

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
UNCONFIRMED MINUTES**

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Meeting Commenced at 1.00 pm

Acknowledgement of Country

The George Town Council pays its respect to the traditional and original owners of the land in which we meet, their elders past, present and emerging and we pay respect to those that have passed before us and acknowledge today's Tasmanian Aboriginal people who are the custodians of this land.

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.

In accordance with the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, Part 4, Section 18, and as given notice by the Premier of Tasmania, Peter Gutwein, under the same act and published in the Tasmanian Government Gazette No. 21 963, 3 April 2020, this meeting is being held face to face with limitation on public attendance to maintain social distancing.

Council will be allowing a maximum of 10 persons into the Ordinary Council meeting. You must 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.

George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
UNCONFIRMED MINUTES

1. PRESENT

Mayor Cr Greg Kieser, Chairperson
Deputy Mayor Cr Tim Harris
Cr Chris Barraclough
Cr Heather Barwick
Cr Greg Dawson
Cr Winston Mason
Cr Andrew Michieletto
Cr Peter Parkes

1.1 APOLOGIES & LEAVE OF ABSENCE

Cr Justine Brooks

1.2 IN ATTENDANCE

General Manager – Mr S. Power
Manager Development & Environment – Mr R. Cassidy
Manager Corporate Services & Finance – Ms C. Hyde
Manager Infrastructure & Works – Mr J. Herron
Manager Liveable & Connected Communities – Ms M. Bennett
Manager People, Performance & Governance – Ms K. Desmond
Statutory Town Planner – Mr J. Simons
Executive Support & Governance Officer – Ms L. Dickenson
Community Development Officer - Ms A. Allison

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
UNCONFIRMED MINUTES**

2. CONFIRMATION OF MINUTES

171/21 2.1 ORDINARY COUNCIL MEETING HELD 26TH OCTOBER 2021

RECOMMENDATION

That the Minutes of Council's Ordinary meeting held on the 26th October 2021 numbered 155/21 to 167/21 and 170/21 as provided to Councillors be received and confirmed as a true record of proceedings (attached).

DECISION

Moved: Cr Harris
Seconded: Cr Mason

That the Minutes of Council's Ordinary meeting held on the 26th October 2021 numbered 155/21 to 167/21 and 170/21 as provided to Councillors be received and confirmed as a true record of proceedings (attached).

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
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3. LATE ITEMS

**172/21 3.1 CONSIDERATION OF LATE ITEM – LGAT GENERAL MEETING 3
DECEMBER 2021**

REPORT AUTHOR: General Manager, Mr S. Power

REPORT DATE: 22 November 2021

FILE NO: 15.15

OFFICER'S RECOMMENDATION

That Council resolves to receive the late item Agenda Report 8.5 from the General Manager to consider voting preferences for items requiring decision listed on the agenda for the Local Government Association of Tasmania (LGAT) meeting to be held 3 December 2021.

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

DECISION

That Council resolves to receive the late item Agenda Report 8.5 from the General Manager to consider voting preferences for items requiring decision listed on the agenda for the Local Government Association of Tasmania (LGAT) meeting to be held 3 December 2021.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

4. PUBLIC QUESTION TIME

4.1 PUBLIC QUESTION TIME PROCEDURE

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

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

For further information on Council's Public Question Time Rules and Procedure, please refer to George Town Council Public Question Time Policy No. 18.]

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

Due to restrictions in place during the COVID-19 pandemic as enabled through the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020, public question time will be conducted in the following manner.

George Town Council will be allowing members of the public that have submitted an objection to a planning matter (priority attendance) and questions from the public to a maximum of 10 persons (to maintain social distancing) into the Ordinary meeting of Council.

Council will accept all other written questions which will be asked and responded to at the meeting. These questions will be recorded in Council's minutes and will be available on the audio recording.

You must pre-register to attend this meeting of Council.

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4.2 PUBLIC QUESTIONS ON NOTICE

Nil.

4.3 PUBLIC QUESTION TIME

Commenced at: 1.05 pm

Concluded at: 1.31 pm

Ms L. Flood, Friends of the Heads Inc., Low Head

Q1. The Planning Officer's Report states that: "...the planning scheme does not have a heritage code: (p21). So the question is: Why on not? Because without a Heritage Code Council is powerless to offer any statutory heritage protection not only for the Ruin Paddock, but for the whole of the George Town municipality.

The Chair replied that his and the planner's response is that there are a number of properties in the George Town and Low Head Area which are State Heritage Listed under the Historic Cultural Heritage Act 1995. Any planning application for a heritage listed property must be referred to Heritage Tas. for advice and the decision of the Heritage Council is reflected in any permit issued by Council. This provides adequate protection for the properties considered to be of State and National significance.

Q2. So would Council please explain why doesn't George Town – one of the first European Settlements in Australia have a local heritage code in its planning scheme? According to the productivity Commission over 80% of Tasmanian Local Councils had already established Heritage codes in their planning schemes way back in 2006.

The Chair responded that he believed that he has answered this question but will provide a formal response by taking the question on notice.

Q3. So is George Town's 15 year delay in establishing a Local Heritage Code due to a failure of State Government policy? or Heritage Tasmania? or The Tasmanian Planning Commission? Or simply a lack of adequate resources for George Town Council?

The Chair took the question on notice.

Q4. The George Town Area Structure Plan finally appears to be a step in the right direction with its commitment to ensure adequate heritage protection measures are implemented in statutory process. (SP, NVS7, p.64) So the supplementary question now is: How much longer will it be before Council implements a Heritage Code in the planning scheme? And what progress has been made in the past 4 months to achieve this code objective?

The Chair took the question on notice. The Chair advised the gallery that questions that are taken on notice are formally responded to and published in the next Ordinary Council meeting agenda.

Ms A. Richards, Friends of the Head Inc., Low Head

Q1. As a member of the public, and as a member of Friends of the Heads Inc. I wish to submit the following questions for your public meeting tomorrow. Why does Council want to make a decision now when an assessment is required at a federal level thereby rendering this Council process a waste of time and ratepayer's money if the federal process does not approve the development?

4.3 PUBLIC QUESTION TIME (CONT.)

The Chair stated that an application has been submitted to Council under the Land Use Planning and Approvals Act 1993 and Council is bound to make a decision within the statutory timeframes of that act. State and Federal assessments are mutually exclusive and are not considered as part of the assessment under LUPAA unless specifically stated. The applicant has paid for the application in accordance with Council's fees and charges and as such to date there has been no waste of ratepayer's money.

There are often multiple levels of approvals under various legislation required undertaken by different authorities and levels of government. Generally, there is little overlap in approvals, meaning Council cannot made decisions regarding an aspect of a proposal that is administered by a different authority. Should Council issue a planning permit this does not remove the requirement to apply for other necessary permits from various authorities under different legislation prior to work commencing.

Q2. In the agenda on page 21, Council admits that "the land is identified as priority habitat in the structure plan". How then can Council decide that priority habitat should be subdivided and developed upon?

The Chair responded stating that the structure plan is not a statutory document that has the ability to override mapping in the current planning scheme or triggers in the applicable codes.

Q3. In the agenda page 21, Council admits the land may contain ruins of historic value and Aboriginal relics. How then can Council decide that the land should be subdivided and development commence before an assessment of the historic and cultural values is undertaken?

The Chair stated that the site is not State Heritage Listed and is not protected by any other code or legislation relating to heritage, which is enacted through the planning scheme. The land is subject to the requirements of the Aboriginal Heritage Act 1995, however, this does not form part of Council's jurisdiction and any permit issued indicating compliance with LUPAA, does not indicate compliance with any other act. Should the development be unable to comply with the Aboriginal Heritage Act 1995 or any other applicable Act, it would be unable to proceed. Basically, there are levels of approval and this is the first level of approval to get things through the gate, it doesn't close the door on anything.

Mr B. Walsh, Low Head

Q1. The Planning Officer's statement that the land, "... has been largely cleared o vegetation", (p. 15). Why this is significant. The claim that the land "has been largely cleared of vegetation" appears to be a significant misstatement because the accompanying photographs of the land (Figures 5 & 6) both show substantial bushfire-prone vegetation in the form of an assemblage of plant species and ground cover across the whole site.

Q2. Council's response that "The George Town Structure Plan does not play a role in the assessment of individual planning applications under the planning scheme. (p. 19). Why this is significant. The Council's response shown in the Officer's Report appears to be inconsistent with the Council's unequivocal view as expressed in its Structure Plan that: "... Further, site specific investigations will be required at the time use and development is proposed on land containing potential natural values."; and despite the latter condition, none of the required site specific natural values investigations referred to in the Structure Plan have been provided to Council.

4.3 PUBLIC QUESTION TIME (CONT.)

Q3. The Bushfire Prone Area overlay (Figure 8) relied on by Council appears to show that while even the sand on East Beach is a Bushfire Prone Area, the 4 ha of open grassland in the Ruin Paddock is not a Bushfire Prone Area. The Figure 8 overlay error is, therefore, significant because it makes no sense, and can only serve to help hid the potentially high bushfire risk in the Ruin Paddock. Two questions, therefore:

1. Does the Council agree that the majority of the proposed subdivision area is bushfire prone vegetation, and is less than 100 m from vegetation greater that 1 ha in size? (Refer. Definitions of terms in Planning Directive No. 5.1 Bushfire-Prone Area Code.)
2. What steps will the Council now take to undertake an adequate and comprehensive on site assessment of the bushfire risks involved with the proposed subdivision?

The Chair responded to the above questions and stated that the bushfire overlay relied on by Council is the statutory bushfire mapping, prepared by the Tasmanian Fire Service and applied to the interim planning scheme in 2018. The application is accompanied by a bushfire assessment prepared by a suitably qualified bushfire consultant which certifies that there is insufficient risk associated with bushfire to warrant any particular measures. The proposal is therefore exempt from the code. In accordance with Section 51 (2) of the Land Use Planning and Approvals Act 1993 a planning authority must accept any relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards that has been certified as acceptably by an accredited person.

The Chair acknowledged the next question noting that three pages would be in excess of the three-minute time allocation for a question. The Chair summarised the question stating that it dealt with bushfires, risk assessments, state of the natural landscape and whether there should be a landscape management plan. (The full question is listed below.)

Q3. Apparent Omissions. I understand Council has formed the view that Permit Conditions offer a mechanism for managing risk i.e:

4. Risk Implications (Ref: Agenda p. 13)
“Risk is managed through the decision and conditioning of any permit issued.”

I also understand that consistency in regulatory planning practices and procedures is a well established State Government objective.

Therefore, will Council please explain the apparent omission from the Officer’s report of any permit conditions designed to manage the risk to those natural, cultural, and heritage values described in Council’s George Town Area Structure Plan?

For example permit conditions of the following three types – Natural Landscape, Public Open Space, and Arboricultural Management appear to have been completed omitted.

Sample A. Natural Landscape Permit Condition

Prior to the sealing of the final plan all landscaping is to be completed to the satisfaction of the Manager Works and Infrastructure and in accordance with the following:

4.3 PUBLIC QUESTION TIME (CONT.)

A comprehensive site specific Natural Values Assessment of flora and fauna within the area is to be prepared and submitted for the approval of Council by an ecologist, including recommendations designed to ensure that threatened flora or fauna habitat adapts the subdivision design to maximise retention in accordance with Council Policy NVS6, George Town Area Structure Plan, July 2021.

A comprehensive Landscape Management Plan for the site based on the endorsed Natural Values Assessment incorporating:

- All the existing trees and native vegetation on the site;
- The hard landscape elements of the new roads;
- Proposals for re-instatement plantings on the site
- Any fencing treatments fronting new roads and public open space areas
- Full details of the proposed landscape treatment of public open spaces, including any proposed play equipment, furniture, lighting.

An endorsed copy of the Landscape Management Plan shall form part of this permit.

Reason. To ensure that the proposed landscape treatment of public open space, re-instatement of trees, and fencing is appropriate and sympathetic to the existing landscape, and ensure the existing trees, and proposed landscaping is maintained into the future.

Risk Assessment. The risk of the Low Head Company appealing this amendment to the landscape permit condition is considered to be low because it is understood that the Company has a constitutional requirement to protect the existing character of Low Head, and indeed gave its shareholders a written undertaking last year (August 2020) that Lots 9, 10, and 11 will be retained as a natural reserve. (See attached).

Sample B. Public Open Space Permit Condition
(Defined by the TPS as land for public recreation or public gardens or for similar purposes.)

Prior to the sealing of the Final Plan (or sealing of any individual stage) a comprehensive Public Open Space Plan is to be completed and implemented to the satisfaction of the Manager Works and Infrastructure aggregating Lots 9, 10, and 11 and such other adjoining Ruin Paddock land as is required to provide a Public Open Space area (not including roads) of not less than 50% of the proposed private land Lots 1-8 area, ie. Not less than $9237/2 = 4618.5$ sq metres of Public Open Space. An endorsed copy of the Public Open Space Plan shall form part of this permit.

Reason. To help ensure the permit conditions are consistent with Council's George Town Area Structure Plan Open Space Policy OSC12-15, and Public Access to the Coastline Policy (OSC16-20).

Risk Assessment. The risk of the Low Head Company appealing this amendment to the Public Open Space permit condition is considered to be low because:

- The proponent assets that: "... the application is consistent with the recommendations of the Structure Plan." (Michell Schleiger, Town Planner, Woolcott Surveys, Response to Council Re: Representations, DA2021/97, 10.11.21)

4.3 PUBLIC QUESTION TIME (CONT.)

- It is understood that the Proponent, LHC Ltd has a constitutional commitment to protect the existing character of Low Head, and that it gave its shareholders a written undertaking last year (19 August 2020) that the “balance of the (Ruin Paddock) land’ (including Lots 9, 10, and 11) will be retained as a nature reserve and community garden.)**

** The Ruin Paddock presently comprises some 11.34 acres (4.59 hectares) of land, 3.06 acres (1.24 hectares) of which is proposed to be utilised as part of the development. The Company propose to contribute a portion of sale funds to the creation of a nature reserve and community garden upon the balance of the land. The planting of trees and installation of agreed community infrastructure on the 8.28 acres (3.35 hectare) site may enable the presently unused land to be enjoyed more broadly by families of the community. (LHC, Vision Statement 19.8.2020)

Sample. Arboricultural Management Plan. Conservation of trees during works

A comprehensive Arboricultural Management Plan, prepared by an arborist to be submitted for approval by the Manager Works and Infrastructure prior to the commencement of development. The Plan must show or demonstrate:

- The steps necessary to protect trees during the construction of the development
- Tree protection zones for all trees to be determined and shown on the plan
- That the roots will be rigorously protected from damage
- That the construction of any paved surface will not involve removal of or excessive additions to soil, within the root zones
- The precise position of the canopies to be documented to enable evaluation of the impact of works
- That the construction of or resurfacing of driveways should be rigorously reviewed to ensure that it will not result in a diminution to tree health
- The trees and plants that are required to be removed and/or relocated..

An endorsed copy of the Arboriculture Management Plan shall form part of this permit.

Reason. To ensure all existing trees are protected during the construction phase of the development.

Risk Assessment. The risk of the Low Head Company appealing this amendment to the Public Open Space permit condition is considered to be low because:

- The proponent asserts that: “... the application is consistent with the recommendation of the Structure Plan.” (Michell Schleiger, Town Planner, Woolcott Surveys, Response to Council Re: Representations, DA2021/97, 10.11.21)
- It is understood that the Proponent, LHC Ltd has a constitutional commitment to protect the existing character of Low Head, and that it gave its shareholders a written undertaking last year (19 August 2020) that the “balance of the (Ruin Paddock) land” (including Lots 9, 10 and 100) will be retained as a nature reserve and community garden.
- Prevention is cheaper than cure.

4.3 PUBLIC QUESTION TIME (CONT.)

The Chair's response was a landscape management plan and public open space plan are not considered warranted by Council's Planner. The application is for a suburban subdivision in a residential area and landscaping will generally be limited to street planting, which can be managed through the engineering design drawings. A condition has been included to this effect. The site does not possess scenic values identified as being of such significance that any statutory overlays or protections have been applied. The zoning of the land also reflects a strategic intention for residential subdivisions. The zoning of the land also reflects a strategic intention for residential subdivision and is not a zone, that fosters low density development or prioritisation of scenic/landscape values over residential development.

Council as a planning authority will consider the proposal and are entitled to take a different view to that expressed in the planner's report.

The application does not include any public open space and as such no public open space plan is warranted.

Mr C. Flood, Low Head

Q1. Given the current GTC Planning Scheme does not provide sufficient protection from an environmental, heritage, cultural and community perspective will the George Town Council be willing to place this DA on hold? As per the Clarence Council precedent for sensitive developments, such as this one, until the master plan is complete?

The Chair advised that Council will not be putting the DA on hold.

Q2. Is the Council cognisant of the damage that this style of urbanised development will do to the precinct and that it will be widely condemned by those that understand the true value of green space and its attraction for community and visitors?

The Chair advised that Council has an obligation under the planning scheme to consider the planner's report. Every Councillor has the right to make their own determination but Council will be considering the report.

Q3. Is the George Town Council aware that approval of the DA completely contradicts the context by which the Council has promoted and benefitted from Low Head given its existence as the jewel in the crown of the municipality?

The Chair advised that Council considers every planning application on its merit that is put before Council and will do so today.

Q4. Does this Council realise that if this sort of development is halted, it will display a vision of preservation that will become the envy of lesser municipalities that lacked fortitude and wisdom to set such a precedent?

The Chair advised this will be evident by the decision made by Council today. The planning application will be considered by Council at today's meeting based on the senior planner's report.

4.3 PUBLIC QUESTION TIME (CONT.)

Mr J. Glisson, Low Head

Q1. Same question at the last Ordinary Council meeting, Mr Glisson stated that he did not receive an answer and that I was fobbed off basically. On the same subject, that Council made a decision based on Regulation 19.2 to resubmit an issue that had been resolved. The trouble with this is that regulation 91.1 says that before you can do that you must have a motion passed by the Council to go back to it. Mr Glisson stated that he had read the minutes and listened to the audio and no motion of the sort has been passed. Is Council ignoring the regulations or can you please tell me why there was no motion of the sort carried on the day?

Through the Chair, the General Manager asked for clarification that there was two questions from Mr Glisson?

Mr Glisson advised that there were two questions and confirmed that the first question was why Council not following the procedures/regulations; and second question why was there no motion?

The General Manager advised Mr Glisson that his questions would be taken on notice due to them relating to previous minutes.

Q2. At the last meeting of Council in October, the George Town Airport Master Plan was adopted. The plan requires a steering committee consisting of 2 members of Council, 2 members of GTAA and so on. Mr Glisson asked have the Council members been selected or appointed?

The Chair advised that the members have not been appointed.

Q3. If not, when will the Council members be appointed? The Master Plan states that there are goals that need to be achieved in 12 months. Council has already wasted time in appointing members in the first place and it is not in today's meeting and probably will not be endorsed in December. A quarter of the time required to achieve things has already been wasted.

The Chair advised that there is no response to this question.

Mr Glisson advised that someone will tell him when they are appointed.

Q4. Will the Committee minutes be coming before Council so that there is transparency like the safety committee etc.?

The Chair advised that with any formal Committee the standard protocol will be followed and transparency and the minutes will be brought before Council.

Through the Chair, the General Manager advised that the governance arrangements of the committee i.e. Terms of Reference, Membership, type of Committee have not been finalised. Council has not determined if it will be a Special Committee of Council, advisory group or other form is yet to be determined. The questions Mr Glisson has asked, are premature until the governance and mechanics are determined.

The Chair advised the Airport Master Plan is strongly tied with Council raising substantial external funding outside of our rates base. At this stage no further funding is available. The Committee will be established but to enact the funding needs to be available.

4.3 PUBLIC QUESTION TIME (CONT.)

Mr J. Hill, Business Operator

Q1. I have started up a new local business called Sent it Shuttles. We are a shuttle bus service for the mountain bike trails.

This weekend was our first weekend in business, and we had a great weekend. We see huge potential for these trails to bring people into the town and spend money here and to make George Town a town that people want to come to.

Here is a bit of feedback from the trail riders this weekend.

Positive

- Trails were great and close to Launceston, which makes them very accessible.
- How good the trails were compared to the first opening when they were really wet.
- Shuttle Bus Service was great, and they did more runs.

Negative

- Need more bins.
- No toilets anywhere on trail network or trail head.
- Why would you build a mountain bike trail and expect people to travel to use a toilet.
- More seating at trail head maybe a couple of tables etc. (picnic tables for example).

Everyone made comments about the lack of toilets. I did explain that in stage two plan for when the pump track is open the toilet facilities would be available then at the old RSL building.

Still negativity about the fact lots of young children ride the trails and can not hold on to get the shuttle back to town to closest public toilet which is around 6 to 7 kms from trails.

I overheard on more than one occasion people say go wee in the bush!

I feel that if people are “peeing or pooping in the bush” (which was witnessed by riders) toilet paper and wipes dumped in the bush. This could have a major impact on the health, hygiene and safety of this town.

It is embarrassing to have to deal with subhuman conditions on a 4.5-million-dollar mountain bike site. We do not want George Town Trails to be known as the “Bush Toilet Trails”.

Subhuman conditions we would not accept it anywhere in our community but are expected to accept it here in George Town on the Trails on the biggest tourism draw card that we have.

Are Council intending on providing toilets at the trailhead?

Can they get a portaloos or a portable toilet block in the meantime until something is constructed?

4.3 PUBLIC QUESTION TIME (CONT.)

Also more rubbish bins?

I have invested a lot of money into my business and I would really like to see George Town and these trails thrive.

Thank you for your time.

The Chair firstly on behalf of Council congratulated Mr Hill for the commencement of his business and censing this opportunity and brought this to market. Secondly, thank you for the feedback and advised that this was always going to be a phased development. Council completed the tracks prior to supporting infrastructure being in place but are taking the feedback very seriously and will work to a solution in the near term. In the longer term, the Anzac Drive building will have bike wash, change rooms, toilets available to riders who come to George Town. In the meantime, Council will make every effort to act upon the feedback.

Cr Barwick stated that she didn't feel that the Chair had answered the question asked and is Council considering putting in portaloos.

The Chair advised that Council is considering portaloos.

Through the Chair, the General Manager wished to advise the public on the definition of Council acting as a Planning Authority as there is interest expressed in the DA's submitted in the agenda today.

"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."

4.4 RESPONSE TO QUESTIONS FROM PREVIOUS PUBLIC QUESTION TIME

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

Nil.

5. DECLARATIONS OF INTEREST

Nil.

6. GENERAL MANAGER'S DECLARATION

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

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


Shane Power
GENERAL MANAGER

LOCAL GOVERNMENT ACT 1993 – SECTION 65

65. Qualified persons

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

7. PLANNING AUTHORITY

The Statutory Town Planner entered the meeting at 1.31 pm.

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD

REPORT AUTHOR: Statutory Town Planner – Mr J. Simons
Manager – Development and Environment – Mr R. Cassidy

REPORT DATE: 14th November 2021

FILE NO: DA 2021/97

RECOMMENDATION

That the application for use and development, Residential-Subdivision (11 Lots, Road and Balance) at 292 Low Head Road, Low Head (CT 168065/1) with drainage via East Beach Reserve (CT 198835/1) be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

Except where otherwise stated below, the use and/or development must be carried out as shown on the endorsed plans and described in the endorsed documents:

- a) Woolcott Surveys, Job No L170922, Sheet 1, dated 21/05/2021;
- b) Hydrodynamica, Drawing No. LS125.040, Sheets C01 and C02, dated 02/09/2021;
- c) Woolcott Surveys, Bushfire Hazard Exemption Report, dated 10/08/2021; and
- d) Midson Traffic Pty Ltd, 292 Low Head Road Traffic Impact Assessment dated 07/2021;

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. ENGINEERING DESIGN DRAWINGS

Prior to the commencement of works detailed engineering design drawings are to be submitted for an 'Assessment of Public Works' to the satisfaction of the Manager Works and Infrastructure. The drawings are to include:

- a) All roads, footpath and infrastructure designed in accordance with the Tasmanian Standard Drawings, including sealed roads with kerb and channel and concrete footpath.
- b) All fill required to cover reticulated services must be wholly located within the subject lots. ie any proposed filling on proposed lots 3,4,5,6 is to be wholly contained within private property and not extend into the public reserve.
- c) Removal of the hydrocon pipes from proposed design and replace with 300 SW pipe RCP, Black Max or similar approved material;

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

- d) A vegetated bio filtration basin in the vicinity of the existing swale near East Beach road with an approximate area of 150m².
- e) Removal of the temporary turning head adjacent to lots 8/9.
- f) The provision of corner truncations to improve visibility across corners of lots where roads or access ways are proposed.
- g) The provision of corner truncations at both ends of the pedestrian walkway between lot 3 and 4.
- h) Designs for the pedestrian walkway between lot 3 and 4 demonstrating the walkway will function as an overland flow path and can fully accommodate all major flows up to and including 1% ARI events.
- i) A landscape plan showing a minimum of one street tree (Silver Birch) per lot, and a minimum spacing between tree centres not exceeding 20m.
- j) Underground power reticulation services to each lot and streetlighting in accordance with a design approved by Aurora Energy. A copy of the approved design must be submitted to Council upon approval by TasNetworks.
- k) The means of connection for all lots to telecommunications. Where physical infrastructure is provided, services are to be underground. Written advice regarding the preferred means of connection and/or a plan approved by Telstra or other approved supplier must be submitted to Council upon approval by the supplier.

3. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of works a construction soil and water management plan is to be submitted to the satisfaction of the Manager Works and Infrastructure. The plan is to ensure that no polluted and/or sediment laden runoff will be discharge directly or indirectly into Council's drains and watercourses, including the foreshore, during and after development. All works are to be undertaken in accordance with the approved soil and water management plan.

4. 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 Manager, Works & Infrastructure in accordance with Condition 2.

All works, including infrastructure and landscaping, must be commenced under the direct supervision of a civil engineer and completed to the satisfaction of the Council's Manager, Works & Infrastructure. Certification 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.

5. DRIVEWAY CROSSOVERS

Prior to the sealing of the final plan, the driveway crossovers servicing each unit are to be constructed in accordance with the endorsed plans, Tasmanian Standard Drawing TSD R09-v1 and to the satisfaction of Council's Manager of Infrastructure and Engineering.

6. LANDSCAPING

Prior to the sealing of the final plan all landscaping is to be completed to the satisfaction of the manager Works and Infrastructure and in accordance with the following:

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

- a) All trees identified on the approved engineering drawings are to be of advanced stock with an approx. height of 2.5m. Care is to be taken to ensure the survival of the trees and any fatalities are to be replaced within the defects liability period.
- b) All roadside verges are to be graded and reseeded with grass.

At the discretion of Council's Manager, Works and Infrastructure, Council may accept a bond to allow planting to occur at the most opportune time of the year to ensure survival of the vegetation.

7. PUBLIC WALKWAY

The walkway located between Lots 3 and 4 is to be fenced for the full length with a 1.5m boundary fence to the satisfaction of Council's Manager, Works and Infrastructure.

8. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, (or sealing of any individual stage), the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer procured at the subdivider's expense.

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. EASEMENTS

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

11. DAMAGE TO PUBLIC INFRASTRUCTURE

Any damage to public infrastructure shall be repaired at the cost of the person responsible. 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.

12. CONVEYANCE OF ROADS

All roads and footpaths in the Subdivision must be conveyed to the Council upon the Sealing of the Final Plan. All costs involved in this procedure must be met by the developer.

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

13. 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.

14. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2021/01509-GTC attached).

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2021/97. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted.

In particular this permit should not be taken as an indication of compliance with the Aboriginal Heritage Act 1975, the Threatened Species Protection Act 1995 or the Environment Protection Biodiversity and Conservation Act 1999 (Federal). It is the responsibility of the landowner/developer to make the necessary enquiries with the relevant agencies and to ensure that they are compliant with the requirements of these Acts.

3. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - c) 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 Registrar of the Resource Management and Planning Appeal 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 Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

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7. If any Aboriginal relics are uncovered during works:

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

DECISION

Moved: Cr Harris

Seconded: Cr Mason

That the application for use and development, Residential-Subdivision (11 Lots, Road and Balance) at 292 Low Head Road, Low Head (CT 168065/1) with drainage via East Beach Reserve (CT 198835/1) be **APPROVED** subject to the following conditions:

1. ENDORSED PLANS

Except where otherwise stated below, the use and/or development must be carried out as shown on the endorsed plans and described in the endorsed documents:

- a) Woolcott Surveys, Job No L170922, Sheet 1, dated 21/05/2021;
- b) Hydrodynamica, Drawing No. LS125.040, Sheets C01 and C02, dated 02/09/2021;
- c) Woolcott Surveys, Bushfire Hazard Exemption Report, dated 10/08/2021; and
- d) Midson Traffic Pty Ltd, 292 Low Head Road Traffic Impact Assessment dated 07/2021;

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. ENGINEERING DESIGN DRAWINGS

Prior to the commencement of works detailed engineering design drawings are to be submitted for an 'Assessment of Public Works' to the satisfaction of the Manager Works and Infrastructure. The drawings are to include:

- a) All roads, footpath and infrastructure designed in accordance with the Tasmanian Standard Drawings, including sealed roads with kerb and channel and concrete footpath.
- b) All fill required to cover reticulated services must be wholly located within the subject lots. ie any proposed filling on proposed lots 3,4,5,6 is to be wholly contained within private property and not extend into the public reserve.
- c) Removal of the hydrocon pipes from proposed design and replace with 300 SW pipe RCP, Black Max or similar approved material;

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

- d) A vegetated bio filtration basin in the vicinity of the existing swale near East Beach road with an approximate area of 150m².
- e) Removal of the temporary turning head adjacent to lots 8/9.
- f) The provision of corner truncations to improve visibility across corners of lots where roads or access ways are proposed.
- g) The provision of corner truncations at both ends of the pedestrian walkway between lot 3 and 4.
- h) Designs for the pedestrian walkway between lot 3 and 4 demonstrating the walkway will function as an overland flow path and can fully accommodate all major flows up to and including 1% ARI events.
- i) A landscape plan showing a minimum of one street tree (Silver Birch) per lot, and a minimum spacing between tree centres not exceeding 20m.
- j) Underground power reticulation services to each lot and streetlighting in accordance with a design approved by Aurora Energy. A copy of the approved design must be submitted to Council upon approval by TasNetworks.
- k) The means of connection for all lots to telecommunications. Where physical infrastructure is provided, services are to be underground. Written advice regarding the preferred means of connection and/or a plan approved by Telstra or other approved supplier must be submitted to Council upon approval by the supplier.

3. SOIL AND WATER MANAGEMENT PLAN

Prior to the commencement of works a construction soil and water management plan is to be submitted to the satisfaction of the Manager Works and Infrastructure. The plan is to ensure that no polluted and/or sediment laden runoff will be discharge directly or indirectly into Council's drains and watercourses, including the foreshore, during and after development. All works are to be undertaken in accordance with the approved soil and water management plan.

4. 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 Manager, Works & Infrastructure in accordance with Condition 2.

All works, including infrastructure and landscaping, must be commenced under the direct supervision of a civil engineer and completed to the satisfaction of the Council's Manager, Works & Infrastructure. Certification 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.

5. DRIVEWAY CROSSOVERS

Prior to the sealing of the final plan, the driveway crossovers servicing each unit are to be constructed in accordance with the endorsed plans, Tasmanian Standard Drawing TSD R09-v1 and to the satisfaction of Council's Manager of Infrastructure and Engineering.

6. LANDSCAPING

Prior to the sealing of the final plan all landscaping is to be completed to the satisfaction of the manager Works and Infrastructure and in accordance with the following:

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

- a) All trees identified on the approved engineering drawings are to be of advanced stock with an approx. height of 2.5m. Care is to be taken to ensure the survival of the trees and any fatalities are to be replaced within the defects liability period.
- b) All roadside verges are to be graded and reseeded with grass.

At the discretion of Council's Manager, Works and Infrastructure, Council may accept a bond to allow planting to occur at the most opportune time of the year to ensure survival of the vegetation.

7. PUBLIC WALKWAY

The walkway located between Lots 3 and 4 is to be fenced for the full length with a 1.5m boundary fence to the satisfaction of Council's Manager, Works and Infrastructure.

8. PAYMENT IN LIEU OF PUBLIC OPEN SPACE

Prior to the sealing of the Final Plan, (or sealing of any individual stage), the developer must pay to the Council a sum equivalent to 5% of the unimproved value of the approved lots as determined by a registered land valuer procured at the subdivider's expense.

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. EASEMENTS

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

11. DAMAGE TO PUBLIC INFRASTRUCTURE

Any damage to public infrastructure shall be repaired at the cost of the person responsible. 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.

12. CONVEYANCE OF ROADS

All roads and footpaths in the Subdivision must be conveyed to the Council upon the Sealing of the Final Plan. All costs involved in this procedure must be met by the developer.

173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

13. 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.

14. TASWATER

The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2021/01509-GTC attached).

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2021/97. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted.

In particular this permit should not be taken as an indication of compliance with the Aboriginal Heritage Act 1975, the Threatened Species Protection Act 1995 or the Environment Protection Biodiversity and Conservation Act 1999 (Federal). It is the responsibility of the landowner/developer to make the necessary enquiries with the relevant agencies and to ensure that they are compliant with the requirements of these Acts.

3. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - c) 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 Registrar of the Resource Management and Planning Appeal 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 Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

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173/21 7.1 DA 2021/97 – RESIDENTIAL SUBDIVISION (11 LOTS ROAD AND BALANCE) – 292 LOW HEAD ROAD, LOW HEAD (CONT.)

7. If any Aboriginal relics are uncovered during works:

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

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
UNCONFIRMED MINUTES

174/21 7.2 DA 2021/99 – RESIDENTIAL DWELLING EXTENSION, OUTBUILDINGS (X6)
AND FRONTAGE FENCE – 379 LOW HEAD ROAD, LOW HEAD

REPORT AUTHOR: Statutory Town Planner – Mr J. Simons
Manager – Development and Environment – Mr R. Cassidy

REPORT DATE: 15th November 2021

FILE NO: DA 2021/99

RECOMMENDATION

That the application for use and development, Residential- extension to single dwelling, flagpole, frontage fence and outbuildings (x6) at 379 Low Head Road, Low Head (CT 131742/4 and CT 25920/10) 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) Revised Locality Plan Version 2;
- b) Diagram Supporting a Reduction of Impacts;
- c) Drive-through Garage – elevations;
- d) Renovation & Bedroom Extension, Deck, Glazed wind break, Flag pole – elevations and floor plan (x3 sheets);
- e) Polycarbonate Greenhouse – elevations;
- f) Polycarbonate Gazebo – elevations; and
- g) 20 Foot Shipping Container – elevations;
- h) Revised Gate – elevations; and
- i) Boat Shed & Caravan Garage – elevations – as per Condition 2.

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. AMENDED PLANS

Prior to the commencement of works, amended plans are to be submitted to the satisfaction of Council's Town Planner. The boat shed and caravan garage elevations are to be amended in accordance with the notations regarding heights and form included on the Revised Locality Plan. Once approved, the plans will be endorsed and will form part of the permit.

3. OUTBUILDINGS

The use of the outbuildings approved by this permit is not permitted for human habitation and is limited to domestic storage, garaging, recreation and related residential activities only.

**174/21 7.2 DA 2021/99 – RESIDENTIAL DWELLING EXTENSION, OUTBUILDINGS (X6)
AND FRONTAGE FENCE – 379 LOW HEAD ROAD, LOW HEAD**

4. NO POLLUTED RUNOFF

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

5. DAMAGE TO PUBLIC INFRASTRUCTURE

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

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2021/99. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:
 - a) Plumbing approval
 - b) Building approvalAll enquiries should be directed to Council's Permit Authority, via 3882 8800.
3. This permit takes effect after:
 - a) The 14 day appeal period expires; or
 - b) Any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined; or
 - c) 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 Registrar of the Resource Management and Planning Appeal 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 Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

**174/21 7.2 DA 2021/99 – RESIDENTIAL DWELLING EXTENSION, OUTBUILDINGS (X6)
AND FRONTAGE FENCE – 379 LOW HEAD ROAD, LOW HEAD**

7. If any Aboriginal relics are uncovered during works:

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

DECISION

Moved: Cr Parkes
Seconded: Cr Michieletto

That the application for use and development, Residential- extension to single dwelling, flagpole, frontage fence and outbuildings (x6) at 379 Low Head Road, Low Head (CT 131742/4 and CT 25920/10) 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) Revised Locality Plan Version 2;
- b) Diagram Supporting a Reduction of Impacts;
- c) Drive-through Garage – elevations;
- d) Renovation & Bedroom Extension, Deck, Glazed wind break, Flag pole – elevations and floor plan (x3 sheets);
- e) Polycarbonate Greenhouse – elevations;
- f) Polycarbonate Gazebo – elevations; and
- g) 20 Foot Shipping Container – elevations;
- h) Revised Gate – elevations; and
- i) Boat Shed & Caravan Garage – elevations – as per Condition 2.

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. AMENDED PLANS

Prior to the commencement of works, amended plans are to be submitted to the satisfaction of Council's Town Planner. The boat shed and caravan garage elevations are to be amended in accordance with the notations regarding heights and form included on the Revised Locality Plan. Once approved, the plans will be endorsed and will form part of the permit.

3. OUTBUILDINGS

The use of the outbuildings approved by this permit is not permitted for human habitation and is limited to domestic storage, garaging, recreation and related residential activities only.

**174/21 7.2 DA 2021/99 – RESIDENTIAL DWELLING EXTENSION, OUTBUILDINGS (X6)
AND FRONTAGE FENCE – 379 LOW HEAD ROAD, LOW HEAD**

4. NO POLLUTED RUNOFF

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

5. DAMAGE TO PUBLIC INFRASTRUCTURE

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

Permit Notes

1. This permit was issued based on the proposal documents submitted for DA 2021/99. You should contact Council with any other use or development, as it may require the separate approval of Council. Councils planning staff can be contacted on 6382 8800.
2. This permit does not imply that any other approval required under any other by-law, covenant or legislation has been granted. The following additional approvals from Council may be required before construction commences:

- a) Plumbing approval
- b) Building approval

All enquiries should be directed to Council's Permit Authority, via 3882 8800.

3. This permit takes effect after:
 - a) The 14 day appeal period expires; or
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4. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Resource Management and Planning Appeal 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 Resource Management and Planning Appeal Tribunal website www.rmpat.tas.gov.au
5. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted at Council's discretion if a request is received within 6 months of the expiration.
6. In accordance with the legislation, all permits issued by the permit authority are public documents. Members of the public will be able to view this permit (which includes the endorsed documents) on request, at the Council Office.

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
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**174/21 7.2 DA 2021/99 – RESIDENTIAL DWELLING EXTENSION, OUTBUILDINGS (X6)
AND FRONTAGE FENCE – 379 LOW HEAD ROAD, LOW HEAD**

7. If any Aboriginal relics are uncovered during works:

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

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

The Statutory Town Planner left the meeting at 1.39 pm.

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
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8. OFFICE OF GENERAL MANAGER

175/21 8.1 COUNCIL WORKSHOPS – OCTOBER/NOVEMBER 2021

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 15th November, 2021

FILE NO: 14.10

OFFICER'S RECOMMENDATION

That Council receives the report on the Council Workshops 26th October and 9th November 2021 from the General Manager.

DECISION

Moved: Cr Mason

Seconded: Cr Parkes

That Council receives the report on the Council Workshops 26th October and 9th November 2021 from the General Manager.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

**George Town Council
COUNCIL MEETING – 23RD NOVEMBER 2021
UNCONFIRMED MINUTES**

**176/21 8.2 APPOINTMENT OF CANDIDATE TO SECTION 24 SPECIAL COMMITTEE –
GEORGE TOWN COUNCIL PLACEMAKING COMMITTEE**

REPORT AUTHOR: Shane Power, General Manager

REPORT DATE: 10 November 2021

FILE NO: 14.7

OFFICER’S RECOMMENDATION

That Council:

1. Suspend the Placemaking Committee until further notice
2. Continue to implement current approved projects of the Placemaking Committee

DECISION

PROCEDURAL MOTION

Moved: Cr Barwick

Seconded: Cr Harris

That the matter be deferred to the next workshop and be submitted to the January 2022 Council meeting.

VOTING

For: Cr Harris, Cr Barwick

Against: Cr Kieser, Cr Barraclough, Cr Dawson, Cr Mason, Cr Michieletto
Cr Parkes

LOST 2/6

Moved: Cr Parkes

Seconded: Cr Barraclough

1. That Cr Dawson be appointed as Chair of the Placemaking Committee.
2. That Council continue to implement current approved projects of the Placemaking Committee.

Cr Barwick called a point of order at 1.43 pm.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Dawson
Cr Mason, Cr Michieletto, Cr Parkes

Against: Cr Barwick

CARRIED 7/1

Cr Dawson thanked Cr Brooks for contribution as Chair of the Placemaking Committee.

**George Town Council
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177/21 8.3 QUARTERLY PERFORMANCE REPORT 1ST JULY – 30TH SEPTEMBER 2021

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 16th November, 2021

FILE NO: 14.12

OFFICER’S RECOMMENDATION

That Council:

1. Receives the George Town 1st Quarter Performance Report 1st July – 30th September 2021; and
2. Provides public access to the report as part of Council’s commitment to ongoing good governance.

DECISION

Moved: Cr Dawson

Seconded: Cr Harris

That Council:

1. Receives the George Town 1st Quarter Performance Report 1st July – 30th September 2021; and
2. Provides public access to the report as part of Council’s commitment to ongoing good governance.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

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178/21 8.4 COUNCIL MEETING/WORKSHOP SCHEDULE - 2022

REPORT AUTHOR: Executive Support and Governance Officer

REPORT DATE: 16th November, 2021

FILE NO: 14.11

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the following schedule for Ordinary Council meeting to be held in 2022:

Date	Time
Tuesday 25 January	1.00pm
Tuesday 22 February	1.00pm
Tuesday 22 March	1.00pm
Tuesday 26 April	1.00pm
Tuesday 24 May	1.00pm
Tuesday 28 June	1.00pm
Tuesday 26 July	1.00pm
Tuesday 23 August	1.00pm
Tuesday 27 September	1.00pm
Tuesday 25 October	1.00pm
Thursday 10 November	6.00pm
Tuesday 22 November	1.00pm
Tuesday 20 December	1.00pm

2. Publish this schedule in a daily newspaper.
3. Workshops will be scheduled for each second and fourth Tuesday of each month commencing at 9.00 am unless notified in advance by the General Manager.

DECISION

Moved: Cr Harris
Seconded: Cr Barraclough

That Council:

1. Endorse the following schedule for Ordinary Council meeting to be held in 2022:

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178/21 8.4 COUNCIL MEETING/WORKSHOP SCHEDULE – 2022 (CONT.)

Date	Time
Tuesday 25 January	1.00pm
Tuesday 22 February	1.00pm
Tuesday 22 March	1.00pm
Tuesday 26 April	1.00pm
Tuesday 24 May	1.00pm
Tuesday 28 June	1.00pm
Tuesday 26 July	1.00pm
Tuesday 23 August	1.00pm
Tuesday 27 September	1.00pm
Tuesday 25 October	1.00pm
Thursday 10 November	6.00pm
Tuesday 22 November	1.00pm
Tuesday 20 December	1.00pm

2. Publish this schedule in a daily newspaper.
3. Workshops will be scheduled for each second and fourth Tuesday of each month commencing at 9.00 am unless notified in advance by the General Manager.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
 Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

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179/21 8.5 VOTING PREFERENCES LGAT GENERAL MEETING 3 DECEMBER 2021

REPORT AUTHOR: General Manager – Mr S. Power

REPORT DATE: 22 November 2021

FILE NO: 15.15

OFFICER'S COMMENTS

As in previous years, Council is requested to provide voting direction to the Council delegate (the Mayor or proxy), on the items listed for decision, noting and discussion at the 2021 LGAT General Meeting.

George Town Council has not submitted any items for members' decision which have been included in the LGAT General Meeting 3 December 2021.

The following two options are submitted for Council's consideration:

OPTIONS

Option 1

That Council determines that the Mayor be authorised to vote at the LGAT General Meeting 3 December 2021, in accordance with Council's strategic direction, policy and Council resolutions with due consideration of any conference debate on items listed for decision at that meeting;

OR

Option 2

That Council determines that it supports (or not supports) all the motions listed for the LGAT General Meeting 3 December 2021 and moves to endorse (or reject) all en bloc.

OR

Option 3

That Council considers and provides voting preferences to the Mayor for the LGAT General Meeting 3 December 2021 as determined by the Chair (usually a show of hands or verbal confirmation) in respect to each individual item listed below and formally endorses that direction.

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**179/21 8.5 VOTING PREFERENCES LGAT general MEETING 3 DECEMBER 2021
(CONT.)**

LGAT General Meeting Agenda 3 Dec 21 Item No.	Items for Decision	Council Decision
2.1	<p>Single Use Plastics – Burnie City Council</p> <p>That LGAT:</p> <p>1) Develop a policy on the phasing out of single use plastics in Tasmania by 2022.</p> <p>2) That such a policy is put to LGAT members for voting as soon as practical.</p> <p>3) That such a policy is recommended to the State Government for action.</p>	Support
2.2	<p>Councillor Vacancy – Huon Valley Council</p> <p>That the Local Government Association of Tasmania call upon the Tasmanian State Government to amend the Local Government Act 1993 to provide a mechanism that when a Councillor changes their House of Assembly electoral enrolment to an address outside the Municipal Area to which they are elected, that the General Manager and the Councillor are notified within 7 days of that change of enrolment or, as an alternative, that once the General Manager becomes aware of the change of enrolment and the Councillor is otherwise eligible to be enrolled on the General Manager’s electoral roll, the Councillor is to be given 7 days notice to rectify their enrolment before the office of Councillor becomes vacant.</p>	Support
2.3	<p>Tiny Houses – Huon Valley Council</p> <p>That the Local Government Association of Tasmania call upon the Tasmanian State Government to address the use of Tiny Houses and Self Contained Caravans for alternative accommodation with appropriate standards in planning schemes or other legislation to provide for the safe and healthy use and addressing needs for affordable housing whilst balancing the potential poor planning and environmental outcomes.</p>	Support
2.4	<p>Infrastructure Charges – Kingborough Council</p> <p>That LGAT advocate to the State Government for the introduction of a consistent State-wide approach to infrastructure charges to ensure that the burden of public infrastructure provision is shared equitably between developers and communities</p>	Support
2.5	<p>LUPAA Amendment Conflicts of Interest – Clarence City Council</p> <p>That LGAT lobby the State Government to investigate amending the Land Use Planning and Approvals Act 1993 to provide alternative mechanisms for consideration of the development applications submitted by elected members as a</p>	Reject

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LGAT General Meeting Agenda 3 Dec 21 Item No.	Items for Decision	Council Decision
	means to removing any perception of bias or conflict of interest. The investigation shall provide the pros and cons of any (alternative) solutions.	
2.6	LGAT Strategic Plan – Dion Lester That Members endorse the draft LGAT Strategic Plan 2022 – 2025 and note the LGAT Annual Plan 2022.	Support

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DECISION

Moved: Cr Michieletto
Seconded: Cr Mason

That Council considers and provides voting preferences to the Mayor for the LGAT General Meeting 3 December 2021 as determined by the Chair (usually a show of hands or verbal confirmation) in respect to each individual item listed below and formally endorses that direction.

LGAT General Meeting Agenda 3 Dec 21 Item No.	Items for Decision	Council Decision
2.1	<p>Single Use Plastics – Burnie City Council That LGAT:</p> <ol style="list-style-type: none"> 1) Develop a policy on the phasing out of single use plastics in Tasmania by 2022. 2) That such a policy is put to LGAT members for voting as soon as practical. 3) That such a policy is recommended to the State Government for action. 	Support
2.2	<p>Councillor Vacancy – Huon Valley Council That the Local Government Association of Tasmania call upon the Tasmanian State Government to amend the Local Government Act 1993 to provide a mechanism that when a Councillor changes their House of Assembly electoral enrolment to an address outside the Municipal Area to which they are elected, that the General Manager and the Councillor are notified within 7 days of that change of enrolment or, as an alternative, that once the General Manager becomes aware of the change of enrolment and the Councillor is otherwise eligible to be enrolled on the General Manager's electoral roll, the Councillor is to be given 7 days notice to rectify their enrolment before the office of Councillor becomes vacant.</p>	Support
2.3	<p>Tiny Houses – Huon Valley Council That the Local Government Association of Tasmania call upon the Tasmanian State Government to address the use of Tiny Houses and Self Contained Caravans for alternative accommodation with appropriate standards in planning schemes or other legislation to provide for the safe and healthy use and addressing needs for affordable housing whilst balancing the potential poor planning and environmental outcomes.</p>	Support
2.4	<p>Infrastructure Charges – Kingborough Council That LGAT advocate to the State Government for the introduction of a consistent State-wide approach to infrastructure charges to ensure that the burden of public infrastructure provision is shared equitably between developers and communities</p>	Support

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LGAT General Meeting Agenda 3 Dec 21 Item No.	Items for Decision	Council Decision
2.5	<p>LUPAA Amendment Conflicts of Interest – Clarence City Council</p> <p>That LGAT lobby the State Government to investigate amending the Land Use Planning and Approvals Act 1993 to provide alternative mechanisms for consideration of the development applications submitted by elected members as a means to removing any perception of bias or conflict of interest. The investigation shall provide the pros and cons of any (alternative) solutions.</p>	Reject
2.6	<p>LGAT Strategic Plan – Dion Lester</p> <p>That Members endorse the draft LGAT Strategic Plan 2022 – 2025 and note the LGAT Annual Plan 2022.</p>	Support

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick
 Cr Mason, Cr Michieletto, Cr Parkes

Against: Cr Dawson

CARRIED 7/1

9. DEVELOPMENT AND ENVIRONMENT

Nil.

10. WORKS AND INFRASTRUCTURE

Nil.

11. CORPORATE SERVICES AND FINANCE

Nil.

12. LIVEABLE & CONNECTED COMMUNITIES

Nil.

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13. MAYOR

180/21 13.1 MATTERS OF INVOLVEMENT – MAYOR

FILE NO.: 14.11

REPORT DATE: 20th October 2021

Mayor Cr Greg Kieser		
October	21	Attended the George Town Chamber of Commerce Business Excellence Awards Night
	26	Chaired Council Workshop
	26	Chaired Ordinary Council Meeting
	27	Attended Neighbourhood House Board Meeting
	27	Attended meeting with Senator Polley and General Manager
	27	Interview Tamar FM
	28	Attended BBAMZ Career Expo
	29	Attended 2022 Australian of the Year Award
November	2	Attended NTDC AGM
	4	Attended LGAT Special General Meeting – Local Government Reform
	9	Chaired Council Workshop
	10	Attended Tamar Valley lunch with Professor Irene Penesis
	11	Spoke and layed wreath for Remembrance Day – Max Harris Reserve
	11	Chaired George Town Council Annual General Meeting
	12	Interview Tasmania Talks
13	Attended Lighthouse Regional Arts Exhibition Opening	
Deputy Mayor Cr Tim Harris		
November	11	Guest speaker at the Tas Police Grade 6 Early Intervention Graduation Ceremony

Note: the Mayor has maintained regular contact with the General Manager and key staff to keep abreast of and respond to the COVID-19 crisis.

OFFICER'S RECOMMENDATION

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

DECISION

Moved: Cr Harris
Seconded: Cr Mason

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

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180/21 13.1 MATTERS OF INVOLVEMENT – MAYOR (CONT.)

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0

14. PETITIONS

Nil.

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15. NOTICES OF MOTIONS

Nil.

16. COUNCILLORS' QUESTIONS WITH OR WITHOUT NOTICE

[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."]*

16.1 GEORGE TOWN SPORTS COMPLEX PLAYING SURFACE

Cr Dawson asked the following question at the 26th October 2021 Ordinary Council meeting:

Can Council provide a report on the status and budget implications of the George Town Football and Cricket Club i.e. drainage performance; playing surface.

Response:

Council will be presented with a preliminary report at the 14th December 2021 Council workshop and forwarded to the 21st December Ordinary meeting for consideration.

16.2 WORKPLACE, EQUALITY AND RESPECT STATEMENT

Cr Barwick asked the following question at the 26th October 2021 Ordinary Council meeting:

Can Council please supply me a copy of the letter you wrote to the Director of Local Government, Mr Limkin on behalf of all Councillors. The letter specifically asked as to whether Council are supportive of developing a workplace, equality and respect statement of intent to be signed by all Councillors.

Response:

Councillors were provided a copy of the correspondence sent to the Director of Local Government by the General Manager.

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17. COUNCIL COMMITTEE REPORTS

**181/21 17.1 GEORGE TOWN COMMUNITY SAFETY GROUP COMMITTEE MEETING
MINUTES – 5TH OCTOBER 2021**

REPORT AUTHOR: Executive Support & Governance Officer – Ms L. Dickenson

REPORT DATE: 16th November, 2021

FILE NO: 14.7

DECISION

Moved: Cr Barwick
Seconded: Cr Barraclough

That Council notes the

1. minutes of the George Town Safety Group Committee meeting minutes of the 5th October 2021 as an accurate record of that meeting.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

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18. CLOSED MEETING

182/21 18.1 INTO CLOSED MEETING

Cr Barwick thanked Cr Brooks for her contribution as a General Manager and then as a Councillor and wished her well in her future endeavours.

DECISION

Moved: Cr Barwick
Seconded: Cr Barraclough

That Council move into closed meeting at 2.19 pm to discuss the following items:

Agenda Item 18.2 Minutes of the closed ordinary Council meeting held on the 26th October 2021

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

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

Agenda Item 18.3 Legal Expenditure

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

Agenda Item 18.4 6 Perrin Drive, Low Head – Amendment to Sealed Plan

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

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

Cr Michieletto left the meeting at 2.19 pm.

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187/21 18.6 OUT OF CLOSED MEETING

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

DECISION

Moved: Cr Michieletto

Seconded: Cr Mason

That Council moves out of Closed Meeting at 2.33 pm and endorse those decisions taken while in Closed Meeting and the information remains Confidential.

VOTING

For: Cr Kieser, Cr Harris, Cr Barraclough, Cr Barwick,
Cr Dawson, Cr Mason, Cr Michieletto, Cr Parkes

Against: Nil.

CARRIED 8/0 UNANIMOUS

**186/21 18.5 RELEASE OF MOTION – 6 PERRIN DRIVE, LOW HEAD – AMENDMENT
TO SELAED PLAN**

Moved: Cr Barraclough

Seconded: Cr Barwick

That Council release motion 18.5 to the public as follows:

That Council:

1. *Cause the amendment to be made in accordance with the amended request received from Sproal and Associates dated 20/10/2021 and agreed by Geoffrey Broekhuis 28/10/2021, as per the Section 104 of the Local Government (Building and Miscellaneous Provisions) Act 1993.*

There being no further business, the meeting closed at 2.33 pm.

**Cr Greg Kieser
MAYOR**