



GEORGE TOWN COUNCIL AGENDA

Notice is hereby given
that the next Ordinary Council Meeting
will be held on
Tuesday 24 October 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.

Shane Power
GENERAL MANAGER

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Meeting Commencing at 1:00 pm

Acknowledgement of Country

George Town Council acknowledges the palawa people from the litarimirina tribe from Port Dalrymple as the traditional custodians of the land.

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

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

AUDIO RECORDING OF COUNCIL MEETINGS

The public is advised that it is **Council Policy** to record the proceedings of meetings of Council on digital media to assist in the preparation of Minutes, and to clarify any queries relating to the Minutes that is raised during a subsequent meeting under the section "Confirmation of Minutes".

The recording does not replace the written Minutes and a transcript of the recording will not be prepared.

All meetings of the Council shall be digitally recorded as provided for by Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015 except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15(2).

In accordance with the requirements of Council's Audio Recording of Council Meetings Policy GTC 1, members of the public are not permitted to make audio recordings of Council meetings.

The community are requested to 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.

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1 PRESENT

1.1 APOLOGIES AND LEAVE OF ABSENCE

1.2 IN ATTENDANCE

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING HELD 26 SEPTEMBER 2023

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 26 September 2023 numbered 156/23 to 167/23 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 that members of the public pre-register to attend meetings 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.”)

Mr G. Neilsen



17 October 2023

Mr G. Neilsen

Dear Mr Neilsen

RE: PUBLIC QUESTION TIME – ORDINARY COUNCIL MEETING 26TH SEPTEMBER 2023

Thank you for the attendance at the Ordinary Council meeting 26th September 2023 Ordinary Council meeting where you asked the following question which was taken on notice:

Q3. Could he have the dates of the signing of the contract and date put to Council?

In response to your question:

1. Council resolution 89/20 – Closed Ordinary Council meeting 26 May 2020.
2. Contract was signed 31 July 2020.

Yours sincerely,

Shane Power
General Manager

5 DECLARATIONS OF INTEREST

6 GENERAL MANAGER'S DECLARATION

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

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



Shane Power
GENERAL MANAGER

LOCAL GOVERNMENT ACT 1993 – SECTION 65

65. Qualified persons

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

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7 PLANNING AUTHORITY

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

7.1 DA 2023/55 - 57 TAMAR AVENUE, GEORGE TOWN - SUBDIVISION (10 LOTS AND ROAD)

REPORT AUTHOR:	Senior Town Planner - Mr J. Simons
REPORT DATE:	26/09/2023
FILE NO:	DA 2023/55
ATTACHMENTS:	<ol style="list-style-type: none">1. Assessment of Compliance with Acceptable Solutions - DA 2023/55 [7.1.1 - 28 pages]2. Plans and Supporting Documents - DA 2023/55 [7.1.2 - 108 pages]3. Representations (x 3) - DA 2023/55 [7.1.3 - 7 pages]4. Applicant Response to Reps - DA 2023/55 [7.1.4 - 1 page]5. TasNetworks - DA 2023/55 [7.1.5 - 3 pages]6. TasWater Submission to Planning Authority Notice - DA 2023/55 [7.1.6 - 3 pages]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	Woolcott Surveys
Site Address:	57 Tamar Avenue, George Town, with drainage via 90 Gerzalia Drive
Titles Details:	1305078/100 & 185313/1
Property ID:	2106132
Zone:	General Residential
Use:	Residential
Proposed Development:	Subdivision (10 Lots and Road)
Application Received:	23/5/2023

1. SUMMARY

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Subdivision (10 Lots and Road) at 57 Tamar Avenue, George Town, with drainage via 90 Gerzalia Drive (CT 1305078/100 & 185313/1).

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The application includes 10 fully serviced lots, ranging between 683m² – 1582², and a new road connecting Tamar Avenue through to White Street.

Three (3) representations were received during the advertising period. The representations largely deal with the servicing of the subdivision with water, sewerage and stormwater, including suggested changes to the infrastructure to accommodate existing and future development. The representations do not object to the subdivision, density or road connectivity.

In this instance the inclusion of a corner truncation adjacent to 84 Tamar Avenue and the formalisation of an open drain adjacent to 51-53 Tamar Avenue are considered warranted.

General conditions relating to the preparation of detailed engineering design drawings are sufficient to ensure the subdivision is appropriately serviced.

The proposal has been assessed against the provisions of the Planning Scheme and are considered to comply with all of the applicable Acceptable Solutions and Performance Criteria. The proposal is recommended for approval with conditions.

2. STRATEGIC PLAN

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

Future Direction Four - Leadership and Accountable Governance

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

3. CONSULTATION

In accordance with section 57(5) of The Land Use Planning and Approvals Act 1993, the application was advertised for public comment for the period of 14 days. Three (3) representations were received and are further discussed in the assessment below.

4. RISK IMPLICATIONS

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

5. FINANCIAL IMPLICATIONS

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

6. SITE AND LOCATION

The subject site is located at 57 Tamar Avenue, George Town, with drainage via 90 Gerzalia Drive (CT 1305078/100 & 185313/1). Since advertising, it is noted that the property at 90 Gerzalia Drive has been divided into separate titles. Proposed drainage works will be

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contained within the newly created CT 185313/1, and the newly created road lot CT 185313/102.

The site is accessed from the terminus of Tamar Avenue and also has frontage on White Street. It has an area of 1.113ha and is relatively flat. The title is encumbered by a right of way and a road widening easement, providing for the connection of Tamar Avenue and White Street. Existing developments include a single dwelling and associated outbuilding. The land is largely cleared of vegetation.

The land is in the General Residential Zone and is identified as a bushfire prone area.

The land surrounding the property is largely in the general residential zone and comprises a mix of single dwellings and vacant residential land.



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

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



Figure 3: subject property, viewed from Tamar Avenue, showing the existing dwelling and outbuilding.

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Figure 4: Subject property, viewed from the White Street (road stub) showing the existing dwelling and outbuilding.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 57 Tamar Avenue, George Town, with drainage via 90 Gerzalia Drive (CT 1305078/100 & 185313/1) for Subdivision (10 Lots and Road).

All lots will be fully serviced, with access to reticulated sewage, stormwater and water.

The lot features are as follows.

Lot No.	Area (m ²)	Site Features
1	759	-
2	730	-
3	695	-
4	683	-
5	716	-
6	751	-
7	676	-
8	728	-
9	1582	Existing Dwelling
10	868	Existing Outbuildings

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100

2939

Proposed Road Lot

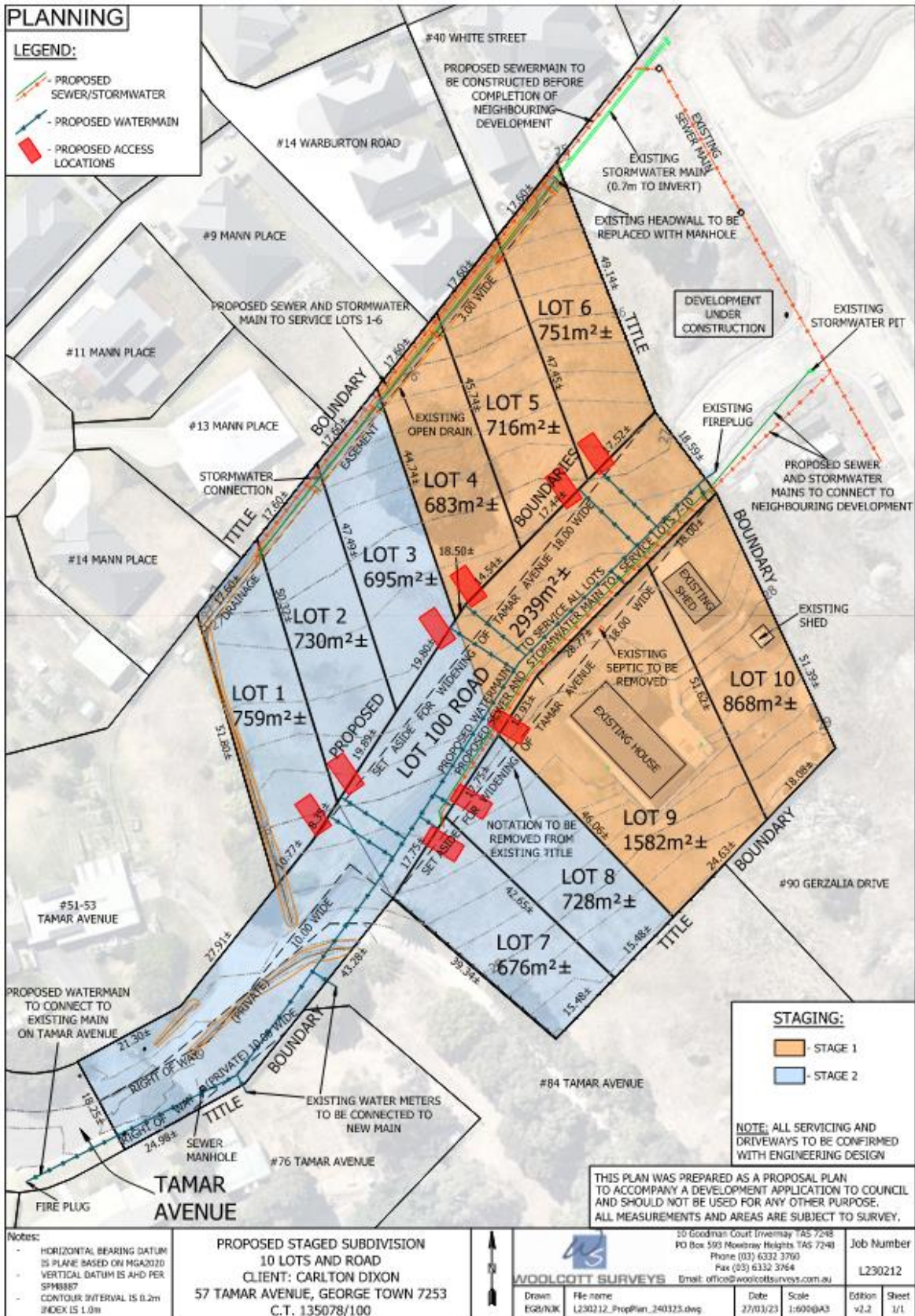


Figure 5: Proposal Plans

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The full plans submitted are included in the attachments.

8. REPRESENTATIONS

The Application was advertised for community consultation from 16/09/2023 to 2/10/2023. Three (3) representations were received and are summarised below.

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

Issues Raised in Representations	Council Response
Three stages unsuitable, due to lack of cost benefit.	It is agreed that dividing the development into three stages is unnecessary. This was discussed with the applicant prior to advertising and the staging was revised to two stages, however, the original staging plan remains in some of the supporting documents. A condition is included on the permit regarding the staging of the development.
Corner of Lot 7 should be truncated to allow for the future development of a road and subdivision of 84 Tamar Avenue.	Road access is required for the future development of 84 Tamar Avenue and it is clear from the historic pattern of subdivision and existing truncation that the intention has been for a road to be located between proposed Lot 7 and the existing property at 76 Tamar Avenue. Truncation to facilitate future development of the road is considered to be a reasonable requirement of the subdivision. A condition is recommended for inclusion on the planning permit.
Concerns regarding the impact of the proposal on water pressure and the need to connect the mains on Tamar Avenue through to White Street.	The application proposes the connection of the water mains on Tamar Avenue to White Street. The representations were forwarded to TasWater for comment. TasWater has confirmed that the proposal will connect the mains between Tamar Avenue and White Street providing a well-looped pipe network potentially alleviating pressure concerns.
Footpath should be located on the south side of the new road to give safe access to the public open space on the river side of Tamar Avenue.	Locating the footpath on the south side of the road is considered to be reasonable and provides future opportunity for high amenity

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	<p>extension and potential access to Council owned public open space in the vicinity. A provision is recommended to be included in the condition relating to the approval of detailed engineering design drawings requiring the footpath on the south side of Tamar Avenue.</p>
<p>Extension of sewer to 84 Tamar Avenue. Additional cost to be borne by the landowner of 84 Tamar Avenue.</p>	<p>TasWater has confirmed that they would not compel the developer to service third party land. However, the landowners are welcome to enter into a private agreement to undertake additional works if they wish to do so.</p>
<p>Extension of stormwater to 84 Tamar Avenue, 76 Tamar Avenue and 51-53 Tamar Avenue. Additional cost to be borne by the landowner of 84 Tamar Avenue.</p>	<p>84 Tamar Avenue is a substantial parcel of land with frontage and fall to the kanamaluka/Tamar. The existing stormwater system installed in Tamar Avenue/White Street has limited capacity. It is likely that the most desirable, functional and feasible option for stormwater management for major development of 84 Tamar Avenue will be via a new discharge point.</p> <p>With respect to 76 Tamar Avenue and 51-53 Tamar Avenue; these lots both front the proposed road. Construction of the road to a full urban standard will include provisions for the drainage of that road, the details of which will be determined through the provision of detailed engineering design drawings prior to construction. Existing stormwater draining through 57 Tamar Avenue, will need to be captured and directed to formal drainage systems.</p> <p>However, the landowners are welcome to enter into a private agreement to undertake additional works if they wish to do so, subject to approval of the final engineering design drawings.</p>
<p>Extension of services to spare block at the east end of 76 Tamar Avenue.</p>	<p>The “spare block” is part of the title for 76 Tamar Avenue. This property has existing service connections and additional service connections are</p>

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<p>Removal of existing sewer servicing 76 Tamar Avenue and crossing 51-53 Tamar Avenue.</p>	<p>not considered warranted. Extension of additional services to this land will be considered if/when an application for subdivision is received and will be the responsibility of that land owner.</p> <p>While the sewer crossing 51-53 Tamar Avenue only services 76 Tamar Avenue, it is part of the existing public sewage network, not just a private lateral connection, and adequately services the lot.</p> <p>TasWater has indicated that it does not oppose alternative servicing and potential removal of the easement from 51-53 Tamar Avenue, however, this is a matter between the landowners and the developer and will not be compelled by TasWater.</p>
<p>Existing private services (water and power) to the dwelling at 57 Tamar Avenue currently cross 51-53 Tamar Avenue and should be relocated.</p>	<p>Existing private services to the dwelling at 57 Tamar Avenue will be disconnected. The developer will need to extend the existing public services and provide new connections for the dwelling. The design and location of those services is controlled by the individual service providers.</p>
<p>Development includes works in Lot 1 and Lot 3, 90 Gerzalia Drive. Subdivision of 90 Gerzalia Drive is complete and as such further works not possible. No agreement has been reached to extend the easement. Design is unlikely to be accepted by TasWater. Sewer manholes have not been proposed by the developer.</p>	<p>The applicant has proposed a drainage route via Lot 1, 90 Gerzalia Drive. Services also possibly encroachment into Lot 3. It is the responsibility of the applicant to ensure that an agreement and consent is in place with the land owner of Lot 1, 90 Gerzalia Drive, prior to construction. If an agreement cannot be secured, an alternative servicing arrangement needs to be considered or the development will be unable to progress. It is likely that services encroaching on lot 3 will be realigned to the rod reserve.</p> <p>TasWater has issued a Submission to Planning Authority Notice confirming the development can be adequately serviced. The detailed engineering design, including pipe sizing, and manhole locations, will</p>

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	require the approval of TasWater prior to construction.
Stormwater system in 90 Gerzalia Drive was designed to accommodate stormwater via Lot 1, 90 Gerzalia Drive. Other connection points were not designed for additional flows.	The application proposes to utilize a stormwater detention system to capture stormwater during a significant rainfall event, releasing the water at a controlled rate, capable of being accommodated within the existing system. Calculations and preliminary designs have been included in the application. Detailed engineering designs are required to be submitted to the satisfaction of Council's engineers prior to construction.

9. STATUTORY REQUIREMENTS

The application was submitted and validated whilst the George Town Interim Planning Scheme 2013 was still in effect and as such the development is assessed against the provisions of that scheme. The assessment of the development is dealt with under the following sections of the *George Town Interim Planning Scheme 2013*:

- 10.0 General Residential Zone
- E4.0 Road and Rail Assets Code
- E6.0 Car Parking and Sustainable Transport Code
- E10.0 Recreation and Open Space Code
- E11.0 Environmental Impact and Attenuation 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 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/Permitted use in the General Residential Zone. However, in this instance, the proposal relies on Performance Criteria and is subject to the discretionary application process.

9.2 Planning Scheme Assessment

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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

10 General Residential Zone

10.1 Zone Purpose

10.1.1 Zone Purpose Statements
10.1.1.1 To provide for residential use or development that accommodates a range of dwelling types at suburban densities, where full infrastructure services are available or can be provided.
10.1.1.2 To provide for compatible non-residential uses that primarily serve the local community.
10.1.1.3 Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area. Some redevelopment sites may also be appropriate for higher density development.
10.1.1.4 Typical residential and non-residential development is to be detached, rarely exceeding two storeys and be setback from the street and property boundaries.
10.1.1.5 To encourage residential development that respects the neighbourhood character and provides a high standard of residential amenity.
Planners Response: The proposal provides for residential subdivision in a serviced area. A range of lot sizes is proposed, which will support a range of dwelling types. The application does not propose any non-residential uses and will not undermine dwellings as the dominant form of development in the area.
10.1.2 Local Area Objectives
George Town will continue as the main centre for residential development and

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expansion will be based on optimising available and planned infrastructure provision and community services

Planners Response:

The proposed development does not undermine George Town as the main centre for residential development and optimises the use of existing infrastructure in the area.

16.1.3 Desired Future Character Statements

Dwellings are to maintain as the predominant form of development with some higher densities encouraged near services and the business area.

Some redevelopment sites may also be appropriate for higher density development.

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

Planners Response:

The proposed development provides for residential allotments of suitable size, dimension and amenity to accommodate residential development consistent with the intent of the General Residential Zone.

Performance Criteria assessment.

10 General Residential Zone

10.4.15 Subdivision

10.4.15.1 Lot Area, Building Envelopes and Frontage

Objective

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

Acceptable Solutions

A1 Lots must:

- a) have a minimum area of 720m² which:
 - i) is capable of containing a rectangle measuring 10m by 15m; and
 - ii) has new boundaries aligned from buildings that

Performance Criteria

P1 Each lot for residential use must provide sufficient useable area and dimensions to allow for:

- a) a dwelling to be erected in a convenient and hazard-free location; and
- b) on-site parking and manoeuvrability; and

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<p style="text-align: center;">satisfy the setback standards.; or</p> <p>b) be required for public use by the Crown, an agency, or a corporation all the shares of which are held by Councils or a municipality; or</p> <p>c) be for the provision of utilities; or</p> <p>d) be for the consolidation of a lot with another lot with no additional titles created; or</p> <p>e) be to align existing titles with zone boundaries and no additional lots are created.</p>	<p>c) adequate private open space.</p>
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Planners Response: Relies on performance criteria.

Four of the proposed lots have areas less than 720m², the smallest being Lot 7 with an area of 676m². Although less than the Acceptable Solutions all of the lots have sufficient area to accommodate the development of a dwelling in a convenient and hazard free location. All of the lots have sufficient area to accommodate a 10mx15m building footprint, along with sufficient area to provide for parking and private open space. While Lots 3, 4 and 5 are encumbered by an easement, it is located to the rear of the lot parallel to the boundary and does not unreasonably compromise the development potential of the lots.

It is noted that the State Planning Provisions allow for subdivision down to an area of 450m². While not applicable, this is indicative that a much smaller area is sufficient to accommodate residential development consistent with the objective of the standard.

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

10.4.15.5 Integrated Urban Landscape

Objective	
To provide attractive and continuous landscaping in roads and public open spaces that contribute to the:	
a) character and identity of new neighbourhoods and urban places; or	
b) to existing or preferred neighbourhood character, if any.	
Acceptable Solutions	Performance Criteria

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<p>A1 The subdivision must not create any new road, public open space or other reserves.</p>	<p>P1 For subdivision that creates roads, public open space or other reserves, the design must demonstrate that:</p> <ul style="list-style-type: none"> a) it has regard to existing, significant features; and b) accessibility and mobility through public spaces and roads are protected or enhanced; and c) connectivity through the urban environment is protected or enhanced; and d) the visual amenity and attractiveness of the urban environment is enhanced; and e) it furthers the local area objectives, if any.
--	--

Planners Response: Relies on performance criteria.

The application includes a new road, connecting the existing terminus of Tamar Avenue, with an intersection road stub on the newly constructed section of White Street. This is a logical extension of the road network, increasing connectivity in the urban environment. The road generally follows the alignment of a road widening easement previously required on the title by Council to protect the road corridor and facilitate this eventual layout. Connection of the road, both for vehicle and pedestrian connectivity is also identified in the George Town Structure Plan.

The proposal complies with the Acceptable Solution and is consistent with the objective.

10.4.15.6 Walking and Cycling Network

Objective	
<ul style="list-style-type: none"> a) To provide safe, convenient and efficient movement through and between neighbourhoods by pedestrians and cyclists; and b) To design footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible. c) To provide adequate provision to accommodate wheelchairs, prams, scooters and other footpath bound vehicles. 	
Acceptable Solutions	Performance Criteria
<p>A1 The subdivision must not create any new road, footpath or public open space.</p>	<p>P1 Subdivision that creates new roads, footpaths, or public open spaces must demonstrate that the walking and cycling network is designed to:</p> <ul style="list-style-type: none"> a) link to any existing pedestrian and cycling networks; and b) provide the most practicable direct access for cycling and

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	<p>walking to activity centres, community facilities, public transport stops and public open spaces; and</p> <p>c) provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood roads and regional public open spaces; and</p> <p>d) promote surveillance along roads and from abutting dwellings.</p>
--	---

Planners Response: Relies on performance criteria.

The development includes a new road. As discussed above the new road provides for increased connectivity within the urban environment for the movement of vehicles and pedestrians. The supporting report submitted with the application confirms the road design will include supporting footpath infrastructure. The permit will be conditioned to ensure pedestrian infrastructure is installed along the full length of the new road and is fully integrated with the footpath on White Street. The footpath will provide for safe pedestrian movement through the subdivision, extend the existing network and provide increased walking options to access open space areas to the west and to the South George Town Primary School to the north.

The road and footpath will connect two existing dead end streets, providing direct and efficient connections between existing residential areas for all road users.

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

10.4.15.7 Neighbourhood Road Network

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

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

The development includes a new road will be required to be constructed to a full urban standard, consistent with that of the surrounding neighbourhood road network to which it connects. The layout and standard is suitable for a low speed residential environment and provides for safe movement of pedestrians and vehicles.

The layout will improve connectivity and provide increased efficiency and route options to access the activity centre of George Town and services.

The proposal does not include any cul-de-sacs, but proposes to connect two dead end roads.

The increased connectivity provides a circular route and minimises the need for emergency services and other large vehicles to safely turn.

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The layout is generally consistent with the alignment of the road widening easement registered to the title and intended to facilitate this connection.

It is noted that the Traffic Impact Assessment submitted with the application suggests a road width of 6.5m based on that of Tamar Avenue. However, measurements of the road indicate a seal width in excess of 8m. The new stub road off White Street provides for a road width of 8.9m, consistent with the LGAT standards. It is recommended that the new section of road be constructed at the same dimensions to the road stub off White Street and the LGAT standards.

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

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E4.0 Road and Railway Assets Code

E4.6.1 Use and road or rail infrastructure

<p>Objective</p> <p>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.</p>	
Acceptable Solution	Performance Criteria
<p>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</p>	<p>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.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposed development is likely to increase the volume of traffic at the intersection with White Street and on Tamar Avenue by more than 40 vehicle movements per day. In this instance the road network is capable of absorbing the additional vehicle movements (a peak of 8 movements per hour) as demonstrated in the traffic impact assessment submitted with the application and prepared by a qualified traffic consultant. Council's Infrastructure Department support the findings of the assessment with respect to traffic volumes and safety.</p> <p>The development complies with the Performance Criteria and is consistent with the objective.</p>	

E11.0 Environmental Impacts and Attenuation Code

E11.6.1 Attenuation Distances

<p>Objective</p> <p>To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.</p>	
Acceptable Solution	Performance Criteria
<p>A1 No acceptable solution.</p>	<p>P1 Sensitive use or subdivision for sensitive use within an attenuation area to an existing activity listed in</p>

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	<p>Tables E11.1 and E11.2 must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm, having regard to the:</p> <ul style="list-style-type: none">a) degree of encroachment; andb) nature of the emitting operation being protected by the attenuation area; andc) degree of hazard or pollution that may emanate from the emitting operation; andd) the measures within the proposal to mitigate impacts of the emitting activity to the sensitive use.
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Planners Response: Relies on performance criteria.

The subject site is located within the attenuation distance of the George Town Wastewater Treatment Plant. The application gives consideration to the impacts of noise and odour on the proposed development and includes a site specific study prepared by a suitably qualified environmental consultant. The study confirms that noise from the plant is eclipsed by noise produced by industrial activities in the immediate area, which remain well below the level (45dB) identified by the EPA as being low enough to avoid sleep disturbance.

Approximately 1.2km separates the development site from the Waste Water Treatment Plant. Odour modelling prepared by Pitt and Sherry for the Plant demonstrates the likely odour levels at the boundary of the subdivision to be 0.6ou (odour units); below the 2ou level considered acceptable under the Tasmanian Environmental Protection Policy (Air Quality).

It is also noted that there are a number of residences located between the proposed subdivision and the Plant. While TasWater has some recorded complaints relating to localised infrastructure such as manholes and pump stations, however, there are no records of complaints from residential properties relating to the operation of the Plant.

It is considered that the proposed separation is adequate to protect the function of the Wastewater Treatment Plant and the amenity of the residential properties. TasWater has not raised any concerns with the assessment.

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

10. REFERRALS

Internal Referrals

Infrastructure

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The application was referred to Council's Engineering Officers, who have advised that the development can be adequately serviced and have assisted with the development of the conditions included in the recommendation.

External Referrals

TasNetworks

The application was referred to TasNetworks. TasNetworks advised:

'the development is not likely to adversely affect TasNetworks operations.
'the standard arrangements will apply for connection to the electricity network'

TasWater

The application was referred to TasWater. A Submission to Planning Authority Notice, TWDA 2023/00664 – GTC, was provided confirming the development can be serviced and outlining TasWater's conditions.

11. SERVICES

Road

Access is available to the subdivision via the existing terminus of Tamar Avenue and the road stub off White Street.

Sewer

The site is serviced by reticulated sewer. Further extension of the network will be required to service the development.

Water

The site is serviced by reticulated water. Further extension of the network will be required to service the development.

Stormwater

The site is serviced by reticulated stormwater. Further extension of the network will be required to service the development.

Public Open Space

No public open space is warranted as part of the proposed development. The site is within walking distance (400m) of Council owned land to the south of Tamar Avenue and to Winston Little Reserve off White Street. It is also a little over 400m from Council owned land off Gerzalia Drive. As such there is considered to be adequate open space in the vicinity.

However, the proposal will result in 10 additional residential lots and will increase the demand for usable, high amenity public open space. The open space areas off Tamar Avenue and Gerzalia Drive are currently significantly under developed, with minimal improvements. The land off Tamar Avenue has limited accessibility. The current ability of these spaces to function

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as usable open space for passive recreation is minimal. Winston Little Reserve has been developed with a small playground, footpath and trees, however, it has a low level of amenity relative to its position in the hierarchy of open space areas and, being internal with limited passive surveillance opportunities, additional investment is warranted to achieve positive open space outcomes into the future. A cash in lieu of public open space provision is considered the more beneficial outcome in this circumstance and provides opportunity for Council to improve the surrounding open space areas to meet demand and the expectations of the community. There are no specific circumstances in this subdivision proposal which would warrant an amount lesser than 5% as provided for in the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

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

Easements:

The subject property contains a number of easements. A drainage easement along the northern boundary will facilitate drainage of the development; the proposal will not compromise the function of the easement.

The proposed road extension will generally follow the alignment of a road widening easement specifically placed on the title for that purpose. As the road does not perfectly align with the easement and will continue to burden private lots, a note will be included on the permit encouraging the developer to apply for the removal of the easement once its purpose is fulfilled.

A right of way benefitting the adjoining land owner at 84 Tamar Avenue, will not be compromised by the proposal, but will become effectively redundant with the development of the road.

Part V Agreements:

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

Covenants:

There are a number of covenants registered to the title, some specifically relevant to the subject lot. The covenants can be viewed within the title documents included in the attachments. The *George Town Interim Planning Scheme 2013* does not require or provide an avenue for consideration of covenants as part of a planning assessment. A note will be included on the planning permit alerting the developer to the covenants and directing them to the appropriate channels to remove them where necessary.

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

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

13. CONCLUSION

The application for construction and use of Subdivision (10 Lots and Road) at 57 Tamar Avenue, George Town, with drainage via 90 Gerzalia Drive (CT 1305078/100 and 185313/1), has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

14. RECOMMENDATION

That the application for use and development, Subdivision (10 Lots and Road) at 57 Tamar Avenue, George Town (CT 1305078/100), with drainage via 90 Gerzalia Drive (CT 185313/1 & 185313/102; formerly 185313/1) 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) Woolcott Surveys, Job no. L230212, sheet no. 1, version V2.2, dated 27/03/2023;
- b) Woolcott Surveys, Planning Supporting Report, dated May 2023;
- c) Ipd Consulting, Stormwater Management Plan, dated 04/09/2023;
- d) Midson Traffic Pty Ltd, Traffic Impact Assessment, dated May 2023;
- e) Woolcott Surveys, Bushfire Hazard Report, dated April 2023;
- f) Pitt & Sherry, Noise and Odour Assessment, dated 22/05/2023;

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. SUBMISSION AND APPROVAL OF ENGINEERING PLANS

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

- a. all infrastructure works shown on the endorsed plans and specifications or otherwise specified by the conditions below, including:
 - i. Connection of Tamar Avenue to White Street with an 8.9m seal to match the road stub off White Street. An appropriate transition must be designed to match the narrower portion of road at the Tamar Street end of the development. The road is to include 35mm min. asphalt (AC10) seal, with concrete kerb and channel;
 - ii. Concrete footpaths with min. width of 1.5m on the south side of the road, for the full length of the new road and extending north to connect to the existing footpath on White Street. The footpath is to be fully

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- integrated with the inclusion of pram ramps on both sides of the road as necessary to cross White Street;
- iii. Driveway crossovers for each lot and formalisation of any existing legal access points onto the new road;
 - iv. Reticulated drainage infrastructure to service all lots and the full length of the proposed road. The existing open drain adjacent to 51-53 Tamar Avenue is to be piped, or made redundant by design, and any concentrated stormwater currently entering the property from the existing road and adjoining properties is to be provided a connection and integrated into the design. All drainage is to be piped;
 - v. Stormwater detention is to be included in the design with sufficient capacity to ensure the post-development stormwater flow rate matches the pre-development flow rate during the highest 1% AEP event.
 - vi. The stormwater detention is to utilise Class 4 concrete pipes. In road detention is not to use polyethylene or polypropylene pipes.
 - vii. All necessary line marking and traffic signage;
 - viii. Reticulated water and sewage. It is crucial to ensure a proper gap is maintained between new sewage infrastructure passing through Lot 1, 90 Gerzalia Drive to safeguard the structural integrity of the existing twin DN 300 mm stormwater pipe, which is currently protected by a concrete slab.
- b. All new infrastructure is to be fully integrated with existing infrastructure networks within reasonable distance to the development, including:
 - i. The connections of footpaths to the existing network;
 - ii. Kerb & channel;
 - iii. Roads;
 - iv. Road Junctions and intersections
 - c. The treatment of all points of transition, where new infrastructure does not match the existing, is to be clearly detailed.
 - d. The corner of Lot 7 is to be truncated to provide for the future development of a road to the immediate west of the lot;
 - e. A landscape plan showing a minimum of one street tree per lot, and a minimum spacing between tree centres not exceeding 20m. Where possible, a 1.5m offset, on all sides from the centre of the tree trunk to be maintained free of services and footpaths on both sides of all roads to accommodate a corridor for planting trees. The species of trees are to be approved by Council's Director Infrastructure and Development.
 - f. All roads, footpaths and pedestrian crossings are to be designed in accordance with relevant Australian Standards and Guidelines, including the Austroads Guide to Road Design, LGAT Standard Drawings and where applicable the Tasmanian Subdivision Guidelines, except where deviations are strictly necessary and approved or directed by Council's Director Infrastructure and Development. The Guidelines are available at www.lgat.tas.gov.au
 - g. The means of connection to power reticulation services to each lot and street lighting in accordance with a design approved by TasNetworks. A copy of the approved design must be submitted to Council upon approval by TasNetworks.
 - h. The means of connection for all lots to telecommunications. Where physical infrastructure is provided, services are to be underground. Written advice regarding the preferred means of connection and/or a plan approved by Telstra or other approved supplier must be submitted to Council upon approval by the supplier.

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- i. All drawings are be prepared by a suitably qualified and experienced engineer or Engineering Consultancy.

In all instances where the detailed design requires deviation from the standards identified above, approval must be sought from Councils Director Infrastructure and Development. Any such request for approval must be accompanied by supporting evidence prepared by a suitably qualified engineer.

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

3. CONSTRUCTION OF WORKS

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

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

4. CONSTRUCTION DOCUMENTATION

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

- a. An "As Constructed" plan in AutoCAD compatible format (.dwg) and Adobe (.pdf). Provide the following essential information:
 - i. All dimensions, levels and connection details of the Works.
 - ii. All equipment dimensions, connections, etc.
 - iii. Dimensions relative to boundaries for all pipes, pits, manholes, junctions and service connection points, fire plugs, stop valves, etc.
 - iv. Diameter, material, joint type and flow direction.
 - v. Depth of cover for pipes.
 - vi. Surface RLs and invert RLs of all inlet and outlet pipes at all stormwater nodes.
- b. A Closed-Circuit Television inspection report for all stormwater mains constructed or incorporated in the works, including the pipe crossing the proposed lots 1 to 4.
- c. Compaction and soil test results for all earthworks or pavement works.
- d. An engineer's certificate that each component of the works comply with the approved engineering plans and Council standards.
- e. A maintenance plan for the detention system is to be provided. The plan should cover cleaning frequency, procedures, and guidelines for ensuring proper function.

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- f. Completed "Asset Recording Forms" that show the construction cost of all new infrastructure to be maintained by Council.

5. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

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

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

The plan is also to include a plan and procedure for receiving and addressing complaints from surrounding land owners. All works are to be undertaken in accordance with the approved Environmental Management Plan.

6. DRIVEWAY CROSSOVERS

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

7. DEFECT LIABILITY PERIOD

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

8. LANDSCAPING

Prior to the sealing of the final plan (relative to any staging):

- a) all landscaping (street plantings) as identified on the approved engineering drawings are to be selected, located, installed and managed in accordance with George Town Council's document "Street Trees Guidelines and Procedure", and to the satisfaction of the Director Infrastructure and Development.
- b) all roadside verges and any other land impacted by infrastructure installation are to be filled/graded to all hard surfaces and finished to a mowable condition and reseeded with appropriate grass.

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

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9. COVENANTS ON SUBDIVISION

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

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

(See Notes 7 & 8 below)

10. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2023/00664-GTC attached).

11. CONTRIBUTION IN LIEU OF PUBLIC OPEN SPACE

Pursuant to section 117 of the Local Government (*Building and Miscellaneous Provisions*) Act 1993, Council has determined that the subdivision will, or is likely to, increase the demand for public open space and, as no or no sufficient or acceptable provision has been made in the plan of subdivision for public open space, Council has determined that payment of a cash contribution (the Contribution) in lieu of public open space is appropriate.

The Contribution must be in an amount equal to five percent (5%) of the value of the area of land in the approved plan of subdivision described as Lots 1-8 (inclusive) and Lot 10.

The amount of the Contribution is to be determined by a valuation (the Valuation) of the specified lots prepared by a registered land valuer. The Valuation must be procured at the subdivider's expense. Unless otherwise specified in this condition, the Valuation is to determine the value of the relevant land as at the date of lodgement with Council of the Final Plan of subdivision for sealing (the Final Plan), following the completion of all works required by this permit, including but not limited to all private and public infrastructure and landscaping works.

The subdivider must pay the Contribution to Council before the Final Plan will be sealed by Council.

References in this permit condition to payment of a Contribution includes the provision of security for the same in the form of a bond by the landowner to pay the Contribution which is supported by a bank guarantee, in accordance with the requirements of sub-section 117(4) of the Local Government (Building and Miscellaneous Provisions) Act 1993. Each of the bond and the guarantee must be in a form acceptable to Council.

12. EASEMENTS

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

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13. STAGING

The proposal may be staged with the approval of Council's Town Planner and Director Infrastructure and Development. No more than 2 stages are permitted; the stage thee identified in supporting documentation is not approved or permitted. Prior to the sealing of the Final Plan each lot in a stage all works, including landscaping and servicing, relative to each stage must be completed to the satisfaction of Council's Director Infrastructure and Development.

14. 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.

15. DAMAGE TO PUBLIC INFRASTRUCTURE

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

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2023/55. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
 - a. Plumbing approval
 - b. Building approval
 - c. Engineering Design Assessment of Public WorksAll enquiries should be directed to Council's Permit Authority, via 6382 8800
3. This permit takes effect after:
 - i. the 14 day appeal period expires; or
 - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or.
 - iii. any agreement that is required by this permit pursuant to Part V of the Land Use Planning and Approvals Act 1993 is executed; or any other required approvals under this or any other Act are granted.
4. A planning appeal may be instituted by lodging a notice of appeal with the Tasmanian Civil & Administrative Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Tasmanian Civil & Administrative Tribunal website www.tascat.tas.gov.au.

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5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
7. The subject title includes a number of restrictive covenants which may need to be removed prior via an amendment to the sealed plan, prior to acting on the permit. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the Land Use Planning and Approvals Act 1993 does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
8. The title includes a road widening easement to facilitate the connection of Tamar Avenue to White Street. As the proposed road does not perfectly follow the alignment of the easement, it is strongly recommended that application is made to remove the easement, vi an amendment to the sealed plan, to ensure individual lots are not burdened by the redundant easement.
9. 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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7.2 DA2023/51 - 29-43 THOMPSON AVENUE, GEORGE TOWN

REPORT AUTHOR:	Town Planner - Mr A. Bowles Senior Town Planner – Mr J. Simons
REPORT DATE:	13 October 2023
FILE NO:	DA 2023/51
ATTACHMENTS:	<ol style="list-style-type: none">1. Assessment of Compliance with Acceptable Solutions - DA 2023/51 [7.2.1 - 35 pages]2. Plans and supporting documents - DA 2023/51 [7.2.2 - 36 pages]3. TasWater Submission to Planning Authority Notice TWDA 2023 00609- GTC - DA 2023/51 [7.2.3 - 3 pages]4. TasNetworks Referral - DA 2023/51 [7.2.4 - 1 page]5. Representation - S Andjelkovic - DA 2023/51 [7.2.5 - 1 page]6. Applicant Response to Representation - DA 2023/51 [7.2.6 - 1 page]

APPLICATION INFORMATION

Planning Instrument:	George Town Interim Planning Scheme 2013
Applicant:	6ty Pty
Site Address:	29-43 Thompson Avenue, George Town and adjoining Road Reserve
Titles Details:	148545/1
Property ID:	2734489
Zone:	Light Industrial Zone
Use:	Manufacturing & Processing
Proposed Development:	Manufacturing & Processing - Metal Fabrication, New Workshop & Carpark
Application Received:	8 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 Manufacturing & Processing - Metal Fabrication, New Workshop & Carpark at 29-43 Thompson Avenue, George Town (CT 148545/1).

During the advertising period one (1) representation was received by Council. The representation largely raises concerns regarding shadowing and stormwater drainage. This matter is addressed further in the representation section below. The applicant has offered to provide an updated site plan incorporating drainage and additional separation from the boundary to attempt to alleviate the representors concerns. This is considered by Council officers to adequately address the concerns raised within the representation.

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With the inclusion of appropriate conditions, the proposal complies with the Acceptable Solutions and Performance Criteria of the Light Industrial 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 discussed further section 8. 'Representations'

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 29-43 Thompson Avenue, George Town (CT 148545/1) and the adjoining Road Reserve.

The total land area of the subject title is 3.07ha.

The property is located within the Light Industrial Zone under the George Town Interim Planning Scheme 2013.

The site is subject to a Bushfire Prone Area overlay, however this does not trigger any additional assessment requirements within the relevant code as the proposal is not for a vulnerable or hazardous use. Additionally, the existing use (and proposed use) are considered attenuated activities and are therefore subject to the attenuation code.

The general fall of the land is toward Thompson Avenue to the west.

Records indicate the land is serviced by reticulated water, sewerage and stormwater. A stormwater and sewer main bisect the site running the length of Thompson Avenue.

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The land surrounding the property is predominantly the industrial estate of Thompson Avenue, containing warehouses and similar sized buildings.



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

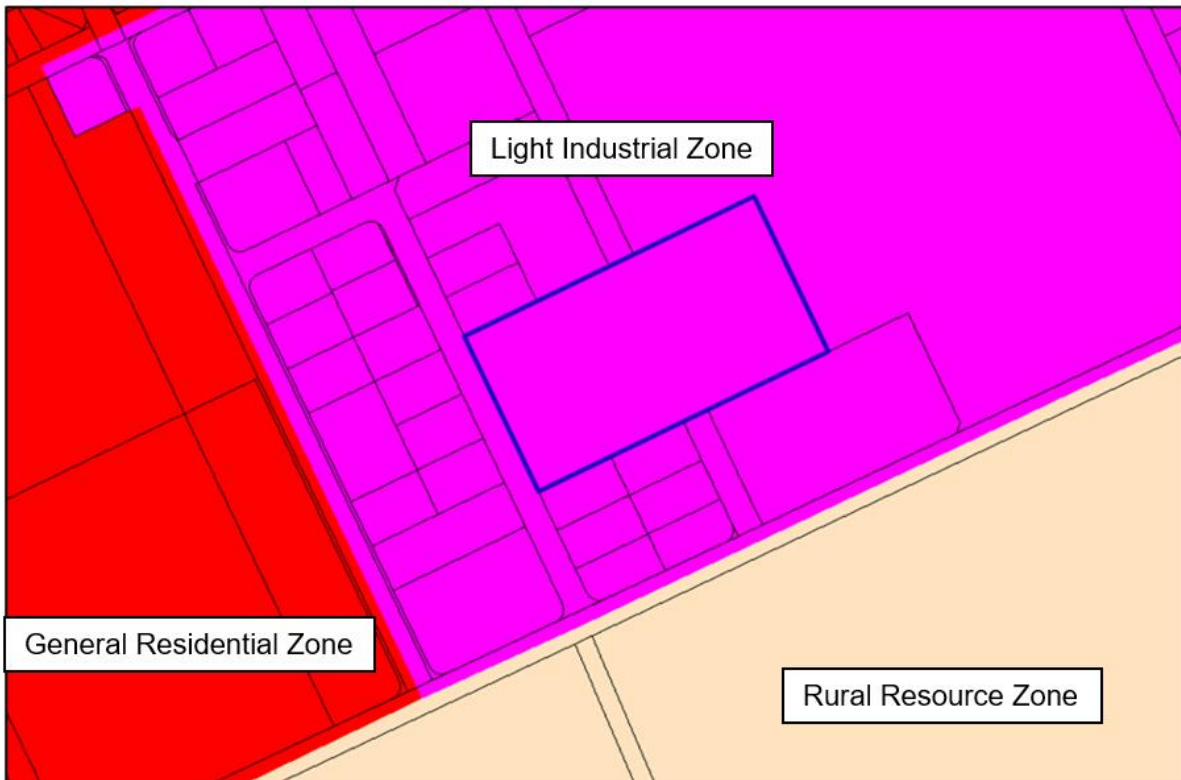


Figure 2: Zoning of subject title (outlined in blue) and surrounding land.

7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 29-43 Thompson Avenue, George Town (CT 148545/1) for Manufacturing & Processing - Metal Fabrication, New Workshop & Carpark.

The workshop building is proposed to have a gross floor area of around 1950m², with approximately 200m² dedicated for associated offices and amenities.

The setback proposed from the frontage (Thompson Avenue) is 10.27m.

The workshop is 11.84m in height with a gable roof with an approximate 5.75° pitch.

The proposal is approximately 86m in length, with a width of 28.7m.

The southern side of the building will comprise of a parapet concrete wall which is proposed to be constructed along the side boundary adjoining two properties (45-47 Thompson Avenue). The concrete parapet wall is 11.24m in height running the length of the workshop, proposed to be located 'on the boundary' (however this has since been modified).

Roller door openings will be included oriented towards the frontage of the building and towards the northern side.

The workshop is proposed to be developed over stormwater and sewerage mains. While not common practice, this has historically occurred with existing large buildings in the area.

A TasWater SPAN (TWDA 2023/00609-GTC) has been issued regarding this proposed location.

Council's Infrastructure Department acting as a stormwater authority have provided consent for the development to occur on top of a stormwater main, subject to conditions.

The scale of the development necessitates formalisation of the existing carparking along Thompson Avenue. The carparking spaces are predominantly within the subject site, occupying the first 6m, however access to the carparking currently requires vehicles to mount the kerb or drive along the nature strip. In response to a request for information, the applicant has proposed three (3) new crossovers and mountable kerb and channel running the extent of the Thompson Avenue frontage to provide access to the parking spaces. Works will therefore have to occur within Council's road reserve to facilitate this portion of the development.

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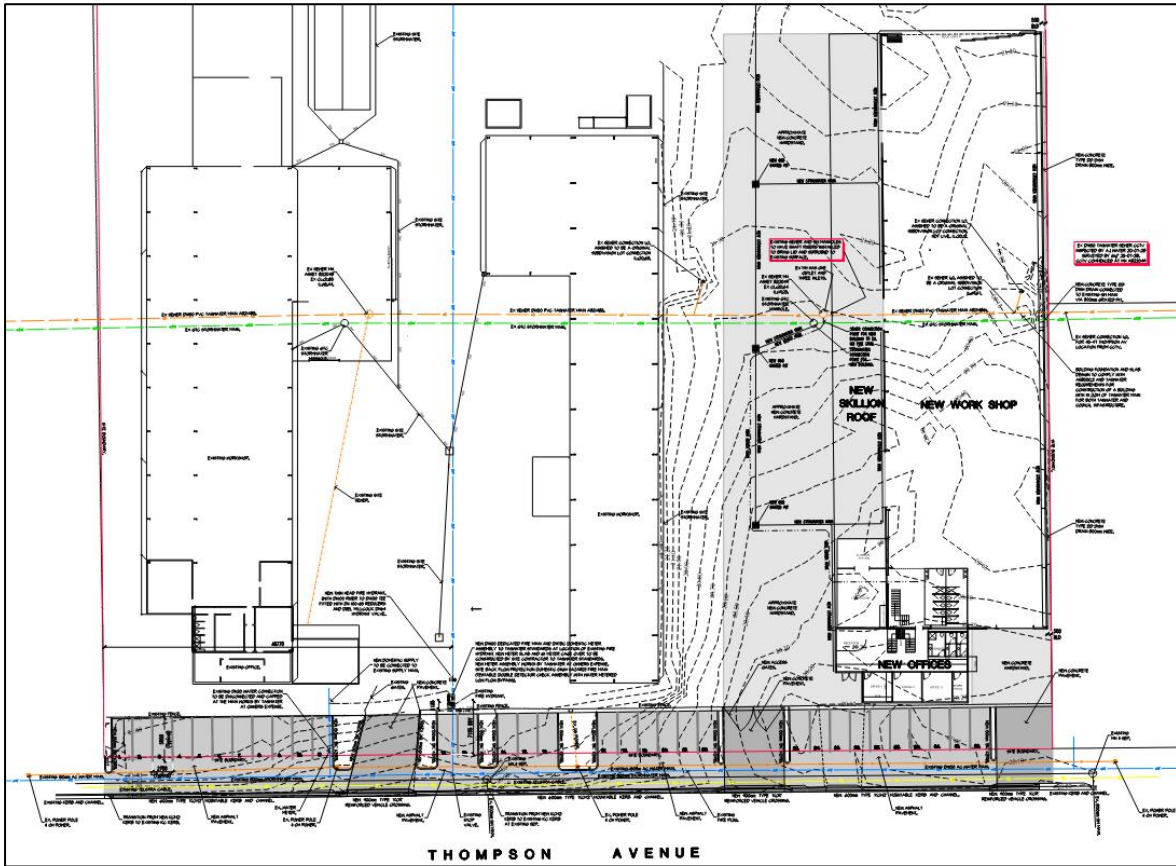


Figure 3: Modified Proposal Plans



Figure 4: Proposal Plans

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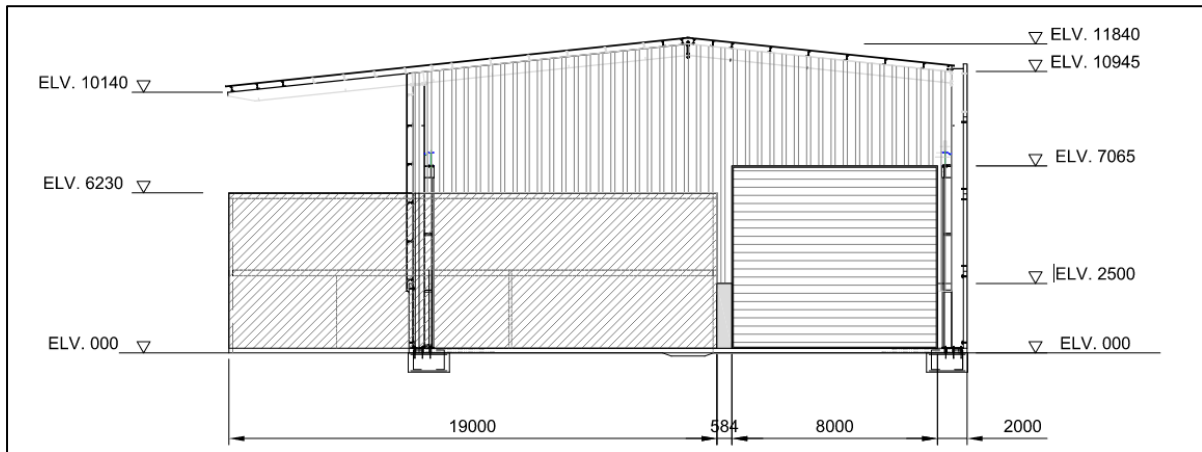


Figure 5: Proposal Plans

The full plans submitted are included in the attachments.

8. REPRESENTATIONS

The application was advertised for community consultation from 9 September 2023 to 25 September 2023. One (1) representation was received and is summarised below.

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

Issues Raised in Representations	Council Response
<p>The setback to the southern boundary will produce extensive shadowing, especially in times of reduced sunlight, such as the winter months.</p>	<p>An assessment of shadowing is conducted within 9.2 - Planning Scheme Assessment 24.4.1 P1 (b), this demonstrates the shadowing that will not unreasonably impact the existing property to the south.</p> <p>The applicant has liaised with the representor to attempt to resolve their concerns. Consequently the applicant has offered to provide an updated site plan incorporating drainage and additional separation from the boundary of 500mm. While the reduction in shadowing which will result from this setback is minimal, the impacts of overshadowing are considered to be reasonable.</p> <p>The land adjacent to the site is used for commercial purposes and does not contain any habitable rooms or sensitive uses. A driveway and parking area are located immediately adjacent to the development. The impacts of shadowing will generally be limited to the driveway and walls of the adjacent buildings. While there is a small highlight window on the rear warehouse of 45-47 Thompson Avenue, impacts will be limited to the late afternoon during the 'winter solstice' - 21 June.</p>

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	<div data-bbox="603 241 1380 488" data-label="Image"> </div> <p>While a greater extent of overshadowing will occur over the front warehouse on the neighbouring property, this building has no windows or glazed openings facing the development. The roof top skylights are at sufficient height that they will not be impacted.</p> <p>While overshadowing of the property to the south will occur during the winter months, the adjoining land use does not comprise a sensitive use and the impacts are considered to be reasonable.</p> <p>It is noted that although this assessment is exclusive to the <i>George Town Interim Planning Scheme 2013</i>, as the effective planning scheme at the time when the application was submitted. The <i>Tasmanian Planning Scheme – George Town</i>, that is currently in effect within the George Town municipality allows for setbacks ‘to the boundary’ to meet the acceptable solution. Therefore, if this application was submitted after the effective date of the current planning scheme (21 August 2023), the setback proposed would not be considered in the assessment.</p>
<p>Rainfall from the east will fall against the large concrete parapet wall, potentially creating a nuisance on the adjoining 45-47 Thompson Avenue.</p>	<p>All concentrated roof top water and water from hardstand areas will be collected and directed to the reticulated stormwater system. Water falling against the wall of the building is unlikely to be of such significance that it would result in a nuisance. However, the applicant has given consideration to the representation and has proposed to increase the setback of the building to 500mm and install a 300mm drain adjacent to the property boundary to capture surface run off from the parapet wall.</p> <p>The representor has indicated that this solution is unsatisfactory. However, no further works are considered necessary to adequately drain the site and minimise the risk of nuisance.</p> <p>It is recommended that a condition be included on the planning requiring an amended plan to be submitted with the drain included.</p>

9. STATUTORY REQUIREMENTS

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

- 24.0 Light Industrial Zone

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- E4.0 Road & Railway Assets Code
- E6.0 Car Parking and Sustainable Transport Code
- E11.0 Environmental Impacts & Attenuation Code

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

9.1 Use Class

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

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

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

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24 Light Industrial Zone

24.1	Zone Purpose
24.1.1	Zone Purpose Statements
24.1.1.1	To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off-site impacts are minimal or can be managed to minimise conflict or impact on the amenity of any other uses.
24.1.1.2	To focus light industrial use and development into appropriate areas suitable for its needs.
24.1.1.3	To provide for 'non-industrial' uses that either support, supply or facilitate industrial development.
Planner response: <p>The proposal provides for manufacturing in an area located over 250m from the nearest sensitive receptor. The use has a similar impact or level of conflict as the uses surrounding it. The risk of this development causing conflict with the sensitive receptors negligible.</p> <p>The subject site is already utilised for the purposes of manufacturing within an existing industrial estate, the proposed development and use intensification is not considered unreasonable or inappropriate for the site as a natural expansion of business operations.</p> <p>The use is not 'non-industrial' in nature, therefore 24.1.1.3 does not apply to the proposal.</p> <p>The proposal is consistent with the zone purpose.</p>	
24.1.2	Local Area Objectives
To provide for low impact industry that will not compromise the future development of nearby residential zones	
Planners response: <p>The subject site has existing 'manufacturing & processing' use rights on the site. The site is within an existing industrial estate.</p> <p>The proposed use and development does not encroach towards the existing general residential area of George Town, and is located further from the general residential zone from than the other two (2) workshops on the subject site.</p> <p>The separation is sufficient to ensure residential amenity is retained for current and future development within the nearby residential area.</p>	
24.1.3	Desired Future Character Statements
Development will compromise small to medium industrial style buildings. Off street car parking, external storage and on-site loading and unloading may be located of buildings and visible from the street.	
Planners response: <p>The proposal is not inconsistent with existing industrial buildings. 17-19 Thompson Avenue has a relatively similar medium sized industrial building,</p>	

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The formalisation of the existing off street parking is proposed to service the development.
The orientation of the building will allow sufficient passive surveillance of the site.
The proposal does not contravene or otherwise impact on the desired future character of the area in relation to 24.1.3.

Performance Criteria assessment.

24 Light Industrial Zone

24.1 Development Standards

24.1.1 Building Design and Siting

<p>Objective To ensure that the site and layout, building design and form is visually compatible with surrounding development.</p>	
<p>Acceptable Solutions</p> <p>A1 Building height must not exceed:</p> <p>a) 10m or</p> <p>b) the average of the heights of buildings on immediately adjoining titles.</p>	<p>Performance Criteria</p> <p>P1 Building height must:</p> <p>a) be complementary to the streetscape immediately surrounding the site; and</p> <p>b) avoid unreasonable levels of shading to the road, public places or adjoining properties.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposal exceeds the 10m height outlined within the acceptable solutions, as well as the average height of the immediately adjoining titles. Therefore, the proposal relies on performance criteria.</p> <p>Although the industrial building is large in scale it is not inconsistent with the existing streetscape. 17-19 Thompson Avenue has a similar scale with a large workshop measuring similar in height and scale directly visible from the public road. There are also two existing buildings of similar scale on the subject site.</p> <p>The inclusion of a workshop of this scale is not anticipated to alter the character of the streetscape, which is dominated by large industrial buildings.</p> <p>Shadowing will impact the adjoining property (45-47 Thompson Avenue) however the impacts are reasonable.</p>	

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Shadow diagram – 9am – Approximate shadowing from proposal.

Shadowing at 9:00am will predominantly impact the public road and the driveway of the adjoining title. Shadows will not extend to any buildings on the adjoining property.



Shadow diagram – 12pm – Approximate shadowing from proposal.

Shadowing at midday will be focused predominantly on the carpark and the workshop to the south on the adjoining property. There are no windows or natural light sources

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on the northern side of the workshop that will be impacted by the proposal (see below image). While the shadows will extend to the front warehouse, the separation between the buildings and the angle of the sun ensures that the shadows will fall onto the wall of the building and will have minimal impact the roof top skylights.



Photo of workshop - 45-47 Thompson Avenue.



Shadow diagram – 3pm – Approximate shadowing from proposal.

While the extent of overshadowing in the afternoon hours is significant the impacts are reasonable. Impacts to buildings will occur for less than 3 hours on the 21st June. As there are no dwellings or other sensitive buildings on the site a greater extent of overshadowing is generally acceptable.

While not applicable to this application, it is noted that overshadowing of properties in industrial zones is generally not a consideration under the provisions of the *Tasmanian Planning Scheme*.

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The shadowing on the road, public places and adjoining properties is not unreasonable and is not maintained for an extent of time considered to be unreasonable, therefore the proposal complies with the performance criteria and objectives of the standard.

A3.1 Buildings must be set back from side boundaries a minimum distance of 3m and

A3.2 Buildings must be set back from rear boundaries a minimum distance of 3m.

P3 The setback to the side and rear boundary must:

- a) provide adequate access to the site; and
- b) not result in unreasonable loss of amenity to adjoining uses having regard to the:
 - i) bulk and form of the building; and
 - ii) impact on the solar access of habitable room windows and private open space; and
 - iii) size and proportions of the lot; and
 - iv) extent to which the slope, retaining walls, fences or existing vegetation screening reduce or increase the impact of the proposed variation.

Planners Response: Relies on performance criteria.

The proposal originally was proposed for an 'on the boundary' setback, however, the applicant has agreed to setback the development 500mm in order to address drainage concerns. Although less than 3m the impacts of the proposal are reasonable.

The access to the site will not be impacted by this proposal as the site is large with multiple vehicle thoroughfare routes that will allow access to all areas of the site. Therefore, there is no impediment to efficiently and effectively access the rear of the site.

While the proposed building will have substantial visual bulk, its design and appearance is typical of buildings in the immediate area and reflects the intent of the zone to provide for industrial activities. Given the intent of the zone to provide for industrial activities, the degree of amenity considered to be reasonable and essential to function is significantly less than that which is reasonably required for a sensitive use, such as a dwelling.

The building does not adjoin any residential or sensitive uses. There are no habitable rooms or private open space areas on the adjoining title. The adjoining land use is of a commercial industrial nature and largely used for storage. This use is not dependent on a high level of amenity.

While the building has substantial visual bulk and opportunities for screening the development are minimal, the degree of amenity maintained by the adjoining lot is

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appropriate given the context of the site, the nature of the adjoining land use and the purpose of the Light Industrial Zone.

While there is opportunity for the building to be relocated on the site, the proposed location is consistent with the existing pattern of development and logically provides for the efficient operation of the site and movement of vehicles.

Therefore, the proposal is considered to have demonstrated compliance with the performance criteria and will not have an unreasonable impact on amenity within the context of the industrial estate and non-residential nature of use and development on the adjoining land.

It is noted that within the *Tasmanian Planning Scheme – George Town*, which Council currently operates under, the setback for the Light Industrial Zone, has reduced to allow an ‘on the boundary’ setback to comply with the acceptable solution.

E4.0 Road and Railway Assets Code

E4.7 Development Standards

E4.7.2 Management of Road Accesses and Junctions

<p>Objective</p> <p>To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions or increased use of existing accesses and junctions.</p>	
Acceptable Solution	Performance Criteria
<p>A1 For roads with a speed limit of 60km/h or less the development must include only one access providing both entry and exit, or two accesses providing separate entry and exit.</p>	<p>P1 For roads with a speed limit of 60km/h or less, the number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposal provides for three (3) accesses providing for entry and exit movements from the site and therefore relies on performance criteria.</p> <p>The proposal provides for efficient access points to effectively and safely ingress and egress vehicles from the site. There is sufficient distance between each of the crossovers to minimise conflict points within the road reserve. The property also has a frontage in excess of 127m and the proposed accesses do not result in an unreasonable concentration along the length of the frontage.</p>	

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There are no safety issues identified with utilising these points of access.

The area is a low-speed, relatively low trafficked area and Council Infrastructure Department have outlined that this proposal will not compromise the capacity, efficiency or safety of Thompson Avenue.

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

E6.0 Car Parking and Sustainable Transport Code

E6.6 Use Standards

E6.6.1 Car Parking Numbers

Objective

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

Acceptable Solution

Performance Criteria

A1 The number of car parking spaces will not:

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

P1 The number of car parking spaces provided must have regard to:

- a) the provisions of any relevant location specific car parking plan; and
- b) the availability of public car parking spaces within reasonable walking distance; and
- c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and
- d) the availability and frequency of public transport within reasonable walking distance of the site; and
- e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and
- f) the availability, accessibility and safety of on-road parking, having

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	<p>regard to the nature of the roads, traffic management and other uses in the vicinity; and</p> <p>g) an empirical assessment of the car parking demand; and</p> <p>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</p> <p>i) the recommendations of a traffic impact assessment prepared for the proposal; and</p> <p>j) any heritage values of the site; and</p> <p>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:</p> <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 carpark exceeds the requirements of Table E6.1, as there are thirty two (32) carparking spaces provided for by the development. However, the parking spaces have never been formalised and rely on the public road to function.

In accordance with Table E3.1, processing use is to have one (1) car parking space per 200m² of net floor area or two spaces per three employees (whichever is greater), therefore the maximum threshold allowable to meet the acceptable solution is twenty nine (29) parking spaces.

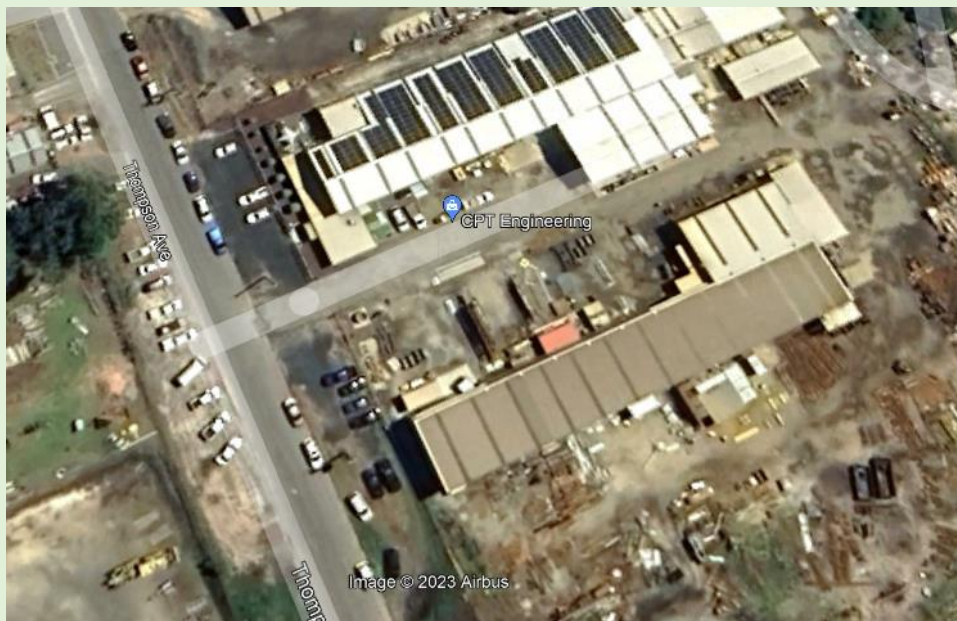
This parking is largely existing, however, it has never been formalised to an extent that ensures adequate functionality. For many properties in Thompsons Avenue, including CPT, the parking arrangements comprise an informal mix of private and public parking. Private parking is located within the property boundary, at right angles to the road, however it relies on the road reserve to access the parking spaces. This requires vehicles

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to mount the kerb or to drive along the nature strip to access the parking within the property boundary.



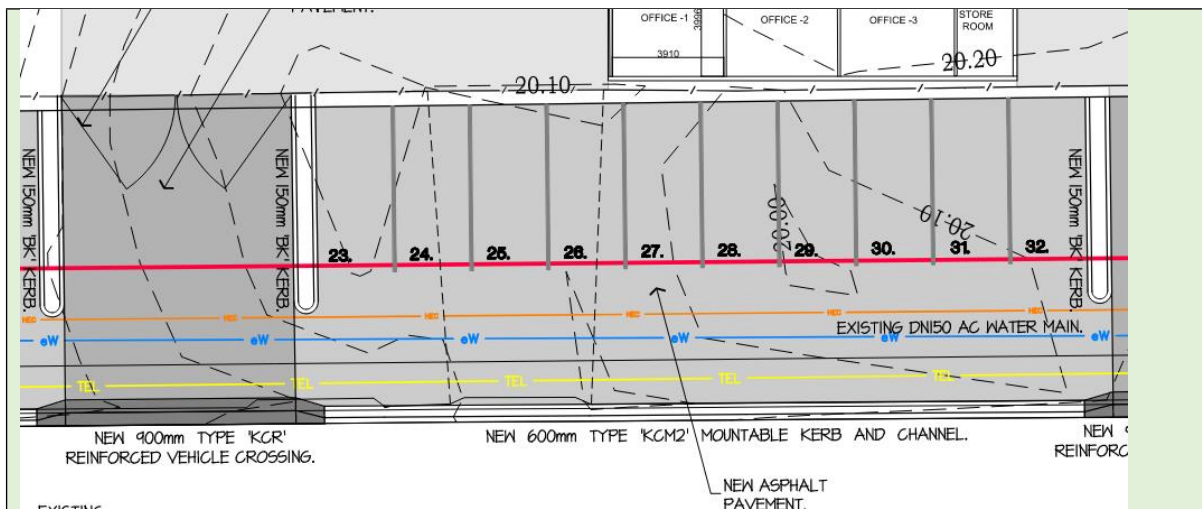
Street View of subject property showing parking mix.



Aerial Photo of the subject property showing the existing parking mix.

In response to a request for information, the applicant has proposed to formalise the parking by the replacement of the stepped kerb with a mountable kerb, sealing and line marking. A typical section of the works is included in the image below.

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Indicative Section of the Parking Plan, showing proposed works.

These works will result in the loss of some street parking, however, the increased functionality will ensure greater utility occurs by CPT staff and result in a lower demand for public parking. There remains adequate carparking spaces conveniently located for public use in the Council carpark at the northern end of Thompson Avenue along with on-street parking located on the west side of the street.

Council's Infrastructure Department have requested that the developer enter into a Part 5 Agreement ensuring they are responsible for the maintenance of the parking space, as well as the infrastructure required to access the parking and located within the road reserve. A condition is included in the recommendation to this effect.

There are no location specific carparking plans in place that are applicable to this proposal.

No public transport located a 'walkable distance' (within 400m) is available near the site, parking is conveniently located near all buildings.

No site constraints impede the parking. The parking arrangement is just formalising an existing vehicle parking arrangement that has previously been approved by Council and is relatively common in Thompsons Avenue.

The proposed parking is consistent with the existing streetscape, which is characterised by industrial forms of use and development, with parking commonly located along the frontage.

There are no recommendations from a Traffic Impact Assessment (TIA) that affect this development.

No heritage values exist on the site.

The proposal is not for a residential use.

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Future development will require its own parking to be assessed with to the parking proposed.

The proposal is considered to comply with the performance criteria and the objectives of the standard as increasing the carparking will not unreasonably impact capacity to park on the street and will allow for greater efficiency and utility of parking. The proposal complies with the Performance Criteria and is consistent with the objective.

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
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for dwellings in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> 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.
<p>Planners Response: Relies on performance criteria.</p> <p>The car parking area is located in the frontage and therefore is in front of the building line. The proposal relies on performance criteria.</p> <p>There is no impediment to accessing the rear of the site, however, Council's previous approach has been to support parking along the frontage in this arrangement, such that it is an existing feature of the site and a common feature in the street.</p>	



Aerial photo showing existing car parking in front of building line.

The carparking located in the frontage is not detrimental to the amenity of the streetscape. The carparking arrangement in this location is consistent with the existing parking arrangement utilised by the site and formalisation of this arrangement will not create or exacerbate any visual impacts.

No landscaping is proposed or considered warranted to screen any carparking.

A recommendation is included that a Part V agreement (Pursuant of Section 71 of the *Land Use Planning and Approvals Act 1993*) be entered into to ensure maintenance of the components of the carparking that are located within Council's road reserve.

Parking in the frontage is not unusual within Thompson Avenue and therefore this arrangement is consistent with the performance criteria and the objectives of the standard.

A2.1 Car parking and manoeuvring space must:

- a) have a gradient of 10% or less; and

P2 Car parking and manoeuvring space must:

- a) be convenient, safe and efficient to use having regard to matters such as slope, dimensions, layout and

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<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> <ul style="list-style-type: none"> i) there are three or more car parking spaces; and ii) where parking is more than 30m driving distance from the road; or iii) where the sole vehicle access is to a category 1, 2, 3 or 4 road; and <p>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>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.

Carparking is located in the frontage of the property at a 90° angle from the road reserve. There is no capacity to enter and exit the carpark in a forward direction, vehicle traffic is required to reverse within at least one ingress or egress movement.

Therefore, the proposal relies on performance criteria.

The parking is flat with no concerns regarding the layout.

The carparking is within a low speed environment, reversing from the site does not warrant any specific concerns regarding safety, efficiency or convenience. The formalisation of the carparking will include a sealed apron, which will provide capacity for smaller vehicles to manoeuvre outside of the carriageway and enter the road in a forward direction.

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Vehicles utilising this parking arrangement will be predominantly light vehicles with heavy vehicles entering the site and turning within the site.

Therefore the carparking proposed is considered sufficient to address 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
<p>A1 For retail, commercial, industrial, service industry or warehouse or storage uses:</p> <p>a) at least one loading bay must be provided in accordance with Table E6.4; and</p> <p>b) loading and bus bays and access strips must be designed in accordance with <i>Australian Standard AS/NZS 2890.3 2002</i> for the type of vehicles that will use the site.</p>	<p>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.</p>
<p>Planners Response: Relies on performance criteria.</p> <p>The proposal requires a dedicated loading bay in accordance with E6.4. However, there is no dedicated loading bay outlined within the plans, therefore the proposal relies on performance criteria.</p> <p>There is sufficient space within the site to allow for loading and unloading within and outside of structures as needed and in the manner utilised by the business. A dedicated loading bay is not considered necessary as the site is relatively spread out, with multiple entry and exit points and no impediment or conflict that that may impact delivery of goods.</p> <p>With staff parking largely located outside of the frontage fence, further delineation is not considered warranted.</p>	

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The proposal at the scale proposed will not cause any identifiable issues from not have a dedicated loading bay. The proposal is considered consistent with the performance criteria and the objectives of the standard.

E6.8.5 Pedestrian Walkways

<p>Objective</p> <p>To ensure pedestrian safety is considered in development</p>	
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.
<p>Planners Response: Relies on performance criteria.</p> <p>Proposal does not provide dedicated separate pedestrian access within the carpark to the buildings. Therefore the proposal relies on performance criteria.</p> <p>The low-speed, low trafficked carpark will allow for safe pedestrian movement to all buildings within the site. The relatively low usage of this carpark and access points will mitigate risks associated with utilising the carpark for pedestrian movements and not having a dedicate pedestrian access to each structure.</p> <p>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.</p> <p>Therefore, the proposal is determined to have demonstrated compliance with the performance criteria.</p>	

E11.0 Environmental Impacts and Attenuation Code

E11.6 Use Standards

E11.6.1 Attenuation Distances

<p>Objective</p> <p>To ensure that potentially incompatible use or development is separated by a distance sufficient to ameliorate any adverse effects.</p>	
Acceptable Solution	Performance Criteria

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A2 Uses listed in Tables E11.1 and E11.2 must be set back from any existing sensitive use, or a boundary to the General Residential, Low Density Residential, Rural Living, Environmental Living, Use, Village, Local Business, General Business zones, the minimum attenuation distance listed in Tables E11.1 and E11.2 for that activity.

P2 Uses with the potential to create environmental harm and environmental nuisance must demonstrate by means of a site specific study that there will not be an environmental nuisance or environmental harm having regard to:

- a) the degree of encroachment; and
- b) the nature of the emitting operation being protected by the attenuation area; and
- c) the degree of hazard or pollution that may emanate from the emitting operation; and
- d) use of land irrigated by effluent must comply with *National Health and Medical Research Council Guidelines*.

Planners Response: Relies on performance criteria.

The application proposes the use and development of land for manufacturing articles of metal and is less than 500m from existing residential uses on Victoria Street to the north. As such the proposal relies on Performance Criteria.

The application includes a site specific study prepared by a suitably qualified environmental consultant. The study considers the likely impacts of the proposal within the context of the light industrial estate.

The potential environmental impacts of the proposal are similar to the existing metal fabrication workshop on the land immediately to the east of the subject site. The proposed development is also significantly less likely to result in environmental impacts than the existing Kempe Engineering workshop to the north.

Although within 500m of the nearest dwelling there are four properties, including another industrial workshop and self-storage facility between the subject site and the residential use.

The metal fabrication workshop will be located largely indoors. While the application does not indicate operating hours, the opening hours as shown through an investigation into operating times for the site shows that generally the site will be utilized between 8:00am and 4:30pm on weekdays. In the industrial estate this will not be the only business will operating within these hours. The impacts of operating this workshop will not be overtly pronounced nor cause an environmental nuisance.

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While the existing yard is unsealed, the risk of giving rise to a dust nuisance is low, due to the low speed environment of the yard and relatively low turnover of vehicles.

Odours are not anticipated to be an issue given the nature of the proposal and the distance from residential uses. The risk of odour is insignificant compared to the more closely located 'George Town Seafoods'.

The assessment concludes that the addition of a fabrication workshop is unlikely to result in further noise impacts outside of the industrial area.

Effluent for irrigation is not proposed within this application.

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

10. REFERRALS

Internal Referrals

EHO

A referral was issued to Council's EHO on Thursday, 18 May 2023.

A response was received by Council's Planning Department on Thursday, 18 May 2023

The following advice was provided -

"Upon review of the noise attenuation report (assuming operations are within normal business hours), then there are no identifiable issues with the proposed development."

Planner Response: No recommendations are included in response to this advice.

Infrastructure Department

A referral was issued to Council's Infrastructure Department on Monday, 15 May 2023.

A response was received by Council's Planning Department on Monday, 22 May 2023

The following advice was provided –

- Drainage plan is required to demonstrate sufficient drainage from the property.
- Stormwater is to be directed to Council's reticulated stormwater network.
- CCTV footage of the existing stormwater pipes is required prior to commencement of works.
- Crossovers and mountable kerb and channel are to be designed and installed to LGAT standards.

Planner Response: recommendations are included to address these concerns including vehicular crossover conditions and stormwater conditions.

External Referrals

TasWater

A referral was issued to TasWater on Thursday, 15 June 2023.

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A Submission to Planning Authority Notice (SPAN) pursuant of Section 56P(1) was received by Council's Planning Department on Tuesday, 12 September 2023.

Planner Response: The SPAN (TWDA 2023/00609-GTC) is included within the attachments and as part of the recommendation.

TasNetworks

A referral was issued to TasNetworks on Monday, 15 May 2023.

A response was received by Council's Planning Department on Wednesday, 31 May 2023

The following advice was provided –

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

Planner Response: No recommendations are included in response to this advice.

11. SERVICES

Road

Access is available to Thompson Avenue, via the existing driveway crossover. Two additional accesses and formal accesses to the frontage parking is also proposed.

Sewer

Council records indicate the land is serviced by sewer.

Water

The land is serviced by reticulated water.

Stormwater

The land is serviced by reticulated stormwater.

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

Easements:

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

Part V Agreements:

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

Covenants:

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

Heritage Register:

The subject property is 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

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

13. CONCLUSION

The application for construction and use of Manufacturing & Processing - Metal Fabrication, New Workshop & Carpark at 29-43 Thompson Avenue, George Town (CT 148545/1), has been assessed against all relevant zone and code criteria of the *George Town Interim Planning Scheme 2013*. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

14. RECOMMENDATION

That the application for use and development, Manufacturing & Processing - Metal Fabrication, New Workshop & Carpark at 29-43 Thompson Avenue, George Town (CT 148545/1) and adjoining Road Reserve be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

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

- a. CPT Engineering, drawing title: New Workshop, sheets: 1 to 5, dated 30 May 2022;
- b. 6ty⁰, project no. 22.074, drawing no. AP01, Rev A, dated 21 August 2023, so far as it relates to drainage, car parking and civil works only.
- c. Tarkarri Engineering, Environmental Noise and Odour Assessment, dated April 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. SETBACK

The approved building is to be setback a minimum of 500mm from the south-east side boundary.

3. PARKING AREAS

Prior to the commencement of the use, areas set aside for parking vehicles and access lanes as shown on the endorsed plans must;

- a. be designed to comply with Australian Standard AS 2890, Off-street car parking and AS 2890 Off-street Commercial Vehicle Facilities (where applicable);
- b. be surfaced with a fully sealed, debris free surface of concrete or asphalt;
- c. drain to Council's reticulated stormwater system;
- d. be line-marked or otherwise delineated to indicate each car space and access lanes;
- f. signed with a maximum 10km/h speed limit and indicating shared carriageway for vehicles and pedestrians;

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4. STORMWATER AND DETENTION

Prior to the commencement of works:

- a) detailed stormwater design drawings are to be submitted to the satisfaction of Council's Director Infrastructure and Development. The drawings are to show:
 - i) the means of connection to Council's reticulated stormwater network;
 - ii) show the location of stormwater pits required to adequately drain the driveway and hardstand areas. Pits are to be 450x450mm grated pits and are to be trafficable in driveway situations;
 - iii) include a 300mm dish drain running the length of the new building and connected to the Council maintained reticulated stormwater system, to be installed between the building and the boundary to act as a cut off drain.
 - iv) show detention of stormwater prior to connection to Council's reticulated stormwater network. Detention is to have sufficient capacity to limit stormwater entering the public system to pre-development flows during a 20% AEP rainfall event and is to be accompanied by calculations prepared by a suitably qualified hydraulic engineer ; and
- b. CCTV footage demonstrating the condition of the stormwater main located underneath the new workshop & hardstand areas is to be submitted to the satisfaction of Council's Director Infrastructure and Development. The footage is to demonstrate the pipe is in adequate condition and depth prior to sealing works occurring over the pipe; and
- c. where necessary (as determined by Council's Director Infrastructure and Development) provide opportunity for remediation works to be undertaken, at the developers expense.

Prior to the commencement of use the stormwater management system is to be installed to the satisfaction of Council's Director Infrastructure and Development.

5. VEHICLE CROSSOVER

Prior to the commencement of the use:

- a. the proposed and existing vehicular crossovers must be constructed/upgraded in accordance with LGAT Standard Drawing (TSD-R16-v3 Type KCR & B1 (Heavy Vehicles));
- b. the kerb and channel fronting the site (in all locations not covered by condition 5 a.) must be constructed in accordance with LGAT Standard Drawing (TSD-R14-v3 Type KCM2);

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 expense of the person responsible for the development.

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6. PART V AGREEMENT

Prior to the commencement of works on the car park, a Part 5 Agreement (Agreement under Section 71 of the Land Use Planning and Approvals Act 1993) is to be registered to the title providing for:

- Ongoing maintenance of the carparking area and civil works required to access the parking area within Council's road reserve, including all crossovers, the mountable kerb and channel, sealed spaces and associated line marking are the responsibility of the land owner of 29-43 Thompson Avenue (CT 148545/1). All necessary repairs required to ensure the efficient operation of the parking area and to preserve public safety are to be at the expense of the land owner and are to be undertaken within a reasonable timeframe or at the direction of Council. It is acknowledged that the parking spaces are located within the boundary of the property and will effectively function as a private car park. The landowner responsibility extends from the property boundary to the mountable kerb (inclusive) but does not extend into the carriageway.

All costs associated with preparing and registering the Agreement must be borne by the applicant.

7. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2023/00609-GTC attached).

8. 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.

9. DAMAGE TO PUBLIC INFRASTRUCTURE

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

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2023/51. You should contact Council with any other use or development, as it may require the separate approval of Council. The extended floor plan shown on 6ty⁰, project no. 22.074, drawing no. AP01 is not approved as part of this permit. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
 - a. Plumbing approval
 - b. Building approval

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

3. This permit takes effect after:

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- i. the 14 day appeal period expires; or
 - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or.
 - iii. any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or any other required approvals under this or any other Act are granted.
4. A planning appeal may be instituted by lodging a notice of appeal with the Tasmanian Civil & Administrative Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Tasmanian Civil & Administrative Tribunal website www.tascat.tas.gov.au.
 5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
 6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
 7. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
 8. If any Aboriginal relics are uncovered during works:
 - a. All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
 - b. The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: aboriginal@heritage.tas.gov.au; and
 - c. The relevant approval processes will apply with state and federal government agencies.

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

DECISION

Moved:

Seconded:

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VOTING

For:

Against:

8 OFFICE OF GENERAL MANAGER

8.1 COUNCIL WORKSHOPS - SEPTEMBER AND OCTOBER 2023

REPORT AUTHOR: General Manager - Mr S. Power
REPORT DATE: 17 October 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 26 SEPTEMBER 2023

- Update of Planning and Building Applications
- Update on Development Applications
- Greater Launceston Project (External Presenters)
- Annual Report
- Governance Issues
- Councillors/General Manager Discussions

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

Apologies: Cr Heather Ashley
Cr Simone Lowe

In Attendance: General Manager
Director Corporate & Community
Director Infrastructure & Development
Planner
Team Leader Building and Planning
Project Manager
Executive Support and Governance Officer

Guests: CEO NTDC
Consultant – Greater Launceston Plan

TUESDAY 12 SEPTEMBER 2023

- Presentation – Aquatic Health and Wellbeing Centre Operations

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- Risk Management Framework
- Unconfirmed Minutes 26 September 2023
- Closed Unconfirmed Minutes 26 September 2023
- Communication Strategic Plan
- Annual Report
- LGAT General Meeting 1 November 2023
- Legal Expenditure
- Marguerite Street
- Governance Issues
- Councillors/General Manager Discussions

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

Apologies: Cr Heather Ashley
Cr Tim Harris

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

Guests: Consultant – Aquatic Centre Operations

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

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- i. Building capacity in change management, understanding and responding to complexity.
- ii. Fostering courage, kindness and determination in working through challenges and opportunities.
- iii. Communicating well.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government (Meeting Procedures) Regulations 2015.

RISK CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

Nil.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

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

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

CONSULTATION

Nil.

OPTIONS

Council may choose to:

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

OFFICER'S COMMENTS

Nil.

OFFICER'S RECOMMENDATION

That Council:

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1. Receives the report on the Council Workshops held on the 26 September 2023 and 10 October 2023.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.2 ANNUAL REPORT 2022/2023

REPORT AUTHOR:	General Manager – Mr S. Power
REPORT DATE:	17 October 2023
FILE NO:	17.1
ATTACHMENTS:	1. 2725 George Town Council Annual Report 2023 - V 8 LR [8.2.1 - 64 pages]

SUMMARY

To recommend to Council that the 2022/2023 Annual Report be adopted.

BACKGROUND

The Annual Report is a strategy document required under Section 36A of the Local Government Act 1993. The 2023 Annual General Meeting (AGM) will be held on 16 November 2023 commencing at 6.00 pm, where the community will be invited to comment on 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

3. A strong, recognisable, positive reputation
 - i. Developing and promoting a new ‘capital’ brand and associated program for George Town, focusing on strengths and aspirations and leveraging the stories of the area’s people.
 - iii. Promoting the area as the place to live, work, play and invest.

Future Direction Three - Progressive Well-Resourced Communities

5. Communities have agreed strategic plans
 - ii. Making sure communities remain connected, engaged and empowered.

Future Direction Four - Leadership and Accountable Governance

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

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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.

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Section 36A of the Local Government Act 1993 requires:

- (a) a statement of its activities during the preceding financial year; and
- (b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and
- (c) The financial statements for the preceding financial year; and
- (d) A copy of the audit opinion for the preceding financial year; and
- (e) Any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year

RISK CONSIDERATIONS

In accordance with Council's adopted Risk Management Framework and Risk Matrix, a moderate risk of reputational damage has been identified. The content and publication of the 2022/2023 Annual Report mitigates such risks by providing transparency in Council's operations and performance.

FINANCIAL IMPLICATIONS

No financial implications have been identified should Council support the 2022/2023 Annual Report.

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 final report will be available in printed and electronic and the public are invited to George Town Council's AGM to discuss the Annual Report.

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CONSULTATION

The community implications of the recommendation action/s have been assessed against Council's Community Consultation Framework as having a low to medium impact requiring category one consultation. Pending Council endorsement, it is proposed that the community is invited to make comment on the 2022/2023 Annual Report through Council's website, Facebook page, and direct email through Council's community database.

The Annual report has been discussed at Council Workshops.

OPTIONS

Council may choose to:

1. Adopt the 2022/2023 Annual Report as presented; or
2. Adopt the 2022/2023 Annual Report with amendment; or
3. Not adopt the 2022/20223 Annual Report.

OFFICER'S COMMENTS

There is no formal requirement in the Local Government Act, the Local Government (General) Regulations 2015 or the Local Government (Meeting Procedures) Regulations 2015 for a council to present its previous AGM's minutes or the Annual Report for adoption at an AGM.

The Local Government Division's checklist does however provide the following comments on good practice in relation to the preparation of an annual report:

Prepare and adopt an annual report as soon as possible after the end of the financial year, as recent information is of most relevance to readers. Copies of the report should be available to provide the community sufficient time to read the report before the Council's Annual General Meeting.

Based on the preceding comments it is recommended that Council adopts the 2022/2023 Annual Report.

The first of two notices of the 2023 Annual General Meeting will be placed in the Examiner newspaper on Saturday 28 October 2023 with the second notice on Wednesday 8 November 2023. [The Local Government Act requires that an AGM is not held before 14 days after the date of the first publication of a notice.]

The Annual Report will be made publicly available after the 24 October 2023 Ordinary Council meeting with submissions to the Annual Report closing at 5.00 pm 14 November 2023.

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the 2022/2023 Annual Report.

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DECISION

Moved:

Seconded:

VOTING

For:

Against:

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8.3 LGAT GENERAL MEETING 1 NOVEMBER 2023 VOTING PREFERENCES

REPORT AUTHOR:	General Manager – Mr S. Power
REPORT DATE:	16 October 2023
FILE NO:	15.15
ATTACHMENTS:	Nil

SUMMARY

The Council is to provide voting preferences to the Mayor (or proxy) in respect to the motions for which notice has been given for the upcoming Local Government Association of Tasmania (LGAT) General Meeting scheduled 1 November 2023.

BACKGROUND

The Local Government Association of Tasmania (LGAT) is the voice of local government in Tasmania. LGAT works to protect the interests and rights of councils, to promote the efficient operation of local government and to foster strategic and beneficial relationships. LGAT has been the peak body for local government in Tasmania for over 100 years (founded 1911) and is part of a national network of associations. It is funded by councils and other income earned through projects sponsored on behalf of local government, and a range of services and sponsorships.

LGAT is an incorporated body under the Local Government Act 1993 (source: www.lgat.tas.gov.au). The LGAT Agenda for the General Meeting being held 1 November 2023 has been published via LGAT's website www.lgat.tas.gov.au.

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

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STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

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

PROCEDURAL MATTERS RULES REGARDING CONDUCT OF MEETINGS

13. WHO MAY ATTEND A MEETING OF THE ASSOCIATION

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

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

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

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

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

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

14. PROXIES AT MEETINGS

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

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

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

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

15. QUORUM AT MEETINGS

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

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

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16. VOTING AT MEETINGS

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

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

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

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

(e) Except as provided in sub-rule

(f), each question, matter or resolution shall be decided by a majority of the votes for a motion. If there is an equal number of votes upon any question, it shall be declared not carried.

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

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

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

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

RISK CONSIDERATIONS

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

FINANCIAL IMPLICATIONS

Financial implications include travel and accommodation costs associated with attending LGAT meetings by elected members and the General Manager in accordance with Council Policy. Such costs are accommodated for within the adopted 2023/2024 budget.

DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS

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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

Motions presented in this report have been limited to discussions at a Council workshop on the 10 October 2023.

OPTIONS

Council may choose to:

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

OFFICER’S COMMENTS

Option 1

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

OR Option 2

That Council considers and provides voting preferences to the Mayor for the LGAT General Meeting 1 November 2023 as determined by the Chair (usually a show of hands or verbal confirmation) in respect to the individual item listed below and formally endorses that direction.

LGAT Meeting Agenda 1 November 2023 Item No	Item for Decision	Council Decision
2.1 Motion – Parks and Wildlife Service and Crown Land Services Review and Resourcing – Break O’Day Council	That LGAT lobby the Tasmanian Government to undertake a review of the administrative activities of the Tasmanian Parks and Wildlife Service (PWS) and Crown Land Services (CLS) with a particular focus on ensuring that the required level of resources are available to assess applications and deal with enquiries in a timely manner.	
2.2 Motion – Road Line Marking Responsibilities – Kingborough Council	That LGAT undertake advocacy on behalf of Councils to have road line marking responsibilities legislated and additional funding provided by the State Government.	

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<p>2.3 Motion – Diversity and Inclusion Statement – Kingborough Council</p>	<p>That Members note the Diversity and Inclusion Statement developed by Kingborough Council and agree to consider developing and adopting a similar statement to support safe, welcoming, and inclusive communities across Tasmania.</p>	
<p>2.4 Motion – Review of 42 Day Development Application Timeframe – Clarence Council</p>	<p>That LGAT be requested to convene a reference group from member Councils to develop options and recommendations for the sector to:</p> <ol style="list-style-type: none"> 1. Assess the impact of the 42-day rule on planning outcomes across local Councils in Tasmania (including both qualitative and quantitative data). 2. Identify what practices and delegations councils currently utilise to manage the 42-day rule, including the impact of those practices and delegations on representor objections. 3. Review equivalent ‘deemed approval’ and timeframe extension mechanisms of other jurisdictions to compare with Tasmania’s arrangements. 4. Based on the findings of points 1, 2 and 3 above, identify whether the 42-day rule operates in a manner that is fair and equitable to all parties to a development application; that is both applicants and representors. 5. Recommend changes be implemented to ensure development applications are not required to be resolved under delegation because an applicant refuses to grant an extension of time for an application to be considered at a Council meeting. 	

DECISION

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Moved:

Seconded:

VOTING

For:

Against:

9 INFRASTRUCTURE AND DEVELOPMENT

Nil.

10 CORPORATE AND COMMUNITY

10.1 COMMUNICATION STRATEGIC PLAN 2023-2028

REPORT AUTHOR:	Director – Corporate & Community - Ms C. Hyde
REPORT DATE:	18 October 2023
FILE NO:	17.6
ATTACHMENTS:	Communication Strategic Plan

SUMMARY

The purpose of this report is to provide Council with the draft Communication Strategic Plan 2023-2028 for endorsement.

BACKGROUND

Council's 2022/2023 Annual Plan identified the design and development of an integrated 5 year internal and organisational communication strategic plan as an annual plan action.

STRATEGIC PLAN

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

Future Direction One - Community Pride

1. All are valued and included
 - i. Taking a 'whole of community' approach to everything.
 - iv. Communicating so everyone knows what each group is doing.
 - v. Working towards removing all barriers to participation in community life.

Future Direction Four - Leadership and Accountable Governance

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

GTC - 11 Community Consultation Framework
GTC – 22 Sponsorship Policy and Guidelines
GTC – 6 Community Assistance Grants Policy

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Reconciliation Action Plan
Sport and Recreation Plan
GTC – 17 Diversity and Equitable Access Inclusion Policy
GTC – 35 Dog Management Policy

RISK CONSIDERATIONS

The risks involved in the lack of a cohesive Communication Strategic Plan are reputational. Council relies on clear and consistent communication to the community and stakeholders and the lack of a Strategic Plan may result in communications being inconsistently disseminated and Council's reputation suffering as a result of a dissatisfied 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

George Town Council invited community members via the community group email, Facebook, website and available at Council offices to view and comment on the draft Communications Strategic Plan. At Council, we recognise the importance of engaging and consulting with our community when implementing and reviewing our policies and plans therefore, we were seeking feedback regarding its content, purpose and direction. The consultation period opened on Monday 4th September and closed at 5:00pm on Monday 25th, September 2023. George Town Council received zero responses.

The Communication Strategic Plan was workshopped by Council on 10 October 2023.

OPTIONS

Council may choose to:

1. Support the draft Communication Strategic Plan as presented; or
2. Support the draft Communication Strategic Plan with amendment; or
3. Not support the draft Communication Strategic Plan.

OFFICER'S COMMENTS

This proposed Communication Strategic Plan aims to build upon, clarify and improve the Council's current communication and engagement methods to ensure consistency across all communication platforms. It also seeks to increase the community's ability to access details

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of the Council's activities and decisions with transparency and good governance at the forefront.

Providing a clear communications strategy for staff, community and stakeholders will enable the Council to engage with the community in a consistent manner. It will further ensure transparency for the George Town Community on how the Council will communicate with them.

OFFICER'S RECOMMENDATION

That Council;

1. Endorses the Communications Strategic Plan 2023-2028 as presented.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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10.2 RISK MANAGEMENT FRAMEWORK

REPORT AUTHOR:	Director –Corporate and Community - Ms C. Hyde Consultant – Mr J. Jordan
REPORT DATE:	17 October 2023
FILE NO:	17.5
ATTACHMENTS:	

SUMMARY

The purpose of this report is to provide Councillors with the proposed updates to Council's Risk Management Framework for endorsement.

BACKGROUND

The Risk Management Framework (ERMF) comprises the following main components which apply the principles set out in the ERMF:

1. Risk Management Framework
2. Risk Management Policy (GTC 15)
3. Risk Management Procedures
4. Risk Appetite Statement (new)
5. Risk Register

The first four components are attached for review, with the Risk Appetite Statement (RAS) being a new element.

The current framework and an update of the Risk Management Policy was approved on 28 July 2020 (Minute Reference 113/20), and the policy is required to be reviewed each two years.

Council has engaged an external consultant to review the approach to risk management and a review of the policy, overall ERMF and Risk Register.

STRATEGIC PLAN

While risk management underpins all the future directions and activities expressed in the Community Strategic Plan 2020-2030, the RMF is a key enabler of A Culture of Engagement and Participation (Future Direction 1) and Leadership and Governance (Future Direction 4).

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

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The ERMF has applicability across all Council policy and activities. The following specific legislation and references should be considered in conjunction with the RMF:

1. Local Government Act 1993 (Tasmania)
2. Work Health and Safety Act 2012 (Tasmania)
3. ISO31000:2018 Risk Management Principles and Guidelines
4. George Town Council: Audit Panel Charter
5. Risk Management Policy (GTC-15)
6. Policy Governance (GTC 12)

RISK CONSIDERATIONS

Proactive and effective management of risk is a requirement that underpins good governance and prudent financial management and demonstrates Council is responsible, well run and operating in line with Tasmanian Government and community expectations.

FINANCIAL IMPLICATIONS

The ERMF can be administered within current budget allocations. Specific risk mitigation measures, depending on their nature may require separate budget and funding approvals.

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 ERMF has been reviewed in consultation with senior management and relevant staff. An overview of the proposed framework was provided to elected members at Workshop on 12 September 2023 and 10 October 2023. The proposed framework and any changes were endorsed by Council's Audit Panel at its meeting on 21st September 2023.

OPTIONS

Council may choose to;

1. Endorse the revised Risk Management Framework and associated documents as presented; or
2. Endorse the revised Risk Management Framework and associated documents with amendments; or

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3. Not endorse the revised Risk Management Framework and associated documents.

OFFICER'S COMMENTS

On review, the overarching Risk Management Policy is considered fit for purpose with only minor housekeeping amendments proposed.

The risk procedures are also considered fit for purpose, with updates focused on the role of the RAS and achieving a level of consistent terminology in respect of risk categories and registers.

The ERMF uses risk categories which carry through to the RAS:

1. People and Safety
2. Business Continuity/Interruption
3. Community, Governance and Reputation
4. Environment
5. Financial
6. Compliance

The RAS is a new expression of risk appetite and tolerance. Its introduction enhances the role the Council has in guiding actions and decisions by more clearly expressing the significance and tolerance of certain risks. The RAS will be:

- Reviewed every two years or as otherwise required by a material change in the operating environment or circumstance of Council.
- Considered annually as part of the budget development process to ensure assessment of initiatives and proposals against the levels of acceptable risk across relevant risk domains.
- Referred to when developing and maintaining the Council's risk register and actions to mitigate risk. These registers will be maintained and reviewed along with actions to mitigate risk at least every six months or when there is a material change to circumstance or business capability that compels re-assessment.
- Considered In the decision-making activities of the Council. Activities including financial planning, projects, strategic and operational planning, governance arrangements, performance management, regulatory oversight, program and policy design and implementation are to be managed within range of acceptable appetite and tolerances set out in this document.

As presented the revised RAS highlights the following strategic risk areas as significant for the Council.

- Tasmanian Local Government reform
- Cost of living and doing business pressures
- Competition for people and skills
- Supporting a purposeful transition to a more modern customer-focused organisation
- Cybersecurity, privacy, and data management

Following endorsement of the Risk Management Framework, Council officers will complete the review of the Risk Register and update in line with the overall strategy and the identified risks associated with the strategic and operational activities of the Council.

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OFFICER'S RECOMMENDATION

That Council;

Endorses the revised Risk Management Framework and associated documents.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

11 ORGANISATIONAL PERFORMANCE, STRATEGY & ENGAGEMENT

Nil

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12 MAYOR

12.1 MATTERS OF INVOLVEMENT - MAYOR, DEPUTY MAYOR AND COUNCILLORS

REPORT DATE: 17 October 2023

FILE NO: 14.11

Mayor Cr Greg Kieser		
Sept	21	Attended George Town Garden Club 60 th Birthday Celebration
	22	Attended dinner at Government House with Her Excellency Governor Baker and Professor Chalmers
	26	Chaired Council Workshop
	26	Chaired Ordinary Council Meeting
	27	Tamar FM Interview
	29	Met with Developer and Director Infrastructure & Development
	29	Attended Official Opening of the George Town Art and Artisans Retail Space.
Oct	4	Attended LGAT Mayor's Workshop
	5	Attended TasRex Launch - BBAMZ
	10	Chaired Council Workshops
	16	Met with Developer
	17	Attended NTDC Board Meeting
Deputy Mayor Cr Greg Dawson		
Sept	25	Attended Reconciliation Action Plan meeting
Oct	5	Attended Deputy Mayor's Workshop
Councillors		
Cr Orr		
Sept	21	Attended Audit Panel
	27	Attended VNT Regional Leadership Forum
	29	Attended Artisan Opening
Oct	3	Attended DAP Famil
	7	Attended Weymouth Committee meeting
	11	Attended ACEN North East Wind and Transmission Line Information Session
	28	Welcomed Scotch Oakburn College Grade 9 students at Low Head as part of the 9Alive Program "Our Land, Our Sustainable Future". Over a four day period a different group visited our municipality learning about invasive weeds and micro plastic while lending a hand cleaning and weeding our beautiful beaches.

OFFICER'S RECOMMENDATION

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

DECISION

Moved:

Seconded:

VOTING

For:

Against:

13 PETITIONS

Nil.

14 NOTICES OF MOTIONS

14.1 DALRYMPLE ROAD SPEED LIMIT - CR ORR

Moved: Cr Orr

That George Town Council contacts the Department of State Growth to request the Southern 80 km/h speed limit on Dalrymple Road near the East Arm Road intersection to be relocated north to the length of road north of Industry Road.

Reason:

As per Motion 084/17 item 2. The 80km/h limit was to be relocated north as the upgrade of works progressed. To date this has not happened and the speed sign remains south of East Arm Road. Since the original motion the section of road between East Arm Road and Industry Road has been upgraded, except for the Glen Road Intersection. Industry Road from the previous Dalrymple Road intersection had the default speed limit of 100km/h for sealed rural roads, due to no speed limit sign being posted.

The recent upgrade of Dalrymple Road/ Industry Road has transformed the road as one road, making it confusing for motorists, as to what speed limit applies ie. 80km/h as sign posted or the default speed limit. This motion would make a consistent speed limit of 100km/h from the Dalrymple Road/ East Tamar Hwy intersection to the Industry Road/ Bridport Road intersection.

Reference. Motion 084/17 Item 2. *"That Council again contacts the Department of State Growth to request an 80 km/h speed limit be introduced for the road length north of East Arm Road with commencement of the 80 km/h limit relocated to the north as upgrade works are progressed."*

DECISION

Moved:

Seconded:

VOTING

For:

Against:

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14.2 COUNCILLOR EXPENSES - CR BARWICK

Moved: Cr Barwick

The Councillor Expenses quarterly report (available on the Web site) itemises what the expense payable is i.e. like we state kilometres travelled.

Reason:

Another way of being transparent.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

15 COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

15.1 COUNCILLOR QUESTIONS - CR ORR, CR BARWICK AND CR ARCHER

Cr Orr

Q1. Were any Public Open Space funds spent on the George Town football ground?

Question was taken on notice at the 26 September 2023 Ordinary Council meeting.

Response

No public open space funds were spent on the George Town football ground.

Cr Barwick

Q1. What funds are available in Public Open Space Reserves?

Question was taken on notice at the 26 September 2023 Ordinary Council meeting.

Response

Council had \$190,080 as at 30 June 2023 available in public open space reserves with \$95,080 balance after allocation to the Hillwood Sports Ground surface renovation project as per Council minute 159/23.

Q2. Has Management contacted the WPA President since the last meeting of the Council 26th. September about a User Agreement between WPA and the George Town Council for access and use of the land known as the Weymouth Cricket Ground off Millar Street Weymouth.

Reason for Question

The Council moved a resolution that a User Agreement for the use of the area by the WPA Cricket Club (listed above) when the Council approved the renewal of the ten year lease between the Council and Crown.

Response

Yes, Council Officers have been in contact with Weymouth Progress Association President on 7/9/23, 27/9/23, 6/10/23 and 18/10/23. Discussions are continuing with regard to the scope of the proposed user agreement.

Cr Archer

Q1. What was the purchase price for PID 6441050 (Anzac Drive)?

Response

The price for PID 6441050 was \$950,000 ex GST.

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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 26 September 2023

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

Agenda Item 16.3 Land Acquisition – Dalrymple & Industry Road Intersection

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

Agenda Item 16.4 Application to Amend Sealed Plan No. 154317 – 6 Leads Avenue - Hearing

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

Agenda Item 16.5 Legal Expenditure

As per the provisions of Regulation 15(2)(a); (b); (d); (e)(i), (ii); (f); (g); (i); (j) of the Local Government (Meeting Procedures) Regulations 2015.

Agenda Item 16.6 Notice of Motion – Cr Barwick – Cancellation of Services

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

Agenda Item 16.7 Employee Matter

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

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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. The General Manager is authorised to release the information contained in Confidential Agenda Item 2.1 (1) and (2); and Confidential Agenda Item 2.2 (1) to the public at the discretion of the General Manager.
2. Council moves out of Closed Meeting at ...pm and endorses those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For:

Against:

17 CLOSURE

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

**Cr Greg Kieser
MAYOR**