appoint Mr Andrew McCarthy as Acting General Manager in accordance with the requirements of Section 61B (2) (b) if:
 - (b) *the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.*

DECISION

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Moved:

Seconded:

VOTING

For:

Against:

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8.3 QUARTERLY REPORT - QUARTER 4 - 1 APRIL - 30 JUNE 2023

REPORT AUTHOR:	Acting General Manager - Mrs C. Hyde
REPORT DATE:	17 August 2023
FILE NO:	14.21
ATTACHMENTS:	1. 1 April 2023 - 30 June 2023 - Quarterly Performance Report [8.3.1 - 44 pages] 2. Annex C - GTC Annual Plan 2022 2023 [8.3.2 - 6 pages]

SUMMARY

This report is to present the George Town Council 4th Quarter Performance Report 1st April 2023 – 30th June 2023 to Council for adopting.

BACKGROUND

Council has a motion requiring the production of a quarterly report on the operations of the Council organisation. The quarterly report is produced in line with Council's motion.

The attached performance report represents the final quarterly report for the 2022/2023 financial year. Financial results for the quarter and the year are still subject to external audit and are therefore excluded from the quarterly report. Detailed financial statements will be published in the 2022/2023 Annual Report.

STRATEGIC PLAN

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

Future Direction One - Community Pride

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

Future Direction Four - Leadership and Accountable Governance

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

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

The following legislation is relevant to this report:

The Local Government Act 1993, Section .27 (c), the Mayor is to promote good governance by, and within, the Council.

RISK CONSIDERATIONS

The implementation of a quarterly report is designed to minimise risk to the organisation and increased transparency through providing an ongoing performance report on the Council's financial, strategic and customer service objectives, to the elected members and the community.

FINANCIAL IMPLICATIONS

Nil.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

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

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

CONSULTATION

The draft 4th Quarter Performance Report was presented on the 8th August 2023 Council Workshop.

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 4th Quarter Performance Report is submitted for consideration by Council.

OFFICER'S RECOMMENDATION

That Council:

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1. Receive and notes Councils 4th quarter performance report 1st April – 30 June 2023.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.4 NRM NORTH ASSOCIATION 'GROUP A' REPRESENTATION

REPORT AUTHOR:	Acting General Manager - Mrs C. Hyde
REPORT DATE:	16 August 2023
FILE NO:	14.35
ATTACHMENTS:	1. NRM North Group A Association Membership [8.4.1 - 4 pages]

SUMMARY

This report seeks Council's nomination of a representative to the NRM North Association 'Group A'.

BACKGROUND

Natural resource management (NRM) refers to the management of natural resources such as land, water, soil, plants and animals with a particular focus on how management affects the quality of life for both present and future generations.

The regional model for natural resource management has been established all over Australia. It complements all the ongoing NRM work undertaken by federal, state and local governments, individuals, groups and businesses.

In Tasmania, the regional approach operates under the Tasmanian Natural Resource Management Act (2002). The Act established a framework that includes the Tasmanian Natural Resource Management Council, which advises the minister on NRM issues; and three regional committees, their main role being to develop and implement an NRM strategy for their region.

The Federal Government is involved through a number of national funding programs, most of which are undertaken in cooperation with the states.

NRM North works with the community to care for our natural resources - our water, land, seas and biodiversity. NRM North is one of three formally recognised natural resource management organisations in Tasmania and one of 56 across Australia. The NRM North region covers the sub-regions of Tamar, Break O'Day, Northern Midlands, Dorset, Flinders Island and Meander. Some of our key initiatives include management of our waterways through the Tamar Estuary and Esk Rivers (TEER) Program, property management planning (PMP) and environmental works with private landholders, assisting smallholders through the Small Farm Living Program and management of high priority weeds."

The Annual General Meeting of NRM North is scheduled for the 27 September 2023 and the NRM North constitution requires that prior to each Annual General Meeting, 'Group A' organisations such as Council re-nominate their representative on the Association.

The criterion for Representatives and Proxies is that the nominated member must be an elected representative or a person within a senior role in Council. 'Group A' organisations must be financial members for their representative/s to have voting rights, the cost of which is \$20.00 per financial year.

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Council's representative to the Association is required to attend the AGM and invited to attend strategic meetings and events throughout the year. Proxy's can now be nominated on a meeting by meeting basis. Council's current representative is Cr Tim Harris.

STRATEGIC PLAN

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

Future Direction Four - Leadership and Accountable Governance

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

Future Direction Four - Leadership and Accountable Governance

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

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993.

RISK CONSIDERATIONS

No risks are identified.

FINANCIAL IMPLICATIONS

Annual membership fee of \$20.00.

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

Information was provided to elected members at the 8 August 2023 Council Workshop for consideration of a nomination.

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

At the 23 August 2022 Ordinary Council meeting, Council appointed Cr Harris as Council's Group A representative.

Council is entitled to one representative on the Group and this representative can either be a Councillor or a senior staff member. It is suggested that Council appoints Councillor Tim Harris as the representative for NRM North Association "Group A" for the Annual General Meeting.

OFFICER'S RECOMMENDATION

That Council:

1. Appoints Councillor Tim Harris as the George Town Council representative on the NRM North Association 'Group A' Representation at the 27 September 2023 Annual General Meeting.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.5 DRAFT 2023/2024 ANNUAL PLAN

REPORT AUTHOR:	Acting General Manager – Mrs C. Hyde
REPORT DATE:	17th August 2023
FILE NO:	17.4
ATTACHMENTS:	1. 2695 George Town Council Annual Plan 2023-24 - V 5 [8.5.1 - 40 pages]

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

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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 and 8 August 2023 for feedback.

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The draft 2023/2024 Annual Plan is presented to Council for adoption at its August 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 Council's 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:

9 INFRASTRUCTURE AND DEVELOPMENT

Nil.

10 CORPORATE AND COMMUNITY

10.1 EVENT SPONSORSHIP REQUEST - WEYMOUTH PROGRESS ASSOCIATION

REPORT AUTHOR:	Acting General Manager - Ms C. Hyde
REPORT DATE:	3 August 2023
FILE NO:	23.9
ATTACHMENTS:	1. Application-sponsorship 01 [10.1.1 - 11 pages] 2. Public Liability Co C (1) [10.1.2 - 2 pages]

SUMMARY

The purpose of this report is to provide Council with the opportunity to consider the Weymouth Progress Association's Sponsorship application received by Council on the 27 July 2023 in line with Council's 2023/2024 Sponsorship Program.

BACKGROUND

At the Council meeting held on the 28 January 2020, endorsed the newly created Sponsorship Policy. The development of the policy was in response to a request from Councillors to separate Sponsorship Policy (events) from the Community Assistance Policy (infrastructure and projects). The Sponsorship Policy provides for applications to be submitted to Council by organisations to seek sponsorship funding that will assist in hosting events in the George Town municipality.

One application has been received seeking sponsorship from the Weymouth Progress Association for their Weymouth Progress Association (WPA) Anniversary Event and is being presented to Council for consideration.

Weymouth Progress Association Sponsorship Application Request \$400.00

Council has received a sponsorship application from Weymouth Progress Association for their WPA Anniversary Event to be held in November 2023.

Background:

The Weymouth Progress Association is in its 77th year as a community organisation.

The objectives of the Weymouth Progress Association Inc. (WPA) are the conservation, maintenance and management of the natural environment at Weymouth; the advancement, orderly planning and development of town of Weymouth; to promote a feeling of goodwill and cohesion amongst the Weymouth community; to work together to raise funds to provide better facilities for the Weymouth community and visitors to the area; and to work in harmony with the George Town Council and any other agencies, in order to achieve these aims.

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Funds raised from WPA events are directed, with Community Consultation, towards improvements in and around the Weymouth area. These community priority initiatives are clearly defined in the WPA Strategic Plan, which also aligns closely with the George Town Council Strategic Plan.

The Weymouth Progress Association strives to achieve the community's vision of a vibrant, engaged and diverse township through the provision of quality and affordable services, the usage of available assets and resources, the application of sound governance principles and prudent financial management and a focus on sustainability in all that we do.

Funding received in previous financial years

Minor Sponsorship Program:

2021/2022 - \$500.00 towards the Weymouth Progress Association 75th Anniversary.

2022/2023 - \$400.00 towards the Weymouth Progress Association 76th Anniversary.

Community Assistance Grant Program:

2021/2022 Round 1 - \$1,000.00 towards the Weymouth Main Beach Recreation Area Development Plan.

2021/2022 Round 2 - \$2,000.00 towards Noland Bay Energy Co-operative. It was approved but Grant wasn't executed until September 2022.

Event Description:

The WPA plans to conduct a community event celebrating 77 years of the Weymouth Progress Association. This will include a BBQ, cheese platter, raffle, and live music.

This will allow community members and visitors to engage with each other in an informal setting. Extremely positive feedback from these two events strongly supported this as an annual event. In 2020 the event was recognised as the Community Event of the Year at the George Town Council Australia Day Awards.

Objectives & Outcomes

- To provide an opportunity for community members to get together to celebrate the 77th anniversary of the WPA.
- To provide a family-friendly event.
- To provide live entertainment.
- To promote a sense of community.

STRATEGIC PLAN

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

Future Direction One - Community Pride

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

Future Direction One - Community Pride

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

Future Direction One - Community Pride

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

Future Direction One - Community Pride

- 5. Community groups work together on common goals
 - i. Working together on common goals.

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

- 11. Healthy, active communities
 - i. Knowing how to stay healthy and active and valuing good health outcomes. Eating well, active living, preventative health approaches.

Future Direction Three - Progressive Well-Resourced Communities

- 4. Persons with special needs have local access to needed services
 - i. Understanding local needs and service gaps.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Council's Policy GTC 22 Sponsorship Policy sets out the criteria in which applications are to be considered as follows.

Economic 25%

Ability of the proposed project/event to contribute to a measurable economic benefit in the George Town municipal area. The capacity to provide opportunities for local businesses to leverage the event.

Tourism 25%

Ability of the project/event to increase visitation within the municipal area, or if the activity/event is held outside the municipality, it will provide direct tourism/economic benefits to the municipal area.

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Marketing 20%

The degree to which the project/event proposes to increase the profile of the George Town municipality in a positive way.

Cultural 10%

Degree to which the project/event assists in the development of an inclusive and strong community and increases participation in municipal life for all.

Inspired 10%

The degree to which the project/event has a point of difference from existing project/events. The degree to which the project activates spaces in the city, particularly during quiet periods/seasonal and unused spaces.

Competency 10%

Demonstrated experience; compliance with and capacity to; manage the project/event and sponsorship requirements. The project must demonstrate financial viability.

RISK CONSIDERATIONS

Risks to Council when sponsoring events can be many and varied. Brand association is one such risk that can showcase or damage Council's reputation. Council's reputation can also be jeopardised through sponsorship of inappropriate activities. Council's Sponsorship Policy addresses these risks by defining and clarifying that only 'Appropriate Associations' and 'Appropriate Activities' are to be considered for sponsorship.

Officers have assessed the sponsorship application from Weymouth Progress Association and have determined that the event entity and event activity are an 'Appropriate Association' and hosting 'Appropriate Activities', that pose little risk to Council's reputation.

Risks also exist around legislative requirements, public health and safety and the environment. The applicant has a good history regarding the delivery of past events. They have provided their Public Liability Insurance Certificate of Currency and understand approvals are required to complete with Council. The Event Application has been submitted along with a temporary food licence and request to consume BYO alcohol applications.

FINANCIAL IMPLICATIONS

Councils adopted 2023/2024 sponsorship budget of \$40,000. The approval of each of these applications is accommodated within the budget.

Standing items for 2023/2024:

Tamar Valley Folk Festival	\$9,300.00
TOTAL	\$9,300.00

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Other

Subject to approval or not approval, Weymouth Progress Association will require event approvals from Council to run this event. Weymouth Progress Association has been in contact with Council's Team Leader Community with regard to the event.

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 8 August 2023 Council Workshop.

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

Assessment Table 1

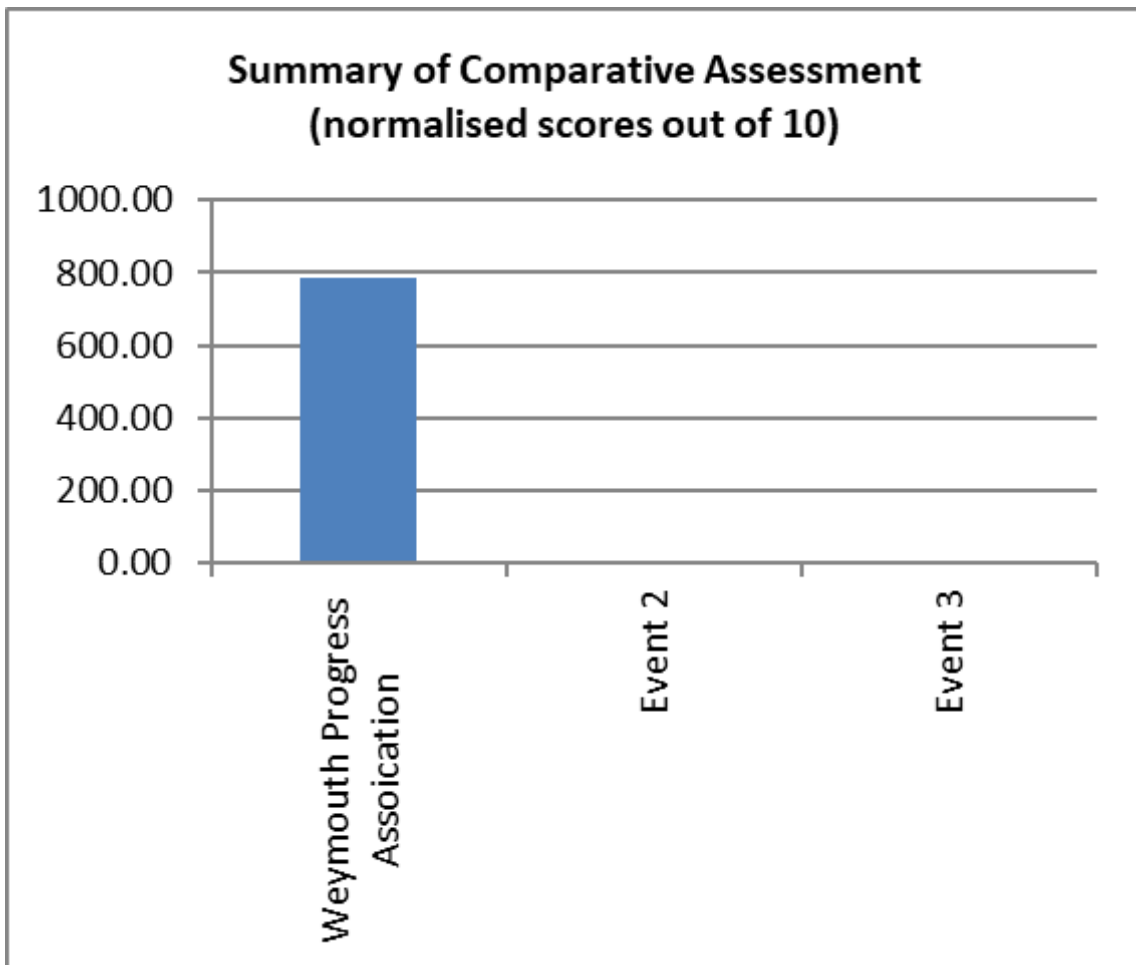
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Sponsorship Evaluation

Comparative Evaluation

Weymouth Progress Association	
Total Cost ->	\$400.00

Selected evaluation criteria	Weight (%)	Score/10	weighted score	Notes
1 Economic Benefit	25.0	7.0	175.0	Sourcing from local businesses
2 Tourism	25.0	8.0	200.0	Locals, shack owners and visitors welcome
3 Marketing	20.0	8.0	160.0	Council's support will be recognised and build relationships
4 Cultural	10.0	8.0	80.0	Great for the locals to socialise
5 Inspired	10.0	7.0	70.0	Always inspiring to see local communities using their facilities to host events
6 Competency	10.0	10.0	100.0	Have the skills to deliver this event, as per previous years and hosting the Easter Market every year.
7				
8				
Total weighting		100.0	total (norm) 785.0	6 criteria scored



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OFFICER'S RECOMMENDATION

That Council:

1. Approve sponsorship funding of \$400.00 to the Weymouth Progress Association for their WPA Event to be held in November 2023.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT

Nil

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12 MAYOR

12.1 MATTERS OF INVOLVEMENT - MAYOR

REPORT DATE: 15 August 2023

FILE NO: 14.11

Mayor Cr Greg Kieser		
July	25	Chaired Council Workshop
	25	Chaired Ordinary Council Meeting
	26	Attended George Town Neighbourhood House meeting
	26	LA FM interview
	26	Met with local developer
	26	Tamar FM interview
August	1	Met with Northern District Police Commander and Inspector
	2	Conducted Australian Citizenship Ceremony
	2	Attended Youth Advisory Group meeting
	5	Attended George Town vs Hillwood Seniors Football game
	7	Participated in UTas Panel for community project management
	8	Chaired Council Workshop
	11	Presented George Town Council's submission at Local Government Board – Tamar Valley Community Hearing
	14	Met with resident
	14	Met with resident
	14	Met with resident
	14	Met with resident
	15	Attended NTDC Board Meeting
Deputy Mayor Cr Greg Dawson		
August	11	Attended the Local Government Board – Tamar Valley Community Hearing

OFFICER'S RECOMMENDATION

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

DECISION

Moved:

Seconded:

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VOTING

For:

Against:

13 PETITIONS

Nil.

14 NOTICES OF MOTIONS

14.1 MARGUERITE STREET PROPERTY - CR LOWE

Moved: Cr Lowe

The Council should examine the capability and address any issues to guarantee continuous utilisation possibilities for the Marguerite Street property located within the Blue Gum Park facility.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

Nil.

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 25 July 2023

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

Agenda Item 16.3 Leave of Absence – Cr Heather Ashley

As per the provisions of Regulation 15(2)(h) 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 Acting General Manager’s Employment Schedule

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

Agenda Item 16.6 Employee Code of Conduct

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

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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16.2 OUT OF CLOSED MEETING

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

DECISION

Moved:

Seconded:

That:

1. Council moves out of Closed Meeting atpm 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 atpm.

**Cr Greg Kieser
MAYOR**