

George Town Council
COUNCIL MEETING – 22ND JANUARY 2019
MINUTES

These minutes should be read in conjunction with the 22nd January 2019 Council meeting agenda a copy of which is available via Council's website www.georgetown.tas.gov.au

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Meeting commenced at 1.00pm

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 No. 40, members of the public are not permitted to make audio recordings of Council meetings.

1. PRESENT

Mayor Bridget Archer, Chairperson
Deputy Mayor Tim Harris
Cr Justine Brooks
Cr Chris Barraclough
Cr Greg Dawson
Cr Andrew Michieletto
Cr Winston Mason
Cr Greg Kieser
Cr Heather Barwick

1.1 APOLOGIES & LEAVE OF ABSENCE

Nil.

1.2 IN ATTENDANCE

General Manager
Team Leader, Corporate & Finance
Team Leader, Community & Development Services
Team Leader, Works & Infrastructure
Governance Support Officer
Contract Statutory Planner

The Chairperson introduced and welcomed Mr Shane Power to the role of General Manager.

Mr Power thanked the Chairperson for the welcome.

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2. CONFIRMATION OF MINUTES

001/19 2.1 ORDINARY COUNCIL MEETING HELD 12TH DECEMBER 2018

DECISION

Moved: Cr Barwick
Seconded: Cr Dawson

That the Minutes of Council's Ordinary meeting held on the 12th December 2018 numbered 203/18 to 211/18 and 216/18 as circulated to Councillors be received and confirmed as a true record of proceedings.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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3. PUBLIC QUESTION TIME

3.1 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 No. 18.]

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

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3.2 PUBLIC QUESTIONS ON NOTICE

Nil.

3.3 PUBLIC QUESTION TIME

Commenced at: 1:04pm

Concluded at: 1:19pm

Mr Ross, Secretary/Treasurer – George Town Airport Association

Q1. Mr Ross asked when the George Town Airport Association would be given the opportunity to attend a workshop with the Council on the sale of the airport.

The Chairperson took Mr Ross's question as a request to which Council would give consideration however advised that as the item was before the Council in today's agenda to determine a way forward, she did not want to pre-empt Council's decision.

Q2. Mr Ross asked for an explanation of the annual costs, excluding the resealing works, as shown in the attachment to the report.

The Chairperson referred the question to the Team Leader Corporate & Finance who responded advising that the costs in the attachment related to land tax, maintenance items in respect to the airport or runway, capital items through Council's capital budget and the resealing of the runway.

The Team Leader advised that she did not have a breakup of the figures with her however these were annualised costs and were averaged on the last 10 years' cost to the capital program.

Mr Ross asked if the costs related to physical costs of the airport, accounting and treatment of depreciation.

Through the Chairperson the Team Leader Corporate & Finance advised that the capital works were in relation to the runway and did have depreciation applied as well as land tax and any other general maintenance. The Team Leader explained that the general maintenance was for over the period of time, up to \$20k depending on what's been done over those years, however no administrative costs were applied, it was the actual cost to Council for whatever happens at the airport.

The Chairperson took the question on notice agreeing to provide Mr Ross a higher level of detail.

Mr Neilsen, George Town

Q1. Mr Neilsen referred to Mr Riley's question from the December 2018 Council meeting and the response provided to that question by the Chairperson as recorded in the minutes. Mr Neilsen stated that Mr Riley's question required a yes or no response which he felt the Chairperson should have provided. Mr Neilsen repeated Mr Riley's question and asked was a false or fake plan presented as evidence to RMPAT in relation to a Regent Square development.

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3.3 PUBLIC QUESTION TIME (CONT)

The Chairperson advised Mr Neilsen that as previously advised to himself and others on numerous occasions she had no comment to make on the matter.

- Q2. Mr Neilsen referred to the December 2018 minutes and the recording of the reason for the adjournment of the meeting in the minutes. Mr Neilsen also referred to and read from the Local Government (Meeting Procedures) Regulations “adjournments”. Mr Neilsen stated that the adjournment was a time loss inconvenience to staff, elected members and ratepayers and others in the public gallery and asked which section of the meeting procedure regulations the Chairperson relied upon at the December meeting when calling an adjournment.

The Chairperson advised that she did not concur with some of Mr Neilsen’s statements and maintained that the meeting was correctly adjourned and she stood by her decision in doing so. The Chairperson also advised that she had relied upon the meeting procedure regulations in adjourning the meeting.

Mr Millar, Hillwood

- Q1. Mr Millar advised that he was a member of the original George Town Aerodrome Association. Mr Millar read from an article in the Examiner where a Mr Morgan commented on the risks involved if the proposed sale of the George Town community airport goes ahead. Mr Millar advised that Mr Morgan is CEO of the Australia Aircraft Owners and Pilots Association and is also one of Australia’s leading authorities on the problems and risks faced when Councils sell community owned airports to commercial entities. Mr Morgan has offered his assistance to Council to understand the risks involved in the sale. Mr Millar asked if the Council will accept that offer.

The Chairperson responded that the item is before the Council for consideration today and she could not pre-empt the Council decision however she was sure, depending on that decision, the Council would be open to discussions.

- Q2. Mr Millar asked as an original member of the Airport Association why the Council want to risk the loss of this valuable community owned airport to commercial interests.

The Chairperson responded that she was not necessarily sure that the Council does want to risk the things that Mr Millar had mentioned and that she could not pre-empt the Council’s decision. The Chairperson further advised however that she felt there was a wide range of issues to be considered in relation to the airport sale which included certainty for the Airport Association and the Council going forward.

Mr Reid, President of the George Town Aircraft Association

- Q1. Mr Reid asked if the Councillors were aware of the work and expense that the George Town Airport Association went to approximately 20 years ago to save the airport being dug up and at great expense to the ratepayer and how committed the Association is in continuing to run the airport as it has for the last 20 years, into the future.

The Chairperson advised that she felt that Councillors were well aware of everything that surrounds this issue and she took the opportunity to thank the community for their contributions in terms of their submissions. They have provided the information that Council was seeking for Council officers to investigate and for Councillors to consider. The Chairperson stated that she felt the Councillors were aware and where they weren’t sure, they would seek further information which would be brought out in debate today.

3.4 QUESTIONS ON NOTICE FROM COUNCILLORS

Nil.

3.5 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME

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

Nil.

The Chairperson referred to correspondence Mr Neilsen had handed out to Councillors at the December 2018 Council meeting regarding his resignation from the Regent Square Reference Group and advised Mr Neilsen that she was happy to meet with him to discuss the contents of his letter at a mutually convenient time.

4. DECLARATIONS OF INTEREST

Nil.

5. 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.



Harry Galea
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.

6. PLANNING AUTHORITY

Local Government (Meeting Procedures) Regulations 2015

25. *Acting as a planning authority*

- (1) *If a council or council committee intends to act at a meeting as a planning authority under the Land Use Planning and Approvals Act 1993, the chairperson is to advise the meeting accordingly.*
- (2) *The general manager is to ensure that the reasons for a decision by a council or council committee acting as a planning authority are recorded in the minutes of the meeting.*

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REPORT AUTHOR: Statutory Town Planner

FILE NO: GTC – A2/2018

OFFICER’S RECOMMENDATION

That Council resolves:

1. That a copy of the two (2) representations be forwarded to the Tasmanian Planning Commission in accordance with section 39(2)(a) of the *Land Use Planning and Approvals Act 1993*; and
2. A copy of this report, being the Council’s assessment of the merits of the representation, is forwarded to the Tasmanian Planning Commission, in order to satisfy Section 39(2)(b); and
3. The Tasmanian Planning Commission be advised that Council recommends that no modification to draft planning scheme amendment A2/2018 is required.

DECISION

Moved: Cr Harris
Seconded: Cr Kieser

That Council resolves:

1. That a copy of the two (2) representations be forwarded to the Tasmanian Planning Commission in accordance with section 39(2)(a) of the *Land Use Planning and Approvals Act 1993*; and
2. A copy of this report, being the Council’s assessment of the merits of the representation, is forwarded to the Tasmanian Planning Commission, in order to satisfy Section 39(2)(b); and
3. The Tasmanian Planning Commission be advised that Council recommends that no modification to draft planning scheme amendment A2/2018 is required.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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7. PLANNING AND DEVELOPMENT

Nil.

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8. WORKS AND INFRASTRUCTURE

Nil.

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9. CORPORATE AND FINANCE

003/19 9.1 COUNCILLORS REIMBURSEMENTS

REPORT AUTHORS: Acting General Manager & Team Leader – Corporate and Finance

FILE NO: 14.13

OFFICER'S RECOMMENDATION

That the Council adopts policy number 5 'Councillor Allowances' as enclosed with the report.

DECISION

Moved: Cr Barwick

Seconded: Cr Kieser

That the Council adopts policy number 5 'Councillor Allowances' as enclosed with the report with the following additions:

- *Page 4 – Travel Reimbursement to include No. 7 – where a councillor is requested to attend a meeting with either an individual resident or un-incorporate community group; and*
- *Page 5 - Under Expenses – conferences and training courses, add Vehicle travel in councillors own car.*

A **PROCEDURAL** motion was:

Moved: Cr Harris

Seconded: Cr Brooks

That the matter be referred to a workshop.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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10. COMMUNITY SERVICES

004/19 10.1 MINOR COMMUNITY EVENTS PROGRAM & PROJECTS SPONSORSHIP FUND

REPORT AUTHOR: Community Development Officer

FILE NO: 23.2

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Provide sponsorship of \$2,000 to Cycling Tasmania to run their Let's Ride School Holiday Program in George Town during April 2019.
2. Provide sponsorship of \$1,000.00 (exclusive of GST) to the Rotary Club of George Town to assist with the costs associated with hosting the 2019 Wings and Things event. This sponsorship will provide \$600 cash for costs associated with hosting the event, and \$400 for Council Services.

DECISION

Moved: Cr Dawson

Seconded:

That Council:

Do not provide sponsorship of \$2,000 to Cycling Tasmania to run their Let's Ride School Holiday Program in George Town during April 2019.

MOTION LAPSED DUE TO NO SECONDER

Moved: Cr Harris

Seconded: Cr Kieser

That Council:

Provide sponsorship of \$2,000 to Cycling Tasmania to run their Let's Ride School Holiday Program in George Town during April 2019.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Michieletto, Cr Mason
Cr Kieser, Cr Barwick

Against: Cr Dawson

CARRIED 8/1

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005/19 10.1 MINOR COMMUNITY EVENTS PROGRAM & PROJECTS SPONSORSHIP FUND

DECISION

Moved: Cr Kieser

Seconded: Cr Harris

That Council:

Provide sponsorship of \$1,000.00 (exclusive of GST) to the Rotary Club of George Town to assist with the costs associated with hosting the 2019 Wings and Things event. This sponsorship will provide \$600 cash for costs associated with hosting the event, and \$400 for Council Services.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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11. MAYOR

006/19 11.1 MATTERS OF INVOLVEMENT – MAYOR

FILE NO.: 14.11

REPORT DATE: 15 January 2019

Mayor Bridget Archer		
December	13	Attended South George Town Primary School annual presentation evening
	14	Attended Star of the Sea Catholic College end of year presentation
	18	Attended Port Dalrymple School presentation evening
	20	Attended George Town Christmas Parade
	21	Attended Council's Staff & Councillor Christmas function
January	8	Attended internal training session for Elected Members re: Meeting Procedures
	16	Attended Mt George Bike Trail Reference Group meeting
	17	Attended farewell afternoon tea for Mr Harry Galea
	22	Attended Council workshop Attended ordinary Council meeting

OFFICER'S RECOMMENDATION

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

DECISION

Moved: Cr Kieser
Seconded: Cr Dawson

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

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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12. GENERAL MANAGER

007/19 12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD – NOTICE OF INTENTION TO SELL LAND

REPORT AUTHOR: Acting General Manager

FILE NO: PID1890690

OFFICER'S RECOMMENDATION

That the Council, in respect to its intention declared at the 21 November 2018 Council meeting to sell Public land known as George Town Airstrip at 119 Soldier Settlement Road (PID1890690) in accordance with Section 178 Local Government Act 1993 and having considered all objections lodged during the 21 day public notification period, resolves to:

1. Sell the land by public auction OR
2. Sell the land by a closed public tender process that is open for a period not less than 21 days from the first public notification of the tender process and such results tabled at a Council meeting to resolve the preferred purchaser OR
3. By private sale for a price determined by the General Manager but not less than the value determined by a qualified valuer.

but such sale to be delayed until objectors are informed of the decision and appeal process and any appeal resolved in accordance with S178A Local Government Act 1993.

DECISION

Moved: Cr Dawson
Seconded: Cr Kieser

That the matter be deferred to the next available Council workshop to allow the George Town Airport Association to present to Council further information relating to potential airport sale and to allow Council to set any future sale conditions not yet discussed.

A **FORESHADOWED** motion was:

Moved: Cr Barwick

That this item lay on the table and be brought to the next workshop of Council and be addressed at the March Council meeting.

Moved: Cr Dawson
Seconded: Cr Kieser

That the matter be deferred to the next available Council workshop to allow the George Town Airport Association to present to Council further information relating to potential airport sale and to allow Council to set any future sale conditions not yet discussed.

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**007/19 12.1 GEORGE TOWN AIRSTRIP, 119 SOLDIER SETTLEMENT ROAD –
NOTICE OF INTENTION TO SELL LAND (CONT.)**

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser
Against: Cr Barwick

CARRIED 8/1

008/19 12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK

REPORT AUTHOR: Acting General Manager, Team Leader Community & Development Services

FILE NO: 43.1

OFFICER'S RECOMMENDATION

That the Council, in respect to the 20 December letter and recommendations tabled by the Parks and Wildlife Services on the Little Penguins attack at the Low Head Rookeries on 15 October 2018, resolves to:

1. Work collaboratively with Parks and Wildlife on the implementation of the recommendations with their letter.
2. In the establishment of the 'Friends of Low Head Penguins' group that a member be an elected Councillor.
3. That the 'Friends of Low Head Penguins' group be requested to input into the following suggestions:
 - a. Declaration of an area protected by a Section 19 (Dog Management Policy) Declaration.
 - b. The desirability of gate-way signage at the start of the peninsula
 - c. Any radical approach to reduce risk to Penguins including exclusion of domestic pets from the protected areas.

DECISION

Moved: Cr Harris
Seconded: Cr Mason

That the Council, in respect to the 20 December letter and recommendations tabled by the Parks and Wildlife Services on the Little Penguins attack at the Low Head Rookeries on 15 October 2018, resolves to:

1. Work collaboratively with Parks and Wildlife on the implementation of the recommendations with their letter.
2. In the establishment of the 'Friends of Low Head Penguins' group that a member be an elected Councillor.
3. That the 'Friends of Low Head Penguins' group be requested to input into the following suggestions:
 - a. Declaration of an area protected by a Section 19 (Dog Management Policy) Declaration.
 - b. The desirability of gate-way signage at the start of the peninsula.

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008/19 12.2 LOW HEAD ROOKERIES – 15 OCTOBER 2018 PENGUIN ATTACK
(CONT.)

- c. Any radical approach to reduce risk to Penguins including exclusion of domestic pets from the protected areas.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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**009/18 12.3 92-96 MAIN ROAD, GEORGE TOWN - AGREEMENT TO LEASE LAND TO
CMCA**

REPORT AUTHOR: Harry Galea (Acting General Manager)

FILE NO: 13.7, 28.5

OFFICER'S RECOMMENDATION

That the Council, in respect to the Decision 318/16 proposing to enter into a lease with the CMCA at 92-95 Main Road George Town, resolves to rescind the decision.

DECISION

Moved: Cr Barwick
Seconded: Cr Dawson

That the Council, in respect to the Decision 318/16 proposing to enter into a lease with the CMCA at 92-95 Main Road George Town, resolves to rescind the decision.

A **PROCEDURAL** motion was:

Moved: Cr Harris
Seconded: Cr Kieser

That the matter be deferred pending further advice on the matter.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

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010/19 12.4 CODE OF CONDUCT

REPORT AUTHOR: Acting General Manager

FILE NO: 14.25

The Chairperson called a point of order against Councillors at 2.12pm in accordance with r.23(1)(b) being a councillor speaking is being interrupted or distracted.

OFFICER'S RECOMMENDATION

That Council adopts the revised Code of Conduct as attached to this report effective 22nd January 2019.

DECISION

Moved: Cr Harris
Seconded: Cr Barwick

That Council adopts the revised Code of Conduct as attached to this report effective 22nd January 2019.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick
Against:

CARRIED 9/0

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13. PETITIONS

Nil.

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14. NOTICES OF MOTIONS

Nil.

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15. COUNCILLORS QUESTIONS WITHOUT NOTICE TAKEN ON NOTICE FROM PREVIOUS ORDINARY COUNCIL MEETING

[Refer to Minute No. 362/15 which states "At any Ordinary Meeting of Council when a 'without notice' question from a councillor is accepted, and when this question is taken on notice',

- a) The General Manager is to record in the minutes of that meeting the 'question', and that the question was 'taken on notice'.*
- b) Provide the answer to the question 'taken on notice, at the next Ordinary Meeting of Council, in writing."]*

Nil.

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16. COUNCIL COMMITTEE REPORTS

Nil.

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17. CLOSED MEETING

011/19 17.1 INTO CLOSED MEETING

DECISION

Moved: Cr Barwick
Seconded: Cr Harris

That Council move into closed meeting at 2:15pm to discuss the following items:

Item 1 Closed Meeting Minutes – Ordinary Council Meeting 12th December 2018

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

Item 2 Recruitment of General Manager

As per the provisions of regulation 15(2) (a), (d) & (g) of the Local Government (Meeting Procedures) Regulations 2015.

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

*Cr Barraclough left the meeting at 2:16pm and returned at 2:21pm.
Cr Harris left the meeting at 2:24pm and returned at 2:27pm.
Cr Brooks left the meeting at 2.27pm and returned at 2:30pm.*

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014/19 17.4 OUT OF CLOSED MEETING

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

The following items were discussed in closed meeting:

012/19 Closed Meeting Minutes – Ordinary Council Meeting 12th December 2018

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

013/19 Recruitment of General Manager

As per the provisions of regulation 15(2) (a), (d) & (g) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Moved: Cr Harris
Seconded: Cr Mason

That Council moves out of Closed Meeting at 2:43pm and endorse those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For: Cr Archer, Cr Harris, Cr Brooks, Cr Barraclough, Cr Dawson
Cr Michieletto, Cr Mason, Cr Kieser, Cr Barwick

Against:

CARRIED 9/0

There being no further business, the meeting closed at 2:43pm.

Cr Bridget Archer
MAYOR