



# GEORGE TOWN COUNCIL AGENDA

Notice is hereby given  
that the next Ordinary Council Meeting  
will be held on  
**Tuesday 26 November 2024**

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 22 OCTOBER 2024**

#### **RECOMMENDATION**

That the Minutes of Council's Ordinary Meeting held on 22 October 2024 numbered 150/24 to 158/24 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 DECLARATIONS OF INTEREST**

## **5 PUBLIC QUESTION TIME**

### **5.1 PUBLIC QUESTION TIME PROCEDURE**

*[Refer to Minute No. 243/16. The period set aside for public question time will be at least 15 minutes. Questions given on notice will be addressed first. Once questions on notice have been addressed, persons who have registered their interest to ask a question will be called to do so in the order in which they have registered. Persons attending Council meetings will have the opportunity to register their interest to ask a question without notice prior to the commencement of the meeting. Council staff will be on hand to assist with this process.]*

*Participants cannot ask more than 2 questions in a row with a maximum of 2 minutes per question. If a person has more than (2) questions, they will be placed at the 'end of the queue' and may, if time permits, ask their further questions once all other persons have had an opportunity to ask questions. Persons who have not registered their interest to ask a question will be given an opportunity to do so following all those who have registered. All questions must be directed to the Chairperson.*

*For further information on Council's Public Question Time Rules and Procedure, please refer to George Town Council Public Question Time Policy GTC13.*

*Questions asked and answers provided may be summarised in the Minutes of the meeting.*

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*Council requests that members of the public pre-register to attend meetings of Council.*

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**5.2 PUBLIC QUESTIONS ON NOTICE**

Nil.

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**5.3 PUBLIC QUESTION TIME**

Commenced at:

Concluded at:

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

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

**Mrs L. Wootton**



24 October 2024

Mrs L. Wootton

Dear Mrs Wootton,

**RE: RESPONSE TO QUESTION WITHOUT NOTICE**

In response to your question taken on notice at the ordinary meeting of Council 19 December 2023:

*Item 8 – Council workshops*

*I notice at the Council workshop held at 8 October an Acquittal for the Solstice Event that was planned to cost \$35,000.*

*Can you now tell me and the community the total cost of*

- (a) The inaugural Art Exhibition and*
- (b) The Solstice Festival (aside from the art exhibition)*
- (c) How much of this total was provided by sponsorship/donations rather than Council funds?*

Council allocated an additional \$35,000 to the Events budget in 2023/2024 bringing the total Events Arts and Culture budget to \$95,000. The table below outlines the costs and funding associated with the events requested:

<b>Art Prize 2024 Financials</b>	
<b>Expenditure</b>	
Total Expenditure	\$ 8,303.99
<b>Funding</b>	
George Town Council Art Prize Budget	-\$ 5,000.00
Sponsorship	-\$ 1,750.00
George Town Council Events, Arts & Culture Budget	-\$ 1,553.99
	<b>-\$ 8,303.99</b>

<b>Solstice 2024 Financials</b>	
<b>Expenditure</b>	
Total Operational expenditure	\$ 67,407.09
<b>Funding</b>	
Timberlink - sponsorship	-\$ 2,900.00
Ticket sales	-\$ 8,135.00
George Town Council Events, Arts and Culture budget	-\$ 56,372.00
	<b>-\$ 67,407.00</b>

Yours sincerely

**Shane Power  
General Manager**

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**Mr G. Neilsen**

- Q1. Could Council provide a detailed written update in the next Agenda re the ex-RSL development including current value of the completed project, all costs incurred, sources of income to complete the project and key achieved performance indicators referencing against all business plan projections or informal or formal aspirations?

**Response**

*The acquisition of the building and associated costs totalled \$999,020.09. The purchase was funded through cash at bank, noting surplus operating results totalled \$859,821 in the two financial periods preceding.*

The redevelopment project totalled \$1,876,160.37. Funding for the project was as follows:

Council operational surplus and capital works savings 2022/2023	\$ 644,339
Unbudgeted increase in Financial Assistance Grant Allocation	\$ 225,589
Capital budget reallocation, from project savings and grant funding	\$ 755,732
<b>Total Council contribution</b>	<b>\$ 1,625,660</b>
Tasmanian State Government Grant - Launchpad	\$ 250,500
<b>Total Project Funding</b>	<b>\$ 1,876,160</b>

Noting a further total of \$978,484 in operating surplus has been achieved in three financial periods post-acquisition. Operating surplus results from 2018/2019 total \$1,838,305.

No increase in debt level or rates has occurred to accommodate the project.

All milestones and KPI's have been met in accordance with the construction programs prescribed within the contract documents and Council resolutions.

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

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

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



Andrew McCarthy  
**ACTING GENERAL MANAGER**

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

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

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

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## **7 PLANNING AUTHORITY**

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

### **7.1 DA 2024/86 - 82 BELLBUOY BEACH ROAD, LOW HEAD - SUBDIVISION (1 LOT TO 4 LOTS)**

<b>REPORT AUTHOR:</b>	Senior Town Planner - Mr J. Simons Town Planner – Mr. A Bowles
<b>REPORT DATE:</b>	15 November 2024
<b>FILE NO:</b>	DA 2024/86
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. DA 2024/86 - Checklist Assessment of Compliance with Acceptable Solutions [7.1.1 - 37 pages]</li><li>2. DA 2024/86 - Advertising Plans [7.1.2 - 75 pages]</li><li>3. DA 2024/86 - Representation - V Jansen-Riley (Redacted) [7.1.3 - 2 pages]</li><li>4. DA 2024/86 - Applicant response to Representation [7.1.4 - 2 pages]</li><li>5. DA 2024/86 - TasWater - Submission to Planning Authority Notice - TWDA 2024/01129-GTC [7.1.5 - 2 pages]</li></ol>

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### **APPLICATION INFORMATION**

<b>Planning Instrument:</b>	<i>Tasmanian Planning Scheme – George Town</i>
<b>Applicant:</b>	Woolcott Land Services
<b>Site Address:</b>	82 Bellbuoy Beach Road, Low Head
<b>Titles Details:</b>	CT 163013/2 & CT 209002/1
<b>Property ID:</b>	3146689
<b>Zone:</b>	Low Density Residential
<b>Use:</b>	Residential
<b>Proposed Development:</b>	Subdivision (1 lot to 4 lots)
<b>Application Received:</b>	24 September 2024

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## **1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Subdivision (1 lot to 4 lots) at 82 Bellbuoy Beach Road, Low Head (CT 163013/2 & CT 209002/1).

It is noted that the current addressing considers the properties within Tekaro Place as along Bellbuoy Beach Road. With the increased density proposed with this subdivision there will be a requirement for addressing to properly reflect Tekaro Place as the primary road.

One representation was received during the advertising period. The primary concerns raised in the representation includes the proposed lot density, impacts on property values, habitat retention, use of Right of Ways and wastewater design.

These matters are discussed in the assessment below with respect to character and density. The proposed subdivision will result in a minor increase in the number of lots with the density proposed in accordance with the acceptable solutions of the zone.

Impacts related to property values and similar concerns do not have planning merit within an assessment against the *Tasmanian Planning Scheme – George Town*.

The land does not contain any significant habitat for retention, the land is sparse and considered extensively modified.

The use of Right of Ways is a common practice for lots unable to achieve sufficient frontage, so the usage of this access arrangement especially within an area of lower density is not considered an issue.

Wastewater design is managed through the Building Act 2016 and based on the requirements for what is being constructed on each lot. The applicant has provided a report by a suitably qualified person demonstrating that these sites can manage this service.

The impacts related to this proposal are not considered unreasonable for adjacent properties within Tekaro Place and where possible can be managed through appropriate conditioning.

The proposed development is consistent with the purpose of the Low Density Residential Zone, with conditions included in the recommendation to ensure compliance with the applicable Performance Criteria and the planning scheme. The proposal is recommended for approval.

## **2. STRATEGIC PLAN**

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

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

#### **33. Fair and open planning regulatory processes**

- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes

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### **3. CONSULTATION**

In accordance with section 57(5) of The Land Use Planning and Approvals Act 1993, the application was advertised for public comment for the period of 14 days. One (1) representation was received and is further discussed in the assessment below.

### **4. RISK IMPLICATIONS**

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

### **5. FINANCIAL IMPLICATIONS**

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

### **6. SITE AND LOCATION**

The subject site is located at 82 Bellbuoy Beach Road, Low Head (CT 163013/2), which is situated off Tekaro Place.

The site is subject to a Bushfire Prone Area overlay and Natural Assets Code – Priority Vegetation Overlay along the north and eastern boundaries of the site.

The land falls generally from the east to the west of the site.

The property is located on the periphery of Bellbuoy Beach, with the land surrounding the property being made up of predominantly low density residential properties to the west and agricultural properties to the east.

The land is un-serviced by reticulated water and stormwater; however it is noted that infrastructure exists for the Bellbuoy Beach reticulated Sewer Pump Scheme proximate the site that may provide opportunity for future servicing. The developer, in this instance, has opted to demonstrate capacity for onsite wastewater on the lots to be located on each site, instead of utilising this Sewer Pump Scheme.



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

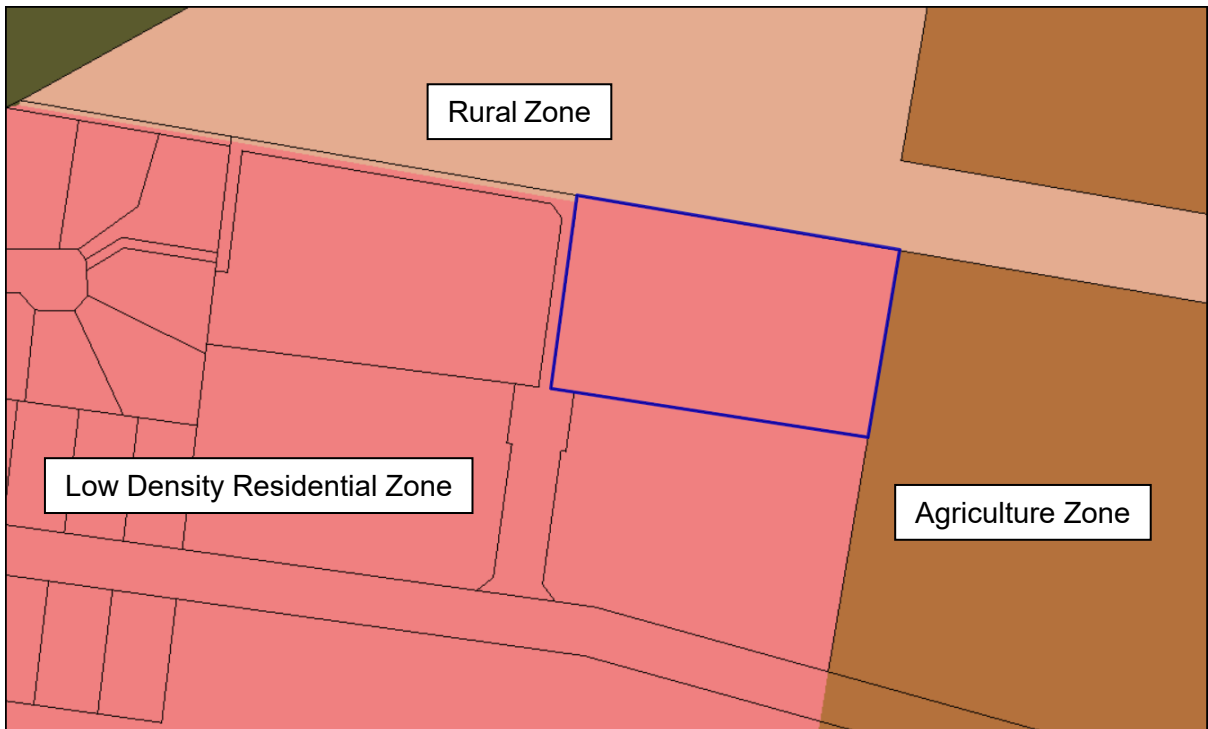


Figure 2: Zoning of subject title (outlined in blue) and surrounding land.

## 7. DEVELOPMENT AND USE DESCRIPTION

The application seeks approval for the use and development of the site at 82 Bellbuoy Beach Road, Low Head (CT 163013/2 & CT 209002/1) for Subdivision (1 lot to 4 lots).

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The proposal is for a four (4) lot subdivision of CT 163013/2, with the following lot sizes proposed:

Lot	Size (m <sup>2</sup> )
1	2572
2	2620
3	2426
4	2426

The proposal contains a number of access arrangements (via Right of Ways) to service the subdivision due to the relatively constrained frontage size. This includes burdening Right of Way easement over lots 1 & 2 allowing for access to be achieved for all lots. Notably as part of the Right of Ways considered for the lots, an additional Right of Way in favour of the neighbouring property of 551 Old Aerodrome Road (CT 209002/1), has also been included. This will allow the neighbouring lot direct access to Tekaro Place.

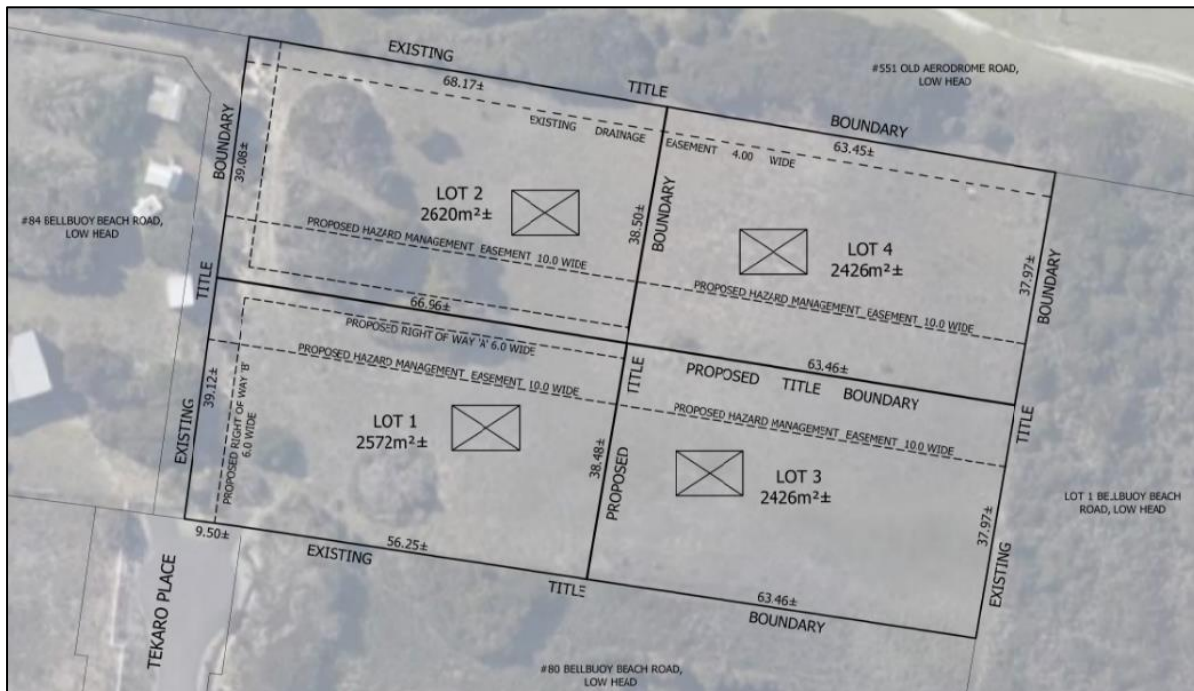


Figure 3: Proposal Plans

The full plans submitted are included in the attachments.

## 8. REPRESENTATIONS

The Application was advertised for community consultation from 12/10/2024 to 28/10/2024. One representation was received and is summarised below.

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

Issues Raised in Representations	Council Response
Development does not show integrity to the original subdivision of the parcel of land.	This proposal is consistent with the evolving planning context of the site and the changes

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<p>Why were they so big and what has changed since.</p>	<p>to its zoning over time. The blocks are currently located within a Low Density Residential Zone. Previous iterations of zoning for this parcel included 'Village' zoning under the <i>George Town Interim Planning Scheme 2013</i> and a 'Reserved Residential' zone under the <i>George Town Planning Scheme 1991</i>, through which the original subdivision was carried out. The zoning classification through which the previous subdivision was undertaken required significantly larger lot sizes, which is why the blocks were originally subdivided into approximately 1-hectare parcels.</p> <p>Since that time, the zoning of the site has undergone several changes (as outlined above). The current Low Density Residential Zone allows for a minimum lot size of 1500m<sup>2</sup> as an acceptable solution. The proposed average lot size of 2511m<sup>2</sup> is much greater than the current acceptable solution for the zone and complies with the density requirements for the area.</p> <p>As such, while the original subdivision was based on larger lot sizes in response to past zoning, the current proposal is consistent with the present planning scheme and density provisions for the Zone.</p> <p>No recommendations are made in consideration of this matter.</p>
<p>Original blocks allowed greater retention of habitat.</p>	<p>It is acknowledged that lower-density lots generally contribute to the retention of habitat and vegetation, which can help preserve the natural values of an area.</p> <p>However, it is important to note that the subject site has already been significantly modified. TASVEG have classified this site as 'modified' urban land, meaning that it has already undergone substantial alteration, reducing its capacity to support native habitats in their natural state.</p> <p>Aerial images (see figure 2) and site inspections further confirm that the land is relatively sparse in terms of significant vegetation, and any remnant bush or natural habitat is limited. As such, the values that are being sought for retention in this representation, such as habitat for native animals and vegetation, are not substantially</p>

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	<p>present on the heavily modified site.</p> <p>Therefore, the risk to these values within this development proposal is negligible.</p> <p>No conditions are recommended in relation to this concern.</p>
<p>Neighbours will be affected – bought in expecting larger lots.</p>	<p>Under the Land Use Planning and Approvals Act 1993 (LUPAA), property owners are entitled to develop their land in accordance with the relevant planning scheme. Development applications are assessed against the planning scheme and are determined based on their merit, to ensure they comply with all necessary planning requirements.</p> <p>It is unreasonable to expect that neighbouring properties will remain undeveloped or unchanged indefinitely. Property owners have the right to make decisions about their land, provided those decisions align with the effective planning legislation.</p> <p>No conditions are recommended to address this matter.</p>
<p>Impact on property values.</p>	<p>Impacts to property values are not considered within an assessment against the <i>Tasmanian Planning Scheme – George Town</i> ('the Scheme').</p> <p>Overall, the matter raised within the representation is not a matter that is relevant to the application pursuant to clause 6.10.1 of the Scheme.</p>
<p>Will set precedent. Potential for subdivision of other large lots in the area.</p>	<p>Property owners have the right to make decisions about how to develop their land, provided those decisions align with the relevant planning scheme in effect at the time.</p> <p>It is important to note that each development application is assessed on its own merits, in accordance with the relevant planning scheme. While this proposal may result in a change to the site, it does not automatically set a precedent for future subdivisions. Each potential subdivision will be subject to individual consideration based on its specific context, compliance with the planning</p>

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	<p>scheme, and the characteristics of the land in question.</p> <p>No conditions are recommended to address this matter.</p>
<p>Right of ways poor planning and result in complexities determining responsibility for maintenance.</p>	<p>Rights of Way are commonly used where development makes road frontage for sites impracticable or impossible, as is the case with the subject site. They provide a practical and legal means for landowners to gain access to the road reserve. Rights of way are a well-established mechanism in planning, frequently employed to ensure that properties retain clear access to the road in perpetuity.</p> <p>Employment of this method of access is not considered detrimental or a departure from conventional planning practices, as Rights of Way are a widely accepted and established solution for providing access in situations where road frontage is not feasible.</p> <p>While maintenance of Rights of Way are typically managed between the affected property owners. Council does not manage Right of Way disputes, in the event of disputes or failure to reach an agreement. Civil law mechanisms are available to resolve issues.</p> <p>No conditions are recommended to address this matter.</p>
<p>Unclear what sort of wastewater system will be implemented.</p>	<p>The wastewater system design is managed through the building process, specifically under the <i>Building Act 2016</i>, via the plumbing permit process.</p> <p>The evaluation report provided by the applicant indicates that both primary treated septic tanks with trenches and secondary treated systems, such as Aerated Wastewater Treatment System (AWTS) and subsoil irrigation, are suitable for the site. This demonstrates that the land can be appropriately serviced by these methods.</p> <p>The specific system design, however, will depend on the specific buildings and their sizes being considered for the site.</p> <p>So, although no design is shown, the land has demonstrated suitability for an onsite wastewater management system to be utilised.</p>

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	No conditions are recommended to address this matter.
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## **9. STATUTORY REQUIREMENTS**

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

- 10.0 Low Density Residential Zone
- C2.0 Car Parking and Sustainable Transport Code

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

### **9.1 Use Class**

The application is for subdivision. Subdivision is not required to be classified into a particular use class in accordance with Clause 6.2.6 of the planning scheme. Therefore, in this instance, no use class is assigned to this application.

However, it is noted the lots are likely intended for future residential use.

In this instance, the proposal relies on Performance Criteria and is subject to the discretionary application process.

### **9.2 Planning Scheme Assessment**

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

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

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

### **Zone Purpose Assessment**

#### **10.1 Zone Purpose**

The purpose of the Low Density Residential Zone is:

10.1.1 To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.

10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.

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10.1.3 To provide for Visitor Accommodation that is compatible with residential character.

**Planner's Response:**

Although the subdivision is not required to be classified into a use class, the intent of the proposal is to provide residential lots for the development of dwellings. The subdivision is at a lower density consistent with the limited services available to the land and with the Acceptable Solutions for density applicable to this zone. This is consistent with the Purpose of the Low Density Residential Zone.

No non-residential uses would be readily anticipated for the site.

The proposal does not include visitor accommodation.

**Performance Criteria assessment.**

**10.0 Low Density Residential Zone**

**10.6 *Development Standards for Subdivision***

**10.6.1 Lot design**

Objective:	That each lot: (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for residential development.
Acceptable Solutions	Performance Criteria
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 20m.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <p>(a) the width of frontage proposed, if any;</p> <p>(b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access;</p> <p>(c) the topography of the site;</p>

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	<p>(d) the functionality and useability of the frontage;</p> <p>(e) the ability to manoeuvre vehicles on the site; and</p> <p>(f) the pattern of development existing on established properties in the area,</p> <p>and is not less than 3.6m wide.</p>
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**Planner's Response: Relies on Performance Criteria.**

The proposed lots all have frontage less than 20m. However, all of the lots proposed are provided with a legal connection to Tekaro Place via a right of way over the existing access. The total frontage is 9.5m in width and is sufficient for the provision of a private crossover providing simultaneous entry and exit.

The topography of the site does not compromise access via the proposed arrangements.

Council's Infrastructure Department has provided advice regarding access to the lot, including the need to widen the crossover to accommodate two way traffic and facilitate appropriate drainage of the shared right of way. With improved access width, the frontage will function to an appropriate standard.

Lot 1 has sufficient frontage to accommodate a separate crossover if required.

The adjoining property at 551 Old Aerodrome Road has a direct access to Old Aerodrome Road and does not rely on the shared access as its sole and principal access. As such, the proposed access will create 3 lots, where the sole and principle access is via the shared right of way. This is not considered to be so unreasonable that a public road would provide substantial public amenity.

All of the proposed lots have a significant area and there are no significant limitations to manoeuvring vehicles within the lots.

The proposed lots are within a cluster of 4 lots with an area of approximately 1 ha in area. This is significantly larger than the majority of residential lots in Bellbuoy Beach, which generally range between 900m<sup>2</sup> and 2000m<sup>2</sup> approx. With respect to area and dimensions, the proposal brings the site into greater conformity with the existing pattern of development predominate in the Bellbuoy Beach, Low Density Residential Zone. While access via rights of way is not common in the current developed area, this form of access is unlikely to result in external impacts or changes to visual appearance that are not in keeping with the pattern of development in the area.

It is noted that the frontage is not sufficient for a 18m road reserve, even with the inclusion of the existing Council walkway adjacent to the lot. It is also noted that there is no strategic purpose for an extension to the public road in this location; extending the road would simply relocate the existing cul-de-sac by approximately 30m. Such an extension would have no clear benefit to the general public or connectivity within the existing road and pedestrian network. While Rights of Way have previously not been used for access purposes for new lots, this position has fundamentally shifted with the introduction of the State Planning Provisions, which provide a clear avenue for new lots accessed via rights of way. As there

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is no strategic benefit to the extension of the road, and the costs of extending the road for no strategic purpose is not reasonable, the current situation appears to be appropriate for the use of rights of way.

In order to avoid first mover issues around the shared access, it is recommended that construction of the access be required at the subdivision stage. A condition is recommended on the permit to construct the access to the boundary of all lots. It is also considered prudent that a management regime for the shared infrastructure be established and included within a covenant to ensure there is a clear indication of landowner responsibility for the ongoing management of the infrastructure.

It is also noted that the State Planning Provisions provide an opportunity for multiple dwellings in the Low Density Residential Zone at a density of one dwelling per 2500m<sup>2</sup>. As such, there is a clear pathway for the development of 4 dwellings on the existing title with a shared access not dissimilar to that proposed.

The proposed development complies with the Performance Criteria and is consistent with the objective, providing reasonable access to the proposed lots.

10.6.2 Services

Objective:	That the subdivision of land provides services for the future use and development of the land.	
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	
<p><b>A2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p><b>P2</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site wastewater treatment system adequate for the future use and development of the land.</p>	
<p><b>Planner's Response: Relies on Performance Criteria.</b></p> <p>The lots are not proposed to be connected to the reticulated sewage system. The application includes a wastewater assessment prepared by a suitably qualified person which considers the capacity of the lots to manage wastewater within the site. All lots have significant capacity to manage waste water within the site. There is generally ample space to accommodate a traditional septic system, pending a case by case assessment by a suitably qualified person. No further restrictions on waste water management are considered warranted in this instance.</p> <p>The proposal complies with the Performance Criteria and is consistent with the objective.</p>		
<p><b>A3</b></p> <p>Each lot, or a lot proposed in a plan of</p>	<p><b>P3</b></p> <p>Each lot, or a lot proposed in a plan of</p>	

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<p>subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size of the lot;</li> <li>(b) topography of the site;</li> <li>(c) soil conditions;</li> <li>(d) any existing buildings on the site;</li> <li>(e) any area of the site covered by impervious surfaces; and</li> <li>(f) any watercourse on the land.</li> </ul>
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**Planner's Response: Relies on Performance Criteria.**

The lots are not proposed to be connected to the reticulated stormwater network, however a wastewater assessment prepared by a suitably qualified person demonstrates that the lots have adequate area to manage both waste water and stormwater within the site.

Due to the large area of shared access tracks required to access the lots, it is recommended that a private drain be constructed adjacent to the access track with an appropriate right of private drainage. This would provide further potential for drainage to the Council's stormwater system should it be required.

**C3.0 Road and Railway Assets Code**

**C3.5 Use Standards**

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:	To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>

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<p><b>A1.1</b></p> <p>For a category 1 road or a limited access road, vehicular traffic to and from the site will not require:</p> <ul style="list-style-type: none"> <li>(a) a new junction;</li> <li>(b) a new vehicle crossing; or</li> <li>(c) a new level crossing.</li> </ul> <p><b>A1.2</b></p> <p>For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority.</p> <p><b>A1.3</b></p> <p>For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority.</p> <p><b>A1.4</b></p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> <li>(a) the amounts in Table C3.1; or</li> <li>(b) allowed by a licence issued under Part IVA of the <i>Roads and Jetties Act 1935</i> in respect to a limited access road.</li> </ul> <p><b>A1.5</b></p> <p>Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	<p><b>P1</b></p> <p>Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to:</p> <ul style="list-style-type: none"> <li>(a) any increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature of the road;</li> <li>(d) the speed limit and traffic flow of the road;</li> <li>(e) any alternative access to a road;</li> <li>(f) the need for the use;</li> <li>(g) any traffic impact assessment; and</li> <li>(h) any advice received from the rail or road authority.</li> </ul>
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**Planner's Response: Relies on Performance Criteria.**

The subject lots are intended for residential use and development and are of a density that

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supports a single dwelling. In accordance with the RTA Guide to Traffic Generating Development each dwelling will generate approximately 9 movements per dwelling. Combined with the ROW servicing 551 Old Aerodrome Road, the proposal will potentially result in more than 40 movements onto Tekaro Place.

Combined with existing properties, the development will result in a total of 8 residential lots with access onto Tekaro Place. Tekaro Place is a sealed residential street with a low speed limit and relatively short length, which will likely generate traffic from light vehicles of a domestic nature. The proposed increase in traffic is well within the design capacity of the road and therefore considered compliant with the performance criteria and objectives of the standard.

**C7.0 Natural Assets Code**

**C7.7 Development Standards for Subdivision**

**C7.7.2 Subdivision within a priority vegetation area**

<b>Objective:</b>	<p>That:</p> <p>(a) works associated with subdivision will not have an unnecessary or unacceptable impact on priority vegetation; and</p> <p>(b) future development likely to be facilitated by subdivision is unlikely to lead to an unnecessary or unacceptable impact on priority vegetation.</p>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must:</p> <p>(a) be for the purposes of creating separate lots for existing buildings;</p> <p>(b) be required for public use by the Crown, a council, or a State authority;</p> <p>(c) be required for the provision of Utilities;</p> <p>(d) be for the consolidation of a lot; or</p> <p>(e) not include any works (excluding boundary fencing), building area, bushfire hazard management area, services or vehicular access within a priority vegetation area.</p>	<p><b>P1.1</b></p> <p>Each lot, or a lot proposed in a plan of subdivision, within a priority vegetation area must be for:</p> <p>(a) subdivision for an existing use on the site, provided any clearance is contained within the minimum area necessary to be cleared to provide adequate bushfire protection, as recommended by the Tasmania Fire Service or an accredited person;</p> <p>(b) subdivision for the construction of a single dwelling or an associated outbuilding;</p> <p>(c) subdivision in the General Residential Zone or Low Density Residential Zone;</p>

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- (d) use or development that will result in significant long term social and economic benefits and there is no feasible alternative location or design;
- (e) subdivision involving clearance of native vegetation where it is demonstrated that on-going pre-existing management cannot ensure the survival of the priority vegetation and there is little potential for long-term persistence; or
- (f) subdivision involving clearance of native vegetation that is of limited scale relative to the extent of priority vegetation on the site.

**P1.2**

Works association with subdivision within a priority vegetation area must minimise adverse impacts on priority vegetation, having regard to:

- (a) the design and location of any works, future development likely to be facilitated by the subdivision, and any constraints such as topography or land hazards;
- (b) any particular requirements for the works and future development likely to be facilitated by the subdivision;
- (c) the need to minimise impacts resulting from bushfire hazard management measures through siting and fire-resistant design of any future habitable buildings;
- (d) any mitigation measures implemented to minimise the residual impacts on priority vegetation;
- (e) any on-site biodiversity offsets; and
- (f) any existing cleared areas on the site.

**Planner's Response: Relies on performance criteria.**

The bushfire hazard management areas required for each lot extend into the area of the title mapped as priority vegetation. The proposal is consistent with P1.1 (c) and is for subdivision in the Low Density Residential Zone.

Adverse impacts on priority vegetation and biodiversity will be minimised. Aerial imagery indicates the areas of priority vegetation have been consistently slashed/mowed since at least 2011 and likely since the lot was first created as a residential lot. They have been altered significantly from their natural state and do not contain any standing vegetation. The management regime which has occurred since the original subdivision will not change as a result of the proposed development and as such will have no further impact on the priority vegetation or biodiversity.

Managing the vegetation in its current state will achieve the requirements of the bushfire hazard management plan without further vegetation removal in the priority vegetation areas.



Figure 6: subject title (in red) showing the mapped priority vegetation in green hatching.

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

## **10. REFERRALS**

### **Internal Referrals**

A referral was issued to Council's Engineering Officers.

The following advice was provided –

“It is recommended that the public drain extending from the northern boundary of Lot 2, located within the Council drainage reserve, be upgraded and formalised to accommodate a 10% AEP rainfall event, ensuring sufficient capacity to convey stormwater from the cul-de-sac and shared driveways within the development.

The internal shared right of way from the cul-de-sac to the boundary of Lot 2 should be designed in accordance with the endorsed Bushfire Hazard Management Plan, with

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a minimum width of 6.5 metres, incorporating a one-way crossfall and a 0.5-metre verge on the lower side to direct stormwater to the open drain in the adjacent Council reserve.

Additionally, a private open drainage system should be implemented to manage stormwater from the shared driveways and direct it to the reticulated system. Finally, the driveway crossover servicing the development should be upgraded to a minimum width of 6.5 metres and constructed in accordance with LGAT Standard Drawings TSD-R03-v3 and TSD-R04-v3.”

### **External Referrals**

A referral was issued to TasWater.

A response was received by Council’s Planning Department on 2 October 2024.

A Submission to Planning Authority Notice (SPAN) pursuant to Section 56P (1) of the *Water and Sewerage Industry Act 2008* (TAS) has been provided by TasWater. The SPAN imposes no conditions on the development, however it does provide advice to the applicant regarding the Sewer Pump Scheme present in the area.

Planner Response: As conditions are not imposed by the SPAN, inclusion of the SPAN within the conditioning of any permit is not considered warranted. However, a note is included within the recommendation that advice provided by TasWater is required to be passed onto the applicant.

## **11. SERVICES**

### ***Road***

Access is available to Tekaro Place, via the existing driveway crossover.

### ***Sewer***

Records indicate the land is serviced by sewer within the Bellbuoy Beach Sewerage Pump Scheme. However, the intended service provision for all lots is through an onsite wastewater management system.

### ***Water***

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

### ***Stormwater***

The property has access to the reticulated stormwater network via the existing drainage easements on the site which may service the dwellings. However, any development on the site has capacity to manage this onsite.

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

### ***Easements:***

The subject property contains an existing 4m wide registered burdening drainage easement along the northern boundary of the property.

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Additional easements for the purposes of maintaining hazard management area and right of ways burdening and benefitting the properties in the subdivision is also proposed.

**Part V Agreements:**

A Part V agreement pursuant of section 71 of Land Use Planning and Approvals Act 1993 was previously registered against this title, restricting the capacity for subdivision and certain forms of development to occur on the property (see agreement - D34898). This has since been removed by the Planning Authority (see minute 44/24) and bears consideration in this decision.

**Covenants:**

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

**Heritage Register:**

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

**Level 2 Activities:**

The subject property 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*.

**Public Open Space**

The proposed development is within the area of 'Bellbuoy Beach' as identified in Council's *Township Character Plans*. This property is identified as within the settlement and intended to benefit from Public Open Space improvement opportunities identified within the Township Character Plans. These lots within the subdivision will therefore benefit and increase the demand for Council's public open space provision.

Council could consider requiring land to be provided as a public open space contribution, however, it is recommended that Council focus on strategically locating Public Open Space assets to maximise the benefit to residents of the municipality, rather than taking on the maintenance burden of additional open spaces that do not have any strategic benefit.

Due to the increased demand on existing open space, it is recommended that a 5% cash contribution be required, consistent with the provisions of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

No specific circumstances have been identified which warrant a reduction in the contribution.

**13. STATE POLICIES**

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

**14. ALTERNATIVE OPTIONS**

Council can refuse the application or approve it with alternative conditions.

**15. CONCLUSION**

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The application for construction and use of Subdivision (1 lot to 4 lots) at 82 Bellbuoy Beach Road, Low Head (CT 163013/2 & CT 209002/1), has been assessed against all relevant zone and code criteria of the Tasmanian Planning Scheme – George Town. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

## **16. RECOMMENDATION**

That the application for use and development, Subdivision (1 lot to 4 lots) at 82 Bellbuoy Beach Road, Low Head (CT 163013/2) with access to CT 209002/1 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 Land Services, Job no. L240103, edition V2.0, dated 21 August 2024;
- b. Woolcott Land Services, Job no. L240103, review 1, dated 20 September 2024;
- c. Geoton Pty Ltd, On-site Wastewater and Stormwater Disposal Evaluation, Reference no. GL24408Ab, dated 20 September 2024;

to the satisfaction of the Council, unless provided for otherwise by the conditions below or as directed by Council's Director Infrastructure and Development, following detailed assessment of the engineering design drawings.

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. Include all infrastructure works shown on the endorsed plans and specifications or otherwise specified by the conditions below, including:
  - i. Footpaths, crossovers and drainage infrastructure;
  - ii. All necessary line marking and traffic signage;
  - iii. Electricity infrastructure including street lighting where required;
  - iv. Communications infrastructure.
- b. The public drain extending from Tekaro Place to the northern boundary of Lot 2, located within the Council drainage reserve to the west of the title, is to be upgraded

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and formalised, with sufficient capacity to convey stormwater from the Tekaro Place cul-de-sac and shared driveways within the development. The drain must have sufficient capacity to accommodate a 10% AEP rainfall event.

- c. The internal shared Right of Way from Tekaro Place to the boundary of Lot 2, is to be designed in accordance with the requirements of the endorsed bushfire hazard management plan, with a minimum width of 6.5m. The driveway is to have a one way crossfall, with 0.5m verge on the lower side, directing stormwater to the open drain in the adjacent Council drainage reserve.
- d. The internal shared Right of Way servicing Lots 3 and 4 is to be relocated such that it is fully contained within Lot 1 or Lot 2 and is to be extended to ensure adequate frontage for Lots 3 and 4. It is to be designed in accordance with the requirements of the endorsed bushfire hazard management plan, taking into account the requirements for overtaking bays and vegetation clearance. A private open drainage system sufficient to drain the shared driveways and direct all stormwater to the public drain.

Note: as the ROW extending over Lot 2 to 551 Old Aerodrome Road is not the sole and principal access to this property and is not essential for access to any other lot, it is at the owner's discretion if/when this is formalised.

- e. The means of connection to power reticulation services to each lot in accordance with a design approved by TasNetworks. A copy of the approved design must be submitted to Council upon approval by TasNetworks.
- f. All drawings are to be prepared by a suitably qualified and experienced engineer or Engineering Consultancy

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

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

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In addition to the public works, the shared accesses serving Lots 2, 3 and 4, and associated drainage are to be fully formed in accordance with the endorsed engineering plans approved in accordance with Condition 2 and in accordance with the endorsed bushfire hazard management plan.

**4. PEDESTRIAN FOOTPATH**

The gravel footpath located within the drainage reserve adjacent the west boundary is to be reformed and encroaching vegetation removed, between Tekaro Place and the northern boundary of Lot 2.

**5. DRIVEWAY CROSSOVERS**

Prior to the sealing of the Final Plan, the driveway crossover on Tekaro Place servicing the development is to be upgraded to a minimum width of 6.5m and constructed in accordance with, LGAT Standard Drawings TSD-R03-v3 and TSD-R04-v3 and to the satisfaction of Council's Director Infrastructure and Development.

**6. CONSTRUCTION DOCUMENTATION**

At the time of practical completion of the public infrastructure, including drainage and footpath works, 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" drawings in AutoCAD & ESRI ArcGIS compatible format (dwg) and Adobe (.pdf). The "As Constructed" drawings to include the following essential information:
  - i. A complete and accurate drawing showing the final construction details, including all dimensions, levels and connections, materials, and locations of the Works.
  - ii. Location and details of all stormwater pipes, manholes, pits including their surface & invert RLs level.
  - iii. Drainage catchment areas and flow path.
  - iv. Location and details of underground and overhead TasNetwork infrastructures including details of substations, transfers, and connection points.
  - v. Location and details of communication infrastructure including details of conduits, pits, and connection points.
  - vi. Location of specifications of street lighting poles and luminaires.
- b. Complete and return Council's Asset Register of each new and upgraded asset.

**7. STAGING**

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

## **8. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

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

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

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

## **9. COVENANTS ON SUBDIVISIONS**

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

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

## **10. BUSHFIRE HAZARD MANAGEMENT**

The land is to be maintained at all times in accordance with the endorsed Bushfire Hazard Management Plan.

## **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 (excluding Lot 2).

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.

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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.

**13. EASEMENTS AND NOTATIONS**

Easements are to be provided for the conveyance of reticulated electricity and other services to all lots, noting the lack of frontage prohibits direct connection to public infrastructure.

A private right of drainage in favor of all lots is to be provided over the private road side drainage adjacent to the shared access ways.

The ROWs are to be of sufficient width to contain the shared access roads including any overtaking bays and vegetation clearance required by the bushfire hazard management plan, along with roadside drainage.

**14. DEFECT LIABILITY PERIOD**

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

**15. POLLUTED RUNOFF**

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

**16. DAMAGE TO PUBLIC INFRASTRUCTURE**

Any damage to public infrastructure shall be repaired at the owner's 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 2024/86. You should contact Council with any other use or development, as it may require the separate approval of Council. Council's planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
  - a) Plumbing approval
  - b) Building approval
  - c) Approval to undertake works in the Council road reserve.
  - d) Approval to connect to the reticulated stormwater network.

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

3. This permit takes effect after:

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- i. the 14 day appeal period expires; or
  - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or.
  - iii. any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or  
any other required approvals under this or any other Act are granted
4. A planning appeal may be instituted by lodging a notice of appeal with the Tasmanian Civil & Administrative Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Tasmanian Civil & Administrative Tribunal website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).
5. A Submission to Planning Authority Notice (SPAN) pursuant to Section 56P (1) of the *Water and Sewerage Industry Act 2008* (TAS) has been provided by TasWater (see attached). The SPAN imposes no conditions on the development, however it does provide advice relating to the Bellbuoy Sewer Pump Scheme for the developer.
6. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
7. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
8. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
9. If any Aboriginal relics are uncovered during works:
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and
  - c) The relevant approval processes will apply with state and federal government agencies.

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10. If this development application has been subject to the advertisement process, the applicant is requested to remove any planning advertising signs from the property boundary, and to dispose of it in a thoughtful and sustainable manner.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**7.2 DA2024/60 - RESIDENTIAL - SINGLE DWELLING & OUTBUILDING - 253 OLD BANGOR TRAM ROAD, MOUNT DIRECTION (CT177146/1) WITH ACCESS VIA CROWN ROAD RESERVE**

**REPORT AUTHOR:** Town Planner - Mr A. Bowles  
**REPORT DATE:** 12 November 2024  
**FILE NO:** DA 2024/60  
**ATTACHMENTS:**  
1. DA 2024/60 - Checklist Assessment of Compliance with Acceptable Solutions [7.2.1 - 30 pages]  
2. DA 2024/60 - Advertised Plans [7.2.2 - 65 pages]  
3. DA 2024/60 - L & S Reid - Redacted [7.2.3 - 4 pages]

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**APPLICATION INFORMATION**

<b>Planning Instrument:</b>	<i>Tasmanian Planning Scheme – George Town</i>
<b>Applicant:</b>	Design to Live
<b>Site Address:</b>	253 Old Bangor Tram Road, Mount Direction
<b>Titles Details:</b>	177146/1
<b>Property ID:</b>	9572027
<b>Zone:</b>	Agriculture Zone
<b>Use:</b>	Residential
<b>Proposed Development:</b>	Residential - Single Dwelling & Outbuilding
<b>Valid Date:</b>	21 October 2024

**1. SUMMARY**

An application under Section 57 of *The Land Use Planning and Approvals Act 1993* has been received by Council for a Residential - Single Dwelling & Outbuilding at 253 Old Bangor Tram Road, Mount Direction (CT 177146/1) with access via Crown Road Reserve.

One (1) representation was received during this period and is summarised below. The concerns raised within the representation relate to the 40m setback of the outbuilding from the eastern boundary of the site. In this instance, the outbuilding is considered a non-sensitive structure that meets the acceptable solution of the zone and would do so even with a significantly lesser setback.

Endorsement of the proposal plans will provide surety surrounding the positioning of the outbuilding on the site.

The proposed development is consistent with the purpose of the Agriculture Zone, with conditions included in the recommendation to ensure compliance with the applicable Performance Criteria and the planning scheme. The proposal is recommended for approval.

## **2. STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2024-2030:

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

#### **33. Fair and open planning regulatory processes**

- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes.

## **3. CONSULTATION**

In accordance with section 57(5) of The Land Use Planning and Approvals Act 1993, the application was advertised for public comment for the period of 14 days. One (1) representation was received and is further discussed in the assessment below.

## **4. RISK IMPLICATIONS**

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

## **5. FINANCIAL IMPLICATIONS**

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

## **6. SITE AND LOCATION**

The subject site is located at 253 Old Bangor Tram Road, Mount Direction (CT 177146/1).

The site is subject to a Bushfire Prone Area overlay, however the proposal does not trigger the relevant code within the planning scheme.

Elevation data for the land shows an undulating southern segment of the site, with fall generally directed to the north-northwest of the subject site.

The land is not serviced by reticulated water, sewerage and stormwater and therefore any development on the land will be required to manage these services.

The land is heavily vegetated and covered with a Threatened Native Vegetation Communities overlay (TNVC) pursuant to Schedule 3A of the *Nature Conservation Act 2002*. This vegetation is covered under legislation outside of a decision under the *Land Use Planning and Approvals Act 1993*, and although noted, is unable to be captured within an assessment against the planning scheme.

The surrounding properties are predominantly within the rural-residential area of Old Bangor Tram Road with larger agricultural properties located to the north and west of the site.

The site has a relatively complex access arrangement, with two other lots obtaining access via a burdening right of way on the subject site access handle.

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Additionally, further along the access handle a Crown road reserve intersects the site.



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 253 Old Bangor Tram Road (CT 177146/1) for a Residential - Single Dwelling & Outbuilding.

The proposed development consists of a residential single dwelling and an outbuilding.

The dwelling has a floor area of 491m<sup>2</sup>, excluding the conservatory, alfresco, and porches. It features four bedrooms, two and a half bathrooms, an open plan living/dining/kitchen area, a butler's pantry, a study, a cinema room, cellar and a sauna. The dwelling also includes an attached 12m x 6m garage. The building is set back approximately 80 metres from the eastern boundary and 136 metres from the southern boundary.

The proposed outbuilding is a 12m x 36m shed with an attached carport. It features four roller doors and one access door. The outbuilding is located approximately 40 metres from the eastern boundary, 51 metres from the dwelling, and approximately 200 metres from the southern boundary.

The proposal requires a significant amount of cut and fill across both segments of the development. However, the height above natural ground level generally does not exceed 8m.

Vehicular ingress and egress to the property is via the access handle off Old Bangor Tram Road.

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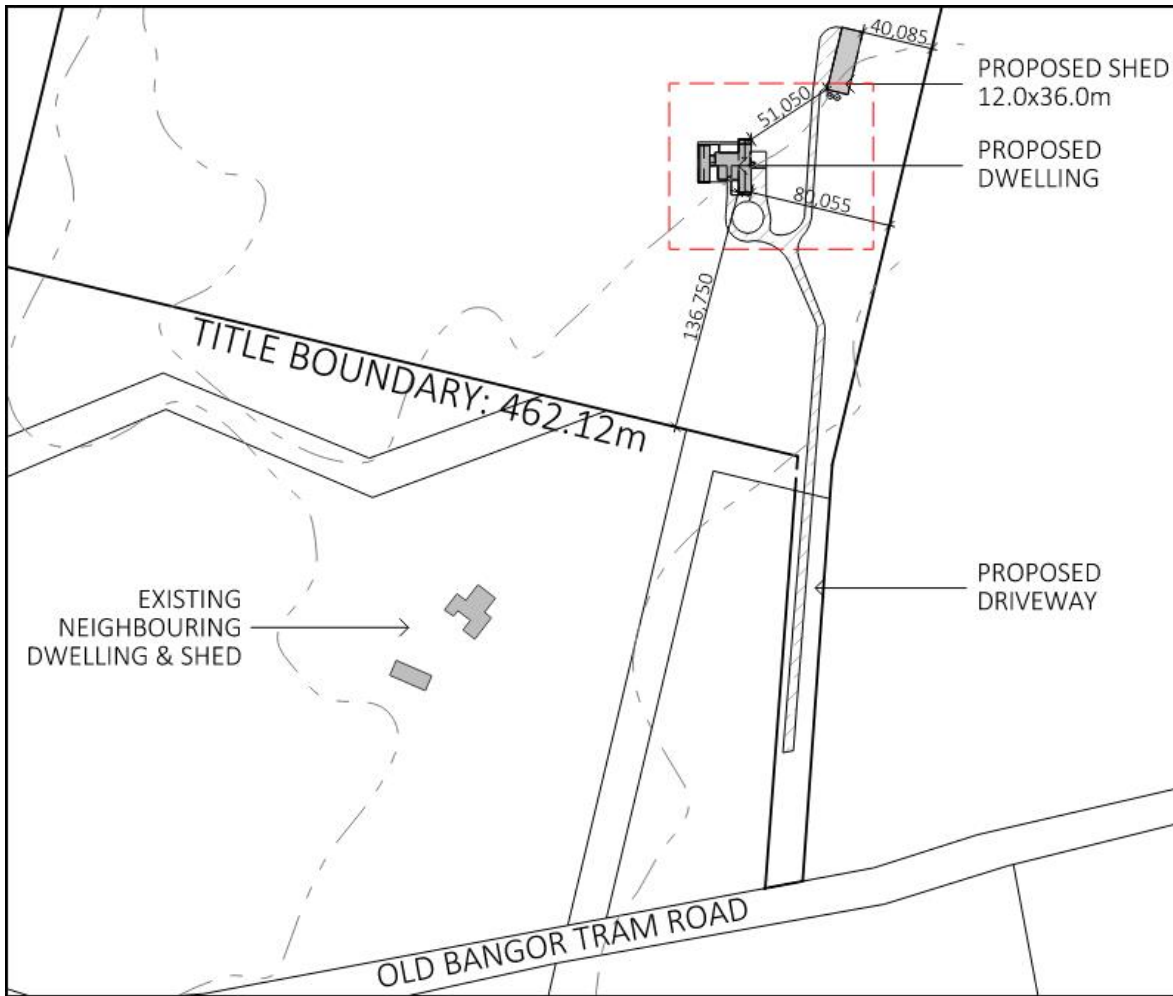


Figure 3: Proposal Plans – Site Plan

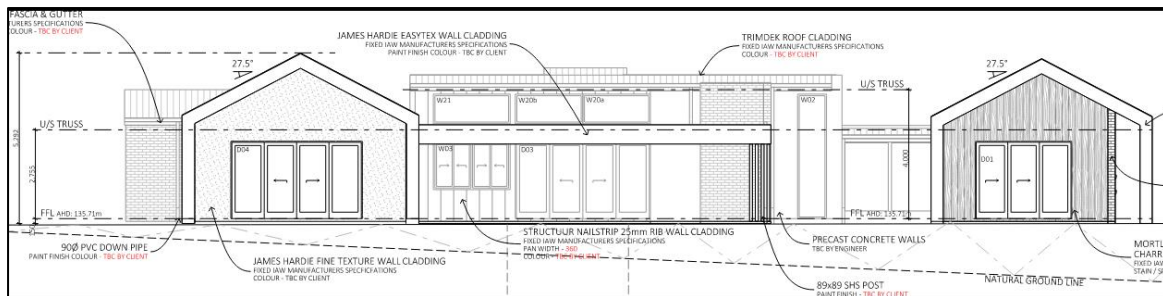


Figure 4: Proposal Plans – Elevations (Dwelling)

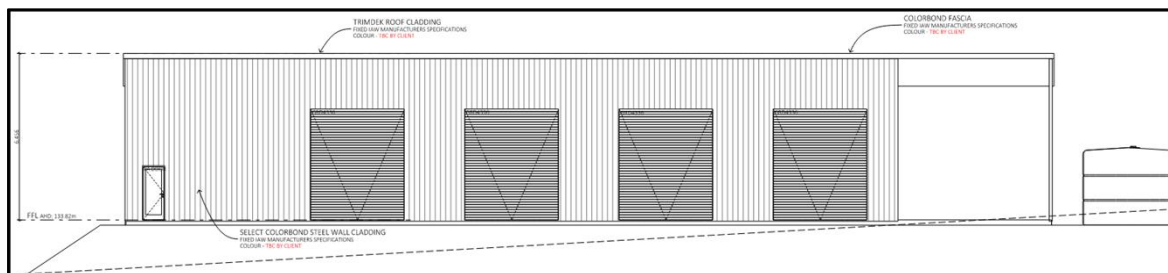


Figure 5: Proposal Plans – Elevations (Outbuilding)

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The full plans submitted are included in the attachments.

## **8. REPRESENTATIONS**

The application was advertised for community consultation from 26 October 2024 to 11 November 2024.

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

<b>Issues Raised in Representations</b>	<b>Council Response</b>
<p>The 50m buffer outlined within the RMCG report (provided by the applicant) should be adhered to by the outbuilding.</p>	<p>The outbuilding is considered a 'non-sensitive use' structure, it does not contain habitable rooms and the structure is not intended to contain people for extended periods of time.</p> <p>The buffers outlined within agricultural reports are intended to preserve agricultural uses and prevent land use conflicts that may occur (for example spray drift, noise, odour, etc) through ensuring sufficient buffers are in place for sensitive use structures (like dwellings). These agricultural reports concern the appropriateness of utilising this land for non-agricultural uses and impacts from locating sensitive receptors within an agricultural estate. These reports do not consider and are not intended to be utilised for the preservation residential amenity.</p> <p>A structure that is 'non-sensitive' (like the outbuilding) can achieve a setback of 5m from the boundary and still be considered compliant with the acceptable solutions of the zone standards. Therefore, the outbuilding as shown 40m from the nearest boundary in the proposal is considered compliant with the acceptable solutions for the zone.</p> <p>No conditions are recommended in consideration of this matter.</p>
<p>The setback potentially impacts corridors for wildlife and vegetation within the Rural Resource Zone.</p>	<p>It is acknowledged the value of protecting wildlife corridors and vegetation. However, it is important to note that the Agriculture Zone does not specifically contemplate the protection of these corridors. The primary</p>

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	<p>intent of this zone is to support agricultural uses and primary industry.</p> <p>The consideration of wildlife corridors was more prevalent under the previous Rural Resource Zone. However, under the current planning scheme, the primary intention of this zone is on supporting agricultural use, and as such, the protection of wildlife corridors is not a priority within this zone.</p> <p>Notably, the lot is covered in threatened native vegetation pursuant to Schedule 3A of the Nature Conservation Act 2002 within an existing area of clearance. Requiring an increase in setback or relocation out of the area proposed within the application, may result in unnecessary conversion of this threatened vegetation.</p> <p>No conditions are recommended in consideration of this matter.</p>
<p>The requirement for a 200m setback is decreasing and could potentially be 20m.</p>	<p>The application of a 200m buffer (as outlined in the acceptable solutions of the zone) is intended to prevent land use conflicts between sensitive use structures (such as dwellings) and agricultural uses. Any proposal with a 'lesser' setback is considered based on compliance with the relevant performance criteria and is assessed on a case-by-case basis.</p> <p>Any setback can be proposed and assessed against this criteria and pending compliance with the relevant performance criteria, approved.</p> <p>The proposal outlines an 80m and 40m setback from the eastern boundary for the dwelling and outbuilding respectively. There is no development proposed at 20m or less. 40m is the closest structure outlined by this application. Subsequent development on the site will be required to be assessed based on its compliance with the relevant planning scheme.</p> <p>Endorsement of the plans provides certainty that the development will adhere to the</p>

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	setbacks proposed and changes to this may warrant a minor amendment to the permit or an entirely new application (depending on the change proposed).  Therefore, endorsement of the plans, as outlined in the recommendation will provide certainty that the development will occur in the proposed location.
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## **9. STATUTORY REQUIREMENTS**

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

- 21.0 Agriculture Zone
- C2.0 Car Parking and Sustainable Transport Code

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

### **9.1 Use Class**

The application is classified as Residential. The definition of the Residential use as outlined in the *Tasmanian Planning Scheme – George Town* is:

“use of land for self-contained or shared accommodation. Examples include a secondary residence, boarding house, communal residence, home-based business, home-based child care, residential care facility, residential college, respite centre, assisted housing, retirement village and single or multiple dwellings”

The Residential Use Class is classified as a Discretionary use in the Agriculture Zone. Therefore, 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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**21.1 Zone Purpose**

The purpose of the Agriculture Zone is:

- 21.1.1 To provide for the use or development of land for agricultural use.
- 21.1.2 To protect land for the use or development of agricultural use by minimising:
  - (a) conflict with or interference from non-agricultural uses;
  - (b) non-agricultural use or development that precludes the return of the land to agricultural use; and
  - (c) use of land for non-agricultural use in irrigation districts.
- 21.1.3 To provide for use or development that supports the use of the land for agricultural use

**Planner's Response:**

The proposed development, consisting of a residential single dwelling and an outbuilding, is not for an agricultural use. Additionally, the development does not support or contribute to agricultural activities, nor does it provide for an agricultural use on the land.

However, the assessment indicates that the proposal does not conflict with surrounding agricultural operations, and the development will not interfere with the broader agricultural functions of the area.

Therefore, the development does not create conflicts with the objectives of supporting agricultural use of land in the zone and minimises land use conflict.

The proposal is considered compatible with the purpose of the zone.

**Performance Criteria assessment.**

**21.3 Use Standards**

**21.3.1 Discretionary uses**

Objective:	That uses listed as Discretionary: <ul style="list-style-type: none"> <li>(a) support agricultural use; and</li> <li>(b) protect land for agricultural use by minimising the conversion of land to non- agricultural use.</li> </ul>
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<b>A4</b> No Acceptable Solution.	<b>P4</b> A Residential use listed as Discretionary must:

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	<ul style="list-style-type: none"><li>(a) be required as part of an agricultural use, having regard to:<ul style="list-style-type: none"><li>(i) the scale of the agricultural use;</li><li>(ii) the complexity of the agricultural use;</li><li>(iii) the operational requirements of the agricultural use;</li><li>(iv) the requirement for the occupier of the dwelling to attend to the agricultural use; and</li><li>(v) proximity of the dwelling to the agricultural use; or</li></ul></li><li>(b) be located on a site that:<ul style="list-style-type: none"><li>(i) is not capable of supporting an agricultural use;</li><li>(ii) is not capable of being included with other agricultural land (regardless of ownership) for agricultural use; and</li><li>(iii) does not confine or restrain agricultural use on adjoining properties.</li></ul></li></ul>
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**Planner's Response: Relies on Performance Criteria.**

A residential use is proposed for the site and therefore the proposal relies on performance criteria.

The proposal intends to demonstrate that the site is practically incapable of supporting agricultural use.

The properties to the south and east are 'lifestyle' properties and do not contain any substantial agricultural uses or value, while other properties adjoining the subject site have demonstrated some capacity to contain more significant agricultural potential.

In order to demonstrate this, the applicant has provided an agricultural report prepared by a suitably qualified person as evidence of the suitability of an agricultural use. The report outlines that the site is practically incapable of supporting substantive agricultural use. This is due to a number of factors including the significant presence of threatened vegetation communities and lack of irrigation to supply an agricultural operation. The site is generally considered to be unsuitable for any viable agricultural or primary industry use.

The land is heavily forested and the threatened native vegetation that significantly covers a predominant amount of the site means that usage of the site for any agricultural uses in conjunction with other surrounding sites is extensively limited by this vegetation. Surrounding sites would consider this site as containing little agricultural value due to this fact and it is considered generally unsuitable to be incorporated into surrounding agricultural

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uses.

The report outlines a 200m buffer from more 'significant' agricultural operations such as the grazing land to the northeast with a 50m buffer considered appropriate for the surrounding lifestyle properties to avoid potential land use conflict. This is considered sufficient buffer to ensure that sensitive uses (i.e. uses that contain humans for extended periods of time) are not conflicting with existing or future agricultural uses in the area.

The proposal is located in an area of multiple sensitive receptors and the inclusion of a new sensitive receptor in an area containing a number of 'lifestyle' properties will not compromise the capacity for nearby agricultural properties to utilise their sites for agricultural uses.

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

**21.4 Development Standards for Buildings and Works**

**21.4.2 Setbacks**

Objective:	That the siting of buildings minimises potential conflict with use on adjoining properties.
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<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A2</b></p> <p>Buildings for a sensitive use must have a setback from all boundaries of:</p> <ul style="list-style-type: none"> <li>(a) not less than 200m; or</li> <li>(b) if the setback of an existing building for a sensitive use on the site is within 200m of that boundary, not less than the existing building.</li> </ul>	<p><b>P2</b></p> <p>Buildings for a sensitive use must be sited so as not to conflict or interfere with an agricultural use, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the size, shape and topography of the site;</li> <li>(b) the prevailing setbacks of any existing buildings for sensitive uses on adjoining properties;</li> <li>(c) the location of existing buildings on the site;</li> <li>(d) the existing and potential use of adjoining properties;</li> <li>(e) any proposed attenuation measures; and</li> <li>(f) any buffers created by natural or other features.</li> </ul>

**Planner's Response: Relies on Performance Criteria.**

The dwelling is less than 200m from boundaries. Therefore, the proposal requires assessment against the performance criteria.

The outbuilding is not considered a 'sensitive use' structure consistent with the definitions of the planning scheme and has therefore been assessed as compliant with the setback

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acceptable solutions provisions outlined in 21.4.2 (A1).  
 The site is a battle axe lot, with access handle leading to a large lot with significant vegetation. The site contains significant undulating southern segment of the site, with fall generally directed to the north-northwest of the subject site. There are no identifiable topographical constraints with the site.  
 The surrounding properties contain a variety of setbacks and orientations, with no prevailing setback or character noted for the site.  
 The report prepared by a suitably qualified person outlines a 200m buffer from more 'significant' agricultural operations such as the grazing land to the northeast with a 50m buffer are considered appropriate for the surrounding lifestyle properties to avoid potential land use conflict. This is considered a sufficient buffer to ensure that the sensitive use is not conflicting with existing or future agricultural uses in the area, whilst also ensuring that residential sprawl is managed within this area.  
 No attenuation measures are considered warranted due to the significant distance to any agricultural uses in the surrounding area, however notably the threatened vegetation will provide a significant natural buffer for the site.  
 The proposal is sited so that it does not undermine or constrain agricultural uses in the area and is considered consistent with the performance criteria and objectives of the standard.

**21.4.3 Access for new dwellings**

<b>Objective:</b>	That new dwellings have appropriate vehicular access to a road maintained by a road authority.
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p><b>A1</b>                  New dwellings must be located on lots that have frontage with access to a road maintained by a road authority.</p>	<p><b>P1</b>                  New dwellings must have legal access, by right of carriageway, to a road maintained by a road authority, that is appropriate having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number of users of the access;</li> <li>(b) the length of the access;</li> <li>(c) the suitability of the access for use by the occupants of the dwelling;</li> <li>(d) the suitability of the access for emergency services vehicles;</li> <li>(e) the topography of the site;</li> <li>(f) the construction and maintenance of the access;</li> <li>(g) the construction, maintenance and usage of the road; and</li> <li>(h) any advice from the road authority.</li> </ul>

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**Planner's Response: Relies on Performance Criteria.**

The lot is separated within the access handle through an intersecting road reserve. Therefore, there is no clear vehicle access to the frontage and the proposal relies on performance criteria.

The access proposed is across a Crown Road Reserve.

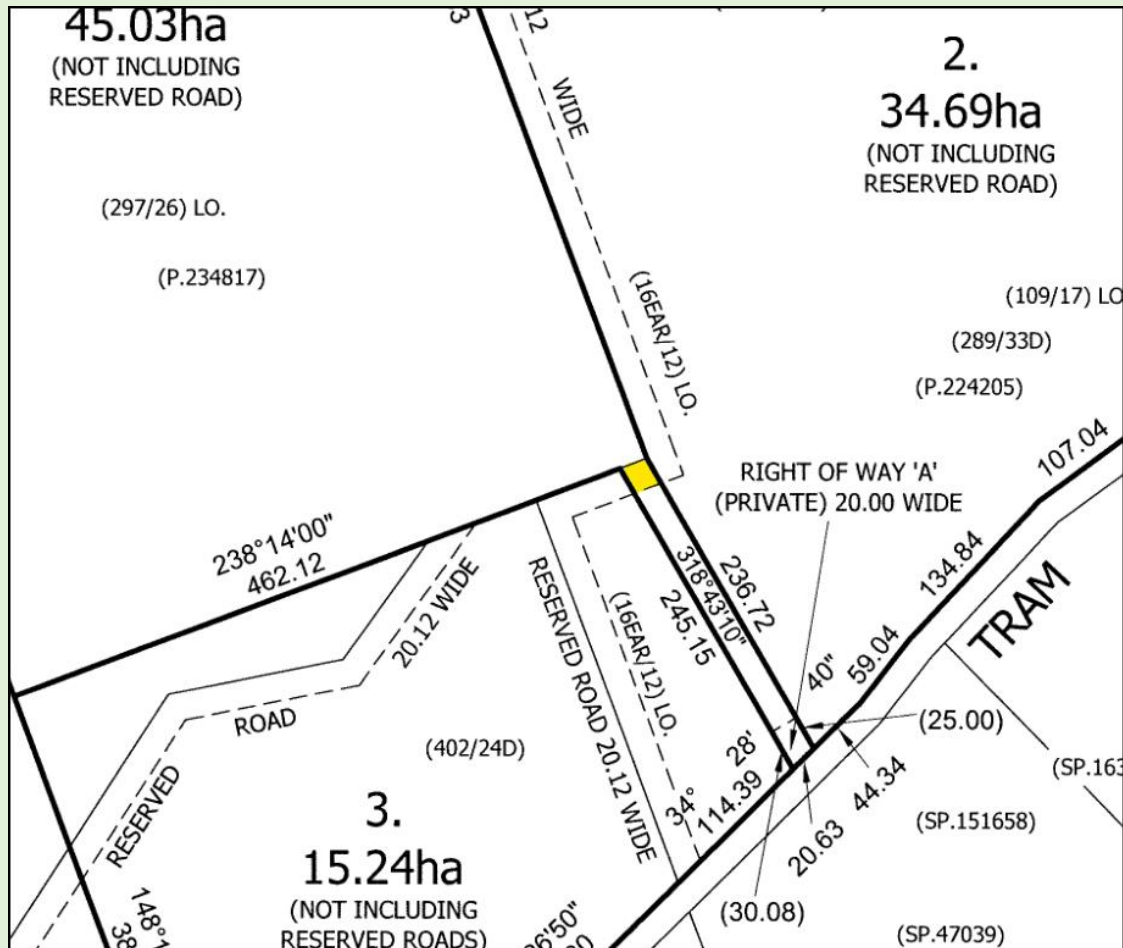


Figure: Title plan indicating reserve road (Crown Land) intersecting the access to the site (highlighted).

The access handle is approximately 236m in length, leading to an approximate 400m access in total to the dwelling. This length is consistent with other dwellings in the area (255 Old Bangor Tram Road) and other access arrangements for 'lifestyle' properties in the area.

The portion of the access that is intersected by the road reserve only services as an access to the subject site, is not subject to any extensive topographical constraints and suitable for the purpose of providing access for a single dwelling. Vehicles using the access will generally be low speed, light vehicles associated with the residential use of the site.

The access will be required to be of sufficient construction and maintained such that it may convey fire trucks and emergency service vehicles in accordance with the *Building Act 2016*.

No advice from the road authority is provided in consideration of this component as there is frontage to the road and significant distance from Road Authority assets. This matter

revolves around the conveyance of vehicles internally across the Road Reserve.

In order to ensure access in perpetuity, a condition is recommended that the developer obtain a right of carriageway across this portion of the land intersected by the road reserve.

Provided this recommendation is followed, the proposal is considered to have sufficient access consistent with the performance criteria and the objectives of the standard.

## **10. REFERRALS**

### **Internal Referrals**

A referral was issued to Council's Engineering Officers.

A response was received by Council's Planning Department on 23 July 2024

The following advice was provided –

“Conditioning is required the stormwater generated from the driveway to be managed onsite.

For the stormwater from the dwelling and shed, we're satisfied that the site is large enough for stormwater to not be considered an issue.

The existing crossover and driveway are also acceptable, and we're happy with the current condition servicing the three(3) dwellings.”

Planner response: In consideration of comments, a condition is included in the recommendation to maintain the stormwater from the driveway onsite.

### **External Referrals**

No external referrals were considered warranted.

## **11. SERVICES**

### ***Road***

Access is available to Old Bangor Tram Road, via the existing driveway crossover.

### ***Sewer***

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

**Water**

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

**Stormwater**

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

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

**Easements:**

The subject property contains a registered burdening right of carriageway easement on the title servicing Lots 2 & 3 on the title plan.

**Part V Agreements:**

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

**Covenants:**

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

**Heritage Register:**

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

**Level 2 Activities:**

The subject property 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*.

**Public Open Space**

Contemplation of Public Open Space Contribution (Pursuant to Division 8 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*) is not required for consideration within this proposal.

**13. STATE POLICIES**

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

**14. ALTERNATIVE OPTIONS**

Council can refuse the application or approve it with alternative conditions.

**15. CONCLUSION**

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The application for construction and use of Residential - Single Dwelling & Outbuilding at 253 Old Bangor Tram Road, Mount Direction (CT 177146/1) with access via Crown Road Reserve, has been assessed against all relevant zone and code criteria of the Tasmanian Planning Scheme – George Town. With appropriate conditions, the application complies with the applicable Acceptable Solutions and Performance Criteria and is recommended for approval.

## **16. RECOMMENDATION**

That the application for use and development, Residential - Single Dwelling & Outbuilding at 253 Old Bangor Tram Road, Mount Direction (CT 177146/1) with access via Crown 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. Design to Live, job no. OLD119, drawings no. 1 to 13 inclusive, revision 1, dated 19 June 2024;
- b. RMCG, Agricultural Report, project no. 1827, pages 1 to 15 inclusive, version 1, dated 06 April 2023;
- c. RMCG, Flora & Fauna Report, project no. 1827, pages 1 to 22 inclusive, version 1, dated 06 April 2023;

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

### **2. STORMWATER**

Stormwater from the new development (including the vehicular access) is to be managed within the boundaries of the property to ensure that flooding, erosion and nuisance are avoided during and following the completion of construction.

### **3. VEGETATION REMOVAL WORKS**

Vegetation clearance is to be limited to that reasonably required to accommodate the proposed development and in accordance with a certified bushfire hazard management plan forming part of a permit issued in accordance with the *Building Act 2016*.

This condition is not intended to prohibit the maintenance of existing cleared areas or works required to maintain fire breaks.

### **4. RIGHT OF CARRIAGEWAY**

Prior to the commencement of works, a Right of Carriageway is to be registered over the Crown road reserve necessary to convey vehicles from the frontage of the property to the dwelling.

### **5. NO POLLUTED RUNOFF**

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

**6. DAMAGE TO PUBLIC INFRASTRUCTURE**

Any damage to public infrastructure shall be repaired at the owner's 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 2024/60. You should contact Council with any other use or development, as it may require the separate approval of Council. Council's planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
  - a) Plumbing approval
  - b) Building approval
  - c) Approval to undertake works in the Council road reserve.
  - d) Approval to connect to the reticulated stormwater network.

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

3. This permit takes effect after:
  - i. the 14 day appeal period expires; or
  - ii. any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or.
  - iii. any agreement that is required by this permit pursuant to Part V of the *Land Use Planning and Approvals Act 1993* is executed; or  
any other required approvals under this or any other Act are granted
4. This permit should not be taken as an indication of compliance with the *Threatened Species Protection Act 1995* or the *Nature Conservation Act 2002*.

A permit is required from the Department of Natural Resource & Environment to 'take' the threatened flora from the site (including removal). It is the responsibility of the landowner/developer to make the necessary enquiries with the Department of Natural Resource & Environment to ensure that they are compliant with the requirements of these Acts.

5. It is the applicant's responsibility to make sure they have the proper consents and licenses to undertake works within Crown Land and to secure access prior to works being commenced and in perpetuity.

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6. It is the responsibility of the land owner to determine if a Forest Practices Plan is required for vegetation clearance on the site in accordance with the *Forest Practices Act 1985*. Enquiries should be made with the Forest Practices Authority, who can be contacted via <https://www.fpa.tas.gov.au/>.
7. A planning appeal may be instituted by lodging a notice of appeal with the Tasmanian Civil & Administrative Tribunal. A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant. For more information see the Tasmanian Civil & Administrative Tribunal website [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).
8. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
9. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.
10. It is the responsibility of the applicant to ensure that they are acting in accordance with any Section 71 (Part 5) Agreement or Covenant registered to the title. These matters are not taken into account as part of an assessment against the planning scheme. A permit issued under the *Land Use Planning and Approvals Act 1993* does not undermine or absolve any individual from any obligation imposed by such agreements. The obligations and risks associated with Section 71 (Part 5) Agreements and Covenants should be discussed with a solicitor.
11. If any Aboriginal relics are uncovered during works:
  - a) All works are to cease within a delineated area sufficient to protect the unearthed and other possible relics from destruction,
  - b) The presence of a relic is to be reported to Aboriginal Heritage Tasmania Phone: (03) 6233 6613 or 1300 135 513 (ask for Aboriginal Heritage Tasmania) Fax: (03) 6233 5555 Email: [aboriginal@heritage.tas.gov.au](mailto:aboriginal@heritage.tas.gov.au); and
  - c) The relevant approval processes will apply with state and federal government agencies.
12. If this development application has been subject to the advertisement process, the applicant is requested to remove any planning advertising signs from the property boundary, and to dispose of it in a thoughtful and sustainable manner.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

## **8 OFFICE OF GENERAL MANAGER**

### **8.1 COUNCIL WORKSHOPS OCTOBER AND NOVEMBER 2024**

<b>REPORT AUTHOR:</b>	General Manager - Mr S. Power
<b>REPORT DATE:</b>	18 November 2024
<b>FILE NO:</b>	14.10
<b>ATTACHMENTS:</b>	Nil

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#### **SUMMARY**

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

#### **DATE AND PURPOSE OF WORKSHOP HELD**

##### **TUESDAY 22 OCTOBER 2024**

- Youth Mock Council Meeting
- REMPLAN – External Presenters
- Planning and Building Update
- Capital Works Update
- Agenda Review
- Governance Issues
  - Draft Assessment criteria for Bell Bay Wind Farm
- Councillors/General Manager Discussions

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

**Apologies:** Cr Winston Mason

**In Attendance:** General Manager  
Director Corporate & Community  
Director Infrastructure & Development  
Director Organisational Performance, Strategy & Engagement  
Town Planner  
Team Leader Building and Planning  
Planner  
Youth Officer

**Guests:** Youth Council members  
Representatives from REMPLAN

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**TUESDAY 12 NOVEMBER 2024**

- Rates Review
- Unconfirmed Minutes – 22 October 2024 Ordinary Council Meeting
- Unconfirmed Minutes – 22 October 2024 Closed Ordinary Council Meeting
- Ordinary Council Meeting 2025 Schedule
- Section 90, 13 Wellington Street, George Town
- Northern Regional Land Use Strategy
- Bass and Flinders Museum Presentation
- Events Strategy
- Sponsorship/Grants Policy Review
- Aquatic, Health and Wellbeing Centre – Early Contractor Involvement (ECI) Tender
- Quarterly Report 30 September 2024
- Governance
- LGAT General Meeting 21 November 2024 Consideration of Motions
- Directorate Renaming OPSE
- Councillors/General Manager Discussions
- Professional Development

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

**Apologies:** Nil.

**In Attendance:** General Manager  
Director Corporate & Community  
Director Infrastructure & Development  
Director Organisational Performance, Strategy & Engagement  
Senior Executive Support & Governance Officer  
Project Manager  
Communications Officer  
Team Leader – Planning and Building  
Planner  
Community Officer – Visitor Experience, Bass & Flinders Maritime Museum

**Guests:** Consultant – Rates Review  
Volunteer – Bass and Flinders Maritime Museum  
Consultant – Aquatic EOI Tender

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2024-2030:

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

33. Fair and open planning regulatory processes

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- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes.

**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 2024-2030.

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:

1. Receives the report on the Council Workshops held on the 22 October 2024 and 12 November 2024.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**8.2 COUNCIL MEETING SCHEDULE 2025**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power
<b>REPORT DATE:</b>	18 November 2024
<b>FILE NO:</b>	14.21
<b>ATTACHMENTS:</b>	Nil

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**SUMMARY**

This report provides the Council with the proposed Ordinary Council, Workshop and Annual General meeting dates and times for 2025 for their consideration.

**BACKGROUND**

The Council must adopt a schedule for the Ordinary Council meeting dates and times each year for the next year. This schedule must be published in a daily newspaper.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2024-2030:

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

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

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

Local Government (Meeting Procedures) Regulations 2015 require:

**Regulation 6 (Times of Meetings)**

- (1) A meeting is not to start before **5.00pm** unless otherwise determined by the Council by absolute majority or by the Council Committee by simple majority.
- (2) After each ordinary election, a Council and a Council Committee are to review the times of commencement of meetings.

**Regulation 7 (Notice of Meetings)**

- (2) At least once in each year, the general manager is to publish in a daily newspaper, or in a prescribed newspaper, circulating in the relevant municipal area a notice containing –
  - (a) the times and places of the ordinary council meetings for the next 12 months; and

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- (b) the times and places, as known, of the council committee meetings for the next 12 months.

### **RISK CONSIDERATIONS**

The risk associated with the proposed schedule of meetings is considered low. The proposed schedule reflects that of previous years, which has not attracted criticism from the public. The proposed schedule has been discussed at the workshop having consideration for availability of elected members and implications on organisational resources.

### **FINANCIAL IMPLICATIONS**

There are no financial implications based on the current model of dates and times for a support staff member; Council Officers and Management (including the General Manager) attending all Council meetings and Council workshops.

The financial implication for a support staff member attending the Annual General Meeting is considered minimal.

### **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 2024-2030.

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.

It is acknowledged that the proposed schedule may not accommodate all members of the public. Council's consultation and engagement efforts should ensure that the community remain informed of Council business and provide avenues for input in Council decision making.

### **CONSULTATION**

The meeting schedule was presented to elected members at the 12 November 2024 Council workshop.

### **OPTIONS**

Council may choose to:

1. Endorse the proposed Ordinary Council meeting schedule as presented; or
2. Propose another Ordinary Council meeting schedule for endorsement.

### **OFFICER'S COMMENTS**

The following is provided to assist the Council in determining its 2025 Ordinary Council meeting dates and commencement times.

Due to logistics, acoustics/recording issues and costs, all Council meetings should be held at the George Town Council Office (Council Chambers).

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In accordance with the requirements of Section 72B (1) of the *Local Government Act 1993* a Council must hold an Annual General Meeting on a date that is not later than the 15 December each year. It is suggested that the 2025 AGM be held on Thursday 13 November 2025.

The Australian Local Government Association Conference (including the National General Assembly) is usually attended by the Mayor and General Manager in Canberra each year, and usually coincides with a Parliamentary Sitting week, which has been proposed for 24-27 June 2025. The conference dates for 2025 have not been confirmed at the time of writing.

The Ordinary Council meeting is proposed to commence at 1.00 pm except for the Annual General Meeting commencing at 6.00 pm

***Note: A Council meeting is not to start before 5.00pm unless endorsed by the Council by an absolute majority.***

Proposed Council Workshop schedule for 2025

(including four budget workshops if required)

<b>COUNCIL WORKSHOP</b>	<b>DATE</b>	<b>TIME</b>
Workshop	Tuesday 28 January	9.00am
Workshop	Tuesday 11 February	9.00am
Workshop	Tuesday 25 February	9.00am
Workshop	Tuesday 11 March	9.00am
<b>Budget Workshop</b>	<b>Tuesday 18 March</b>	<b>9.00 am</b>
Workshop	Tuesday 25 March	9.00am
Workshop	Tuesday 8 April	9.00am
<b>Budget Workshop</b>	<b>Tuesday 15 April</b>	<b>9.00am</b>
Workshop	Tuesday 29 April	9.00am
Workshop	Tuesday 13 May	9.00am
<b>Budget Workshop</b>	<b>Tuesday 20 May</b>	<b>9.00am</b>
Workshop	Tuesday 27 May	9.00am
Workshop	Tuesday 10 June	9.00am
<b>Budget Workshop</b>	<b>Tuesday 17 June</b>	<b>9.00 am</b>
Workshop	Tuesday 24 June	9.00am
Workshop	Tuesday 8 July	9.00am
Workshop	Tuesday 22 July	9.00am
Workshop	Tuesday 12 August	9.00am
Workshop	Tuesday 26 August	9.00am
Workshop	Tuesday 9 September	9.00am
Workshop	Tuesday 23 September	9.00am
Workshop	Tuesday 14 October	9.00am
Workshop	Tuesday 28 October	9.00am
Workshop	Tuesday 11 November	9.00am
Workshop	Tuesday 25 November	9.00am
Workshop	Tuesday 9 December	9.00am

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<b>Workshop</b>	Tuesday 16 December	9.00am
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Note that if the Council chooses to have workshops occur after 5 pm then there would be a requirement of 3 workshops per month to achieve the same number of hours of presentations and workshop papers provided to the Council. Such change is likely to incur additional costs in running meetings after 5pm due to the availability of staff that need to speak to agenda items or provide advice.

The workshop schedule is not required to be published in a daily newspaper.

George Town Council's Ordinary Council meeting scheduled for 2025 is proposed to commence at 1.00 pm on the following dates:

<b>COUNCIL ORDINARY MEETING</b>	<b>TIME</b>
Tuesday 28 January	1.00pm
Tuesday 25 February	1.00pm
Tuesday 25 March	1.00pm
Tuesday 29 April	1.00pm
Tuesday 27 May	1.00pm
Tuesday 24 June	1.00pm
Tuesday 22 July	1.00pm
Tuesday 26 August	1.00pm
Tuesday 23 September	1.00pm
Tuesday 28 October	1.00pm
Tuesday 25 November	1.00pm
Tuesday 16 December	1.00pm

George Town Council's Annual General Meeting for 2025 is proposed to be held on the following date and time:

<b>ANNUAL GENERAL MEETING</b>	<b>TIME</b>
Thursday 13 November	6.00pm

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**OFFICER'S RECOMMENDATION**

That Council by absolute majority:

1. Endorse the following schedule for Ordinary Council meetings for 2025:

<b>COUNCIL ORDINARY MEETING</b>	<b>TIME</b>
Tuesday 28 January	1.00pm
Tuesday 25 February	1.00pm
Tuesday 25 March	1.00pm
Tuesday 29 April	1.00pm
Tuesday 27 May	1.00pm
Tuesday 24 June	1.00pm
Tuesday 22 July	1.00pm
Tuesday 26 August	1.00pm
Tuesday 23 September	1.00pm
Tuesday 28 October	1.00pm
Tuesday 25 November	1.00pm
Tuesday 16 December	1.00pm

2. Endorse the following schedule for the Annual General Meeting for 2025:

<b>ANNUAL GENERAL MEETING</b>	<b>TIME</b>
Thursday 13 November	6.00pm

3. Publish this schedule in a daily newspaper as prescribed in Local Government (Meeting Procedures) Regulations 2015.

**DECISION**

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Moved:

Seconded:

**VOTING**

For:

Against:

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**8.3 QUARTERLY REPORT - QUARTER 1 - 1 JULY - 30 SEPTEMBER 2024**

<b>REPORT AUTHOR:</b>	General Manager – Mr S. Power
<b>REPORT DATE:</b>	18 November 2024
<b>FILE NO:</b>	14.21
<b>ATTACHMENTS:</b>	1. 2024 09 30 Quarterly Performance Report [8.3.1 - 68 pages]

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**SUMMARY**

The purpose of this report is to present the George Town Council's 1<sup>st</sup> Quarterly Performance Report 1 July – 30 September 2024 to the Council for endorsement.

**BACKGROUND**

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

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2024-2030:

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

27. A culture of engagement, communication and participation

- i. Community views are heard through skilled, trusted and inclusive community engagement processes

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

33. Fair and open planning regulatory processes

- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

The following legislation is relevant to this report:

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

**RISK CONSIDERATIONS**

The implementation of a quarterly report is designed to minimise risk to the organisation and increased transparency through providing an ongoing performance report on the Council's

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financial, strategic and customer service objectives, to the elected members and the community.

**FINANCIAL IMPLICATIONS**

Nil.

**DIVERSITY, EQUITABLE ACCESS AND INCLUSION CONSIDERATIONS**

The Diversity, Equitable Access and Inclusion Policy aligns with the following goals and objectives of the Community Strategic Plan 2024-2030.

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

**CONSULTATION**

The draft 1st Quarter Performance Report is presented to elected members on the 12 November 2024 Council Workshop.

**OPTIONS**

Council may choose to:

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

**OFFICER'S COMMENTS**

The 1<sup>st</sup> quarter 1 July – 30 September 2024 performance report is submitted for consideration by Council.

**OFFICER'S RECOMMENDATION**

That Council:

1. Receives the George Town Council 1st Quarter Performance Report 1 July – 30 September 2024.
2. Provide public access to the report as part of Council's commitment to ongoing good governance.

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**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

## **9 INFRASTRUCTURE AND DEVELOPMENT**

### **9.1 BOUNDARY FENCE CONTRIBUTION POLICY**

<b>REPORT AUTHOR:</b>	Senior Town Planner - Mr J. Simons
<b>REPORT DATE:</b>	7th November 2024
<b>FILE NO:</b>	14.13
<b>ATTACHMENTS:</b>	1. Boundary Fence Contribution GTC O 03 [9.1.1 - 4 pages]

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#### **SUMMARY**

The purpose of this report is to adopt a Boundary Fence Contribution policy.

#### **BACKGROUND**

Council is required, in accordance with the *Boundary Fences Act 1908*, to contribute to the cost of shared fencing, on Council parks and facilities. This does not apply to boundaries shared with a public road.

Council has a large number of shared fences throughout the municipality. The purpose of the Boundary Fence Contribution policy is to provide a consistent approach to determine financial contributions and to enable officers to resolve matters in a timely manner.

#### **STRATEGIC PLAN**

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

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

#### **33. Fair and open planning regulatory processes**

- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes

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

The obligations of land owners, including Council, to contribute to shared boundary fences is outlined in the *Boundary Fences Act 1908*.

#### **Section 8: Adjoining owners to share cost of fencing**

(1) *Subject to the provisions of this Act, the owners of adjoining lands not divided by a sufficient fence or a rabbit-proof fence shall be liable to join in or contribute to the erection of a sufficient fence or a rabbit-proof fence, as the case may be, between such lands in such proportion as may be –*

*(a) agreed upon; or*

*(b) awarded under the provisions of this Act.*

(2) *The owners of adjoining lands divided by a fence which is not a rabbit-proof fence shall be liable to join in or contribute to the erection of a rabbit-proof fence*

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*between such lands, or the conversion of any existing fence into a rabbit-proof fence, in such proportions as may be –*

*(a) agreed upon; or*

*(b) awarded under the provisions of this Act.*

**Section 7: Act not to apply to roads**

*No local body having the administration, management, or control of any road shall be liable to make any contribution towards the erection or repair of any dividing fence between any road and the land of any occupier of land adjoining such road.*

**RISK CONSIDERATIONS**

Council has an obligation to contribute to boundary fencing.

Failure to contribute is likely to result in reputational risk.

If refusal to contribute is challenged, Council will likely face a costs claim in addition to being required to contribute to 50% of the fence.

The Act has timeframes of 30 days in which decisions must be made to agree or object to the provision of a boundary fence. The frequency of Council meetings is not conducive to making decisions on a case by case basis in this timeframe. Failure to respond within the timeframes exposes Council to risk of paying a contribution at a higher rate.

There is a risk to Council resources, financial and Officer/Management time, without a clear policy for decision making that is of a routine nature.

**FINANCIAL IMPLICATIONS**

Typically, Council receives 2 to 3 requests a year to contribute to fencing. Most residential properties with shared frontage are approximately 20m. A recent estimate provided was \$171 l/m (estimated \$3,420 per request).

Given that most fences are erected by the developer at subdivision and future landowners must organise and contribute to 50% of the fencing, a significant increase in boundary fence requests is not anticipated and requests are likely to be spread over future budgets.

The *Boundary Fences Act 1908* includes specific provisions for conflict resolution and timeframes in which this must be undertaken. There are no further mechanisms for land owners to seek retrospective contributions for fences already erected.

**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 2024-2030.

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.

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While not directly relevant, the proposed policy is not at odds with the Diversity, Equitable Access and Inclusion Policy

### **CONSULTATION**

No public consultation has been undertaken. Contributing to boundary fencing is a statutory obligation. The fence standard selected is based on the type of fence that Council typically erects around its assets.

### **OPTIONS**

Council may:

1. Support the policy as presented; or
2. Support the policy with amendment; or
3. Not support the implementation of a policy.

The motion will be accompanied by a motion to delegate the General Manager to implement the policy.

### **OFFICER'S COMMENTS**

It has recently become clear that while Council roads are exempt from the requirements of the Act, Council owned land, including parks and reserves, facilities, offices, depots and the like do not fall under this exemption. As such, Council is required to contribute to the cost of fencing surrounding these types of property.

The attached policy is similar to those adopted by City of Launceston and Devonport Councils.

It is reasonable that Council contribute to the cost of erecting shared boundary fences moving forward.

It is recommended that Council adopt a policy which provides guidance to staff and land owners and provides a reasonably equitable and consistent approach to making contributions.

It is recommended in the policy that Council will contribute to the construction, replacement and/or repair of common boundary fencing, adjoining Council land, up to the extent of one half of the cost of the ruling rate for a 3 rail, 1.5 metre high timber paling fence with galvanised iron posts set in concrete.

The ruling rate will be determined at regular intervals by averaging three per metre quotes obtained by Council's Director Infrastructure and Development.

Note in accordance with Section 7 of the Act, Council is not required to contribute to any fence fronting a road.

Note the policy does not remove any right to appeal by Council or private landowners if an agreement cannot be reached. It is only intended to provide clear guidelines for contributions without contest.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Adopts the Boundary Fence Contribution policy as attached effective 26 November 2024.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

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**9.2 REQUEST TO SEPARATE TITLES - 13 WELLINGTON STREET GEORGE TOWN**

<b>REPORT AUTHOR:</b>	Senior Town Planner – Justin Simons
<b>REPORT DATE:</b>	13/11/2024
<b>FILE NO:</b>	14.16
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Folio Text-38682-3 (1) [9.2.1 - 1 page]</li><li>2. Folio Plan-38682-3 [9.2.2 - 1 page]</li><li>3. Request to Separate Titles [9.2.3 - 2 pages]</li><li>4. Original Council approval page [9.2.4 - 1 page]</li></ol>

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**SUMMARY**

Council has previously (1993) sealed a plan of subdivision amalgamating two residential lots on Wellington Street, George Town, and bringing them under a single title.

Council has received a request to “Determine the applicability of Provisions” under *Section 90 of the Local Government (Building and Miscellaneous Provisions) Act 1993*.

**BACKGROUND**

13 Wellington Street, George Town is a large residential lot, 1342m<sup>2</sup>, containing a single dwelling and residential outbuildings. Lot 3 on Sealed Plan 38682, is depicted as an amalgam of Lots 1 and 2 on the sealed plan. This is depicted on the registered title plan depicted in Figure 1.

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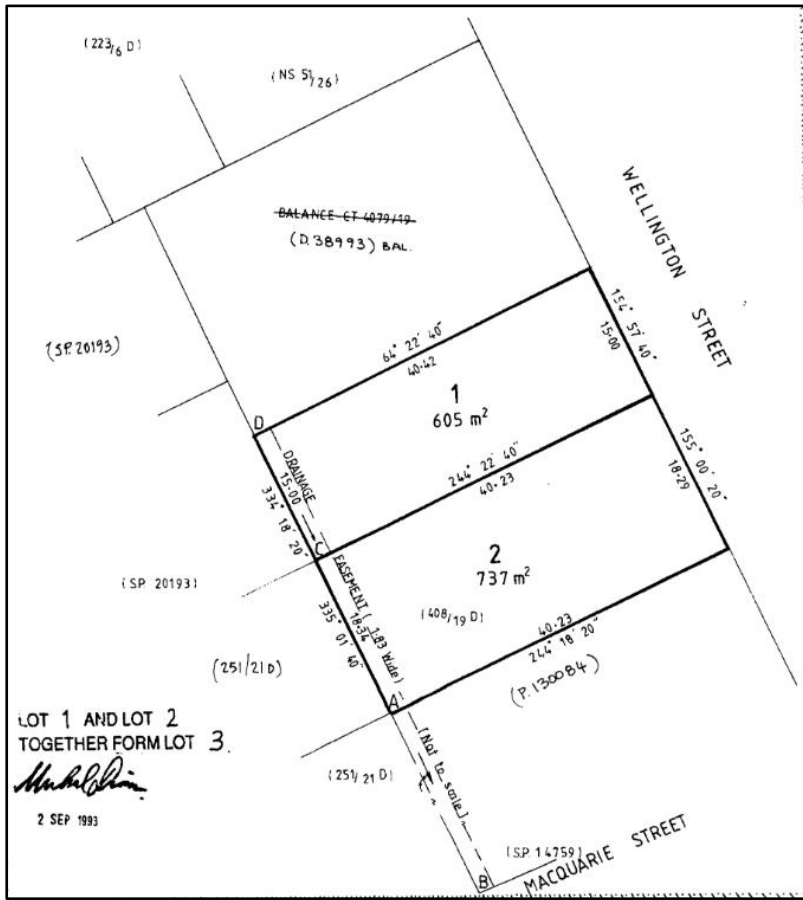


Figure 1: title plan, showing former Lots 1 and 2, with annotation creating Lot 3.

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Figure 2: subject property showing existing dwelling and outbuildings.

As both parcels remain depicted on the title plan, the current owner has sought to bring the lots depicted back under separate title, as per Section 80(3)e of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

The premise of this part of the Act is that the lots already being described, are existing lots and their division does not constitute a subdivision.

Generally this process does not include any involvement from Council. Owners of lots that have previously been separated and are depicted as such on the title, can apply to the Land Titles Office to bring them back under separate titles.

However, in this instance, the Land Titles Office has noted that the adhesion has been done via sealed plan. As such the Land Titles Office has requested the landowner seek a certificate from Council confirming that a final plan is not required to be lodged to authorise the dealing, under Section 90 of the Act.

Council has not granted delegation for Council staff to make a decision in accordance with Section 90.

**STRATEGIC PLAN**

This action relates to the following components of the Community Strategic Plan 2024-2030:

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

33. Fair and open planning regulatory processes

- i. There is community knowledge and understanding of planning and regulatory responsibilities and processes

**STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS**

*Local Government (Building and Miscellaneous Provisions) Act 1993*

**80. Interpretation of Part 3**

*(3) For the purpose of determining whether any land constitutes a block for subdivision purposes, a block is –*

*(e) a fragmented or subdivided portion of land referred to in this subsection that can be verbally identified for transfer, or retention in the folio of that Register, by description of any other blocks in that folio.*

**90. Determination of applicability of provisions**

*If an instrument is lodged for registration under the Land Titles Act 1980 and the Recorder of Titles is not sure whether a final plan should first have been lodged to authorize the dealing to be effected by the instrument, the Recorder may require the person lodging the instrument to produce a certificate of the council that the dealing is not in contravention of this Division.*

**RISK CONSIDERATIONS**

Low Reputational Risk – Generally the planning system places the burden for public infrastructure provision on land developers. New subdivisions are generally required to be development ready and include new crossovers, water, sewage and stormwater connections. Bringing the lots back under separate titles, without planning and sealing processes, will result in a lot that does not possess basic infrastructure connections.

However, it is noted that the infrastructure is adjacent the property and connections can readily be installed. Any buyer undertaking due diligence should factor these requirements into their purchase negotiations. While this is not usually the case, it is not uncommon to find older titles that are not fully serviced, where purchasers face additional costs to connect services. Council would have further opportunity to require connections and crossovers if/when someone decides to develop the lot.

**FINANCIAL IMPLICATIONS**

There are no additional direct costs associated with this decision.

**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.

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The subject decision does not compromise diversity, equitable access or inclusion.

### **CONSULTATION**

The request relates to statutory process and does not require public consultation. Council has consulted with the current landowner and discussed this matter at a Council Workshop.

### **OPTIONS**

Council may choose to:

1. Support the motion.
2. Support the motion with amendment; or
3. Not support the motion.
4. Council may also wish to provide guidance on circumstances where the General Manager may exercise discretion under Section 90.

### **OFFICER'S COMMENTS**

In this instance the original proposal that created the subject property was not for the adhesion of two existing lots, but, for the creation of Lot 1 and its simultaneous adhesion to Lot 2. Lot 1 on the plan was formerly part of the adjoining property (former CT4079/19) and was split from this property in 1989/1990 for the express purpose of being joined with Lot 2. The Creation of the lot and its adherence to Lot 2 occurred simultaneously. The creation of Lot 1 necessitated the sealing of a new plan.

Officer notes in the original application identify that the connection of additional services is not required due to the resulting properties all being fully serviced.

As such, the creation of Lot 1 as a separate lot has never been contemplated or approved by Council or any other authority.

It is appropriate in this instance that the proposal progress through the standard subdivision process and be conditioned appropriately.

The dealing is considered to be in contravention of Division 3. Council has neither received a plan of subdivision resulting in the proposed lot arrangement, nor has a final plan been registered that gives effect to same.

All past approvals are for the express purpose of Lot 1 and 2 being adhered, not for the purpose of creating separate titles.

However, Council may wish to approve the request, subject to a planning application for subdivision being approved. In the event a subdivision is approved, the existing sealed plan, likely shows all of the information necessary to legally define the lots, without requiring the preparation and expense of a new final plan. A new final plan does not result in any added benefit to Council.

A decision to separate the titles is not an approval for subdivision under the *Land Use Planning and Approvals Act 1993*. Determination of a planning application is subject to a separate approval process.

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**OFFICER'S RECOMMENDATION**

That Council:

1. Agree to issue a certificate under section 90 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, relating to Sealed Plan 38682/3, but only at such time that the following has occurred:
  - a) a planning application for subdivision depicting Lots 1 and 2 on the Plan has been submitted, assessed and approved in accordance with the Land Use Planning and Approvals Act 1993; and
  - b) all conditions of any such approval have been met.

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**10 CORPORATE AND COMMUNITY**

Nil.

**11 ORGANISATIONAL PERFORMANCE & STRATEGY**

Nil

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**12 OFFICE OF THE MAYOR**

**12.1 MATTERS OF INVOLVEMENT - MAYOR, DEPUTY MAYOR AND COUNCILLORS**

**REPORT DATE:** 21 November 2024

**FILE NO:** 14.11, 14.15

<b>Mayor Cr Greg Kieser</b>		
<b>October</b>	23	Conducted Citizenship Ceremony
	23	Attended Rising Regions Seminar
	24	ABC Radio interview
	25	Attended Opposition Budget Reply
	25	Met with Rebekah Pentland and General Manager
	26	Attended Nigerian Community in Tasmania function
	28	Attended TasWater General Meeting
	28	Tamar FM Interview
	29	Attended Northern Tasmania Population Workshop
<b>November</b>	5	Met with local resident
	6	Chaired Municipal Emergency Management Committee meeting
	6	Attended Launceston Chamber of Commerce – Leaders Lunch
	11	Laid wreath for George Town Council at Remembrance Day Service
	11	Met with Consultant
	12	Chaired Council Workshop
	12	Attended Launceston Airport – Stakeholder Event with General Manager
	14	Met with Bridget Archer MP
	14	Chaired Annual General Meeting for George Town Council
	15	Attended NTDC MRG Meeting
	15	Attended NTDC AGM 2024
<b>Deputy Mayor Cr Greg Dawson</b>		
<b>October</b>	22	Attended Council Workshop
	22	Attended Ordinary Council meeting
<b>November</b>	6	Attended Youth Impact Council meeting
	11	Attended Remembrance Day Service
	14	Attended Annual General Meeting for George Town Council
	20	Attended LGAT Mayor and Deputy Mayor Workshop
	21	Attended LGAT General Meeting
<b>Cr Jason Orr</b>		
<b>October</b>	17	Launceston Chamber of Commerce - 175 Years
	19	TEER – kanamaluka/ Tamar Discovery Day
	24	VNT – Champions of Tourism 2024
	28	East Tamar Landcare Group - Annual General Meeting

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	30	Tamar NRM - Annual General Meeting
<b>November</b>	6	Coastal Weed Management Workshop
	11	Tourism Tasmania – Off Season 2025 Workshop
	12	Hillwood Progress Association - Emergency Preparedness Discussion
	12	Hillwood Progress Association – General Meeting
<b>Cr Winston Mason</b>		
<b>October</b>	31	Attended George Town Chamber of Commerce Business Awards
<b>November</b>	6	Attended Youth Impact Council
	11	Attended Remembrance Day Service
	14	Attended Annual General Meeting for George Town Council

**OFFICER’S RECOMMENDATION**

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

**DECISION**

Moved:

Seconded:

**VOTING**

For:

Against:

**13 PETITIONS**

Nil.

**14 NOTICES OF MOTIONS**

Nil.

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

Nil.

## **16 CLOSED MEETING**

### **16.1 INTO CLOSED MEETING**

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

**Agenda Item 16.2     Minutes of the Closed Ordinary Council Meeting held on 22 October 2024**

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

**Agenda Item 16.3     General Manager's Professional Development**

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

**Agenda Item 16.4     RFT 08/2024 - Early Contractor Involvement (ECI) - Construction of George Town Aquatic, Health and Wellbeing Centre**

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

**REQUIRES ABSOLUTE MAJORITY OF COUNCIL**

### **DECISION**

Moved:

Seconded:

### **VOTING**

For:

Against:

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**17 CLOSURE**

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

**Cr Greg Kieser  
MAYOR**