



*dorset*  
C O U N C I L

# Minutes

## Council Meeting

27 April 2020

*it's in the making*

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## Council Meeting Minutes 27 April 2020

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**Meeting Opened:** 6.00pm

**Present:** Councillors Greg Howard (Mayor), Dale Jessup (Deputy Mayor), Mervyn Chilcott, Edwina Powell, Jan Hughes, Murray Lade, Wendy McLennan, Jerrod Nichols, Leonie Stein

General Manager: Tim Watson, Director – Corporate Services: John Marik, Director – Community & Development: Rohan Willis, Director – Works & Infrastructure: Dwaine Griffin

**Apologies:** Nil

**Item 44/20** Confirmation of Ordinary Council Meeting Minutes – 16 March 2020  
Ref: DOC/20/2858

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*The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting held on Monday, 16 March 2020, finds them to be a true record and recommends that they be taken as read and signed as a correct record.*

### **Recommendation**

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 16 March 2020 having been circulated to all Councillors, be confirmed as a true record.

*Councillor Powell advised that it was not noted in the Minutes her objection to the Mayor's comments during Public Question Time. The Mayor advised that it is not a requirement for those comments to be listed.*

### **Decision**

**MOVED: Cr Chilcott | SECONDED: Cr Stein**

That the Minutes of Proceedings of the Dorset Council Ordinary Meeting held on 16 March 2020 having been circulated to all Councillors, be confirmed as a true record.

**Voting for the Motion:** Mayor Howard, Deputy Mayor Jessup, Councillors Chilcott, Hughes, Lade, McLennan, Nichols, Stein

**Voting Against the Motion:** Councillor Powell

**CARRIED**

*The Chair to ask Councillors if there are any questions they wish to ask in relation to the Closed Session Minutes that would require them to be discussed in Closed Session*

**Item 45/20** Confirmation of Council Meeting Closed Session Minutes – 16 March 2020  
Ref: DOC/20/2859

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*The Chair reported that he had viewed the minutes of the meeting of the Ordinary Meeting Closed Session held on Monday, 16 March 2020, finds them to be a true record and recommends that they be taken as read and signed as a correct record.*

**Decision**

**MOVED: Cr Stein | SECONDED: Cr Jessup**

**That the Minutes of Proceedings of the Dorset Council Ordinary Meeting Closed Session held on 16 March 2020 having been circulated to all Councillors, be confirmed as a true record.**

**CARRIED UNANIMOUSLY**

**Item 46/20** Confirmation of Agenda

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**Decision**

**MOVED: Cr Powell | SECONDED: Cr Hughes**

**That Council confirm the Agenda and order of business for the 27 April 2020 Council Meeting.**

**CARRIED UNANIMOUSLY**

**Item 47/20** Declaration of an Interest of a Councillor or Close Associate

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In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015* and Council's adopted Code of Conduct, the Mayor requests Councillors to indicate whether they have, or are likely to have a pecuniary interest (any pecuniary interest or pecuniary detriment) or conflict of interest in any item on the Agenda.

**INTEREST DECLARED**

**Cr Stein** Item 59 (Pecuniary)

**Cr Hughes** Item 59 (Pecuniary)

**Cr Nichols** Item 59 (Pecuniary)

Cr Jessup      Item 59 (Pecuniary)

Cr Howard      Item 59 (Immaterial)

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**Item 48/20                      Management Team Briefing Report**

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The purpose of this agenda item is to provide Councillors and the community with a briefing on matters of interest dealt with during the past month by Council’s Management Team.

**Recommendation**

That the Management Team Briefing Report be received and noted.

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**Decision**

**MOVED: Cr Hughes | SECONDED: Cr Stein**

That the Management Team Briefing Report be received and noted.

**CARRIED UNANIMOUSLY**

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**Item 49/20                      Council Workshops Held Since Last Council Meeting**

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25 March | Special Council Briefing Workshop

- Coronavirus COVID-19

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**Item 50/20                      Councillor Applications for Leave of Absence**

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Nil

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**Item 51/20                      Public Question Time**

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The following question was received on notice:

**Karl Willrath – 17 April 2020**

*Mr Howard, as it is within the provisions of the right to information act as to what can be released to the public or not. Can you please supply me with the date or dates you contacted the Integrity commission and/or the police with your accusations/evidence that the Conduct Panel is corrupt as per your article in the Examiner in October 2019.*

**Response from Mayor Greg Howard:**

No.

**\*\*\*\*\***

**Angela Sutcliffe:**

*Are Dorset Council able to provide weekly kerbside collection during the trying times of COVID19? The tip facilities are working with a limited access. Which is fair but families such as mine and many others are home so much more than ever. A post on Facebook suggested this would be greatly supported in the Dorset area.*

**Response from Director – Corporate Services, John Marik:**

The domestic kerbside collection – which operates a fortnightly waste and recycling collection on alternating weeks – cannot operationally handle a weekly service with the two trucks. Therefore a weekly collection at this point in time is not possible.

All waste transfer stations are open as normal, with only the Scottsdale Waste Transfer Station Tip Shop which is currently closed until further notice.

**Aaron De La Torre - Australian Services Union:**

1. *I refer to a letter which was sent by Premier Peter Gutwein and Local Government Minister Mark Shelton to all Tasmanian Council Mayors and General Managers, dated 16 April 2020. In this letter the Premier states:*

*“It is our expectation that councils should endeavour to retain as many employees as possible during this challenging period and that to do this councils will need to adopt different budget and financial positioning strategies than have traditionally been required. Where appropriate, councils should also redirect staff to support their COVID-19 response measures and community relief and recovery initiatives”.*

*Can the General Manager provide assurances to Dorset Council’s employees that no employees will have their employment terminated as a result of COVID-19 and that Council will prioritise the maintenance of employment of each of their employees in any budgetary decisions moving forward?*

2. *Clause 36 of Council’s enterprise agreement, the Dorset Council Enterprise Agreement 2018, and the Fair Work Act 2009 both provide requirements for consultation in relation to major workplace changes including the need to relocate employees, the alternation of hours of work or regular rosters, or in the extreme the potential termination of employment, amongst others.*

*The Australian Services Union and our members seek to enter into collaborative consultation in relation to any potential changes in the workplace as a result of COVID-19.*

*Can the General Manager assure employees of Dorset Council that the management team will enter into consultation before any major changes are implemented in the workplace?*

3. *Given that Local Government is not eligible for the federal government's JobKeeper program, the changes which were made to the Fair Work Act 2009 in relation to COVID-19 stand downs and alternation of an employee's regular hours do not apply to Dorset Council.*

*Section 524 of the Act (Employer may stand down employees in certain circumstances) requires that an employee only be stood down where they "cannot usefully be employed", that is to say that there is no useful work for employees to undertake.*

*Can the General Manager provide a guarantee that all possible alternate duties will be explored before considering standing employees down, including things that are usually outside of Council's core business but which assist the community with getting through, and recovering from, COVID-19? The Union can provide further details and suggestions around this matter.*

#### **Response from General Manager, Tim Watson:**

Firstly, I just want to state that I am not prepared to provide any guarantee - that would be irresponsible. However, having said that, given the structure of the organisation I don't believe it will be necessary to stand down any employees and certainly not for employees to lose their positions through a restructure

1. I've made an assurance to staff and Councillors previously that I believe the position will be that we don't intend to stand down any employees. I haven't changed my position on that and nor has the Management Team.
2. Regarding Council's Enterprise Agreement, Council is aware of its obligations under the Enterprise Agreement and consultation is a standard practice whenever considering any redeployment or restructuring of the business.
3. As stated previously, I am not prepared to provide a guarantee – that would be irresponsible, however, if there was to be redeployment or redeployment was necessary we would of course look at all possible avenues.

#### **Gale Singline-Binns:**

*I would like to know why it has taken Dorset council nearly 4 months to grade Oak Dene road?*

*I had emailed the council twice and called into the office once to report that the road needed grading with the request that someone contact me regarding my request.*

*I have not heard anything from anyone at the council over the past 3 to 4 months since my request. The council customer charter states that a customer is to be contacted between 2 and 5 days after the request.*

*I thank the council for eventually organising the grading of the road but at the same time wonder if those responsible have lost sight of their obligations to the people of Dorset. It doesn't take much to pick up the phone or send an email to let people know what is happening.*

**Response from Director – Works and Infrastructure, Dwaine Griffin:**

Oakdene Road was inspected shortly after receiving the Customer Service Request (CSR) and was deemed to be at acceptable service level with no intervention required. Unfortunately a response via phone call may not have happened in this instance.

The Customer Service Request System is due for review and any inconsistencies will be addressed at that time.

**Mary Schramm**

*What measures are included in the Dorset Council's agreement with May Shaw Health Care Inc, the operator of Dorset's Aged Care facilities, to ensure continuity of all services if at any time,*

- May Shaw Inc should decide to withdraw from the Aged Care sector or;;*
- May Shaw should decide its Scottsdale operation should be closed for any reason, and that persons currently under its care should be relocated; or*
- May Shaw "walks out" leaving the facilities unusable unless significant repairs and refit are done, (presumably at Dorset's expense)*
- May Shaw, having uplifted the \$2M loan-on from Council, defaults on the loan conditions?*
- and etc, etc, etc.*

*In posing these questions I have in mind the debacle faced a few years ago when Presbyterian Care withdrew from operation, and Council discovered some serious inadequacies in its original sale agreement. Aminya and James Scott are high-value community assets, both as a facility close to home and family for residents, and for employment for NE residents.*

**Response from General Manager, Tim Watson:**

The first point I would make is May Shaw is an accredited aged care provider and they run another facility at Swansea. If May Shaw was to determine that they wanted to exit the aged care sector or exit one of their operations at either Swansea or Scottsdale, it would be incumbent on the Board of May Shaw to find another aged care provider to run either or both those facilities. So in that respect there is nothing incorporated in the Agreement between Council and May Shaw.

The important thing for the community of the North East is the bed licences attached to May Shaw for Aminya and the James Scott Wing, which is 61 in total, are protected. We had a scenario 5 years ago when Presbyterian Care was going to withdraw from the North East and take those bed licences into Launceston. That scenario can't occur under the Agreement between May Shaw and Council – it is written into the Agreement that those bed licences cannot be removed without Council's permission.



In respect to the \$2 million loan, that's covered later in the Council Meeting, but basically that will be secured against the Aminya facility.

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**Item 52/20                      Deputations**

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Nil

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**Item 53/20                      Councillor Question Time**

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**Councillor Wendy McLennan:**

*I believe Council has done some work on Sandy Points Road. Are the people that requested the work to be done, are they going to be notified of what is going on, or can Dwaine let me know what's going on so I can go back and speak with these people?*

**Response from Director – Works and Infrastructure, Dwaine Griffin:**

This year Council have done extensive roadside vegetation maintenance, we've improved safety and line of sight, and have installed numerous road advisory signage. Furthermore, there is a budget allocation in 2020/2021 for cut and fill civil works to address some crests and dips on Sandy Points Road. The requests that we've received, Council has contacted them directly and notified them of what Council's intentions are, so they should be well aware.

**Deputy Mayor Dale Jessup:**

I have had a resident raise an issue with me regarding the amount of dog droppings on the streets in Scottsdale. Given the amount of people that are exercising on Scottsdale streets has Council received any complaints of a similar nature and can Council consider if there are any actions that can be taken to try and alleviate the problem? I also suspect this may be an issue in our other Dorset towns in addition to Scottsdale.

**Response from Director – Community and Development, Rohan Willis:**

I haven't been made aware of any complaints, with Wayne Churchill being the applicable Officer. I have been keeping a healthy dialogue with Wayne and he has advised me that the bins have been full on most days. It has been difficult keeping up with the current load with everyone out exercising with their dog which is a good thing. It is a matter of being more vigilant and I can speak with the Officer to increase his inspections and making sure that the loads are attended to accordingly.

**Councillor Mervyn Chilcott:**

Regarding Oakdene Road, is that regarded as a high traffic road and has any traffic studies been completed for future consideration of upgrading?

**Response from Director – Works and Infrastructure, Dwaine Griffin:**

Council do have data on Oakdene Road, but I would have to take that on notice for follow up. The road is inspected regularly and it is in good condition, with resheeting occurring last year and it has recently been graded.

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**Item 54/20                      Notices of Motion by Councillors**

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**Councillor Edwina Powell**

*That this Council Meeting commends the Dorset Council staff for their efficient, timely and practical management of the COVID-19 pandemic response and their service and delivery to the community and Council.*

**This Notice of Motion will be presented at the 18 May 2020 Council Meeting.**

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**Item 55/20                      Quarterly Financial Report – 31 March 2020**  
Reporting Officer: Finance Manager, Samantha Hunt  
Ref: DOC/20/3776

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**Purpose**

The purpose of this agenda item is to present to Councillors and the community the financial performance for the nine months ended 31 March 2020.

**Recommendation**

That Council receive the Financial Report for the period ended 31 March 2020.

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**Decision**

**MOVED: Cr Chilcott | SECONDED: Cr Lade**

**That Council receive the Financial Report for the period ended 31 March 2020.**

**CARRIED UNANIMOUSLY**

*\*\*\*Councillors are reminded that they are acting as a Planning Authority for Item 56/20*

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**Item 56/20                      Planning Application - Shed with Relaxation of Rear Boundary Setback Standards – 64 Walter Street BRIDPORT**  
Reporting Officer: Town Planner, Thomas Wagenknecht  
Ref: DOC/20/3863 | PLA/2020/29

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## Purpose

The purpose of this report is for Council to consider a proposal for the construction of a shed with relaxation of rear boundary setback standards. This shed would be ancillary to a previously approved single dwelling at 64 Walter Street Bridport.

*Councillor Nichols left the meeting 6.38pm*

## Recommendation

It is recommended that the proposal for the construction of a shed with relaxation of rear boundary setback standards at 64 Walter Street, Bridport be approved subject to the following conditions:

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## Decision

**MOVED: Cr Stein | SECONDED: Cr Jessup**

**It is recommended that the proposal for the construction of a shed with relaxation of rear boundary setback standards at 64 Walter Street, Bridport be approved subject to the following conditions:**

### **1. Basis of Approval**

The use and development is approved and must be undertaken in accordance with the Endorsed Documents, except where specified otherwise in this permit and documents lodged with this application (PLA/2020/29). Any substantial variation from this application will require the further planning consent of the Council.

### **2. Stormwater Management**

Stormwater discharged from the impervious areas (including vehicle areas, paving and building roofed areas) of the development must be directed to Council's stormwater network in a manner that would not cause an environmental nuisance, to the satisfaction of the Council's Town Planner.

## ADVISORY NOTES

### *(i) Permission in Writing*

Any reference to the need for Council approval of a matter or thing prescribed under the conditions pertinent to this permit requires such approval to be given in writing.

### *(ii) Objections to Proposal*

This permit has no effect until the expiry of the period for the lodgement of an appeal against the granting of the permit or, if an appeal is lodged, until ten days after the appeal has been determined by the Resource Management and Planning Appeal Tribunal.

### *(iii) Appeal Provisions*

Attention is directed to sections 61 and 62 of the *Land Use Planning and Approvals Act 1993* (as amended) which relate to appeals. These provisions should be consulted directly, but the following provides a guide as to their content:

- A planning appeal may be instituted by lodging a notice of appeal with the Clerk of the Resource Management and Planning Appeal Tribunal.

- A planning appeal may be instituted within 14 days of the date the planning authority serves notice of the decision on the applicant.

*(iv) Permit Commencement*

This permit takes effect 14 days after the date of Council’s notice of determination or at such time as any appeal to the Resource Management and Planning Appeal Tribunal is abandoned or determined. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within that 14 day period, the Council must be so notified in writing.

*(v) Period of Approval*

Pursuant to Section 53(5) the *Land Use Planning and Approvals Act 1993*, this approval will lapse after a period of two (2) years from:

- (a) the date on which the permit is granted; or
- (b) if an appeal has been instituted against the planning authority’s decision to grant the permit, the date of the determination or abandonment of the appeal,

if the use or development is not substantially commenced within that period.

*(vi) Other Approvals*

This permit does not imply that any other approval required under any other by-law or legislation has been granted. At least the following additional approvals may be required before construction commences:

- (a) Building approval
- (b) Plumbing approval

**CARRIED**

**Item 57/20**

**Annual Plan 2019/2020 – March Quarterly Update**

Reporting Officer: Director – Corporate Services, John Marik

Ref: DOC/20/3667 | Plan: DOC/20/3665

**Purpose**

The purpose of this agenda item is to update Council and the community on progress of the Dorset Council Annual Plan 2019/20 as at 31 March 2020.

	September Quarter	December Quarter	March Quarter
Achieved	6	6	1
In Progress	1	2	-
Not Achieved	-	-	1
<b>Compliance Score</b>	<b>100%</b>	<b>100%</b>	<b>50%</b>
Deferred	-	1	-

**Recommendation**

- a) That the attached Dorset Council Annual Plan 2019/20 March Quarterly Report be received and noted.

- b) That Council defer item 1 review of the Council Strategic Plan and item 2 review of Asset Management Plans from the June 2020 quarter to the 2020/21 Annual Plan.
- 

### Decision

**MOVED: Cr Jessup | SECONDED: Cr Hughes**

- a) That the attached Dorset Council Annual Plan 2019/20 March Quarterly Report be received and noted.
- b) That Council defer item 1 review of the Council Strategic Plan and item 2 review of Asset Management Plans from the June 2020 quarter to the 2020/21 Annual Plan.

**CARRIED**

**Item 58/20**

### **Budget Variation 2 of 2019/20**

Reporting Officer: Director – Corporate Services, John Marik  
Ref: DOC/20/2905

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### **Purpose**

The purpose of this agenda item is to seek a budget variation to the Budget Estimates for 2019/20.

### **Recommendation**

That Council approve a variation to the 2019/20 Budget Estimates of \$15,000 as a contribution towards the upgrading of the ground lighting at the Scottsdale Recreation Ground.

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### Decision

**MOVED: Cr Stein | SECONDED: Cr Lade**

**That Council approve a variation to the 2019/20 Budget Estimates of \$15,000 as a contribution towards the upgrading of the ground lighting at the Scottsdale Recreation Ground.**

**CARRIED**

*Councillor Nichols returned the Meeting (6.49pm)*

*Deputy Mayor Jessup, Councillor Hughes, Councillor Nichols and Councillor Stein all declared a Pecuniary Interest in Item 59 and left the Meeting prior to discussion (6.49pm)*

*Mayor Howard declared an Interest in Item 59, but stated it was immaterial and did not leave the Meeting.*

### Purpose

The purpose of this agenda item is to establish a support package that puts in place relief mechanisms to assist businesses and community organisations impacted upon by the COVID-19 pandemic.

### Recommendation

That Council:

1. Adopt a COVID-19 Business and Community Support Package that includes:
  - A 0% increase in rates and fees and charges for the 2020/2021 budget estimates;
  - Rate relief for 6 months be provided to businesses occupying commercial premises (shops and offices), excluding the following businesses: supermarkets, banks, bottleshops, butchers, pharmacies, government, medical centres and post offices;
  - Rate relief for 6 months be provided to community organisations adversely affected by COVID-19 lockdown restrictions;
  - Rate relief for 6 months be provided to tourism businesses which have been adversely affected by COVID-19 lockdown restrictions, subject to a cap of \$20,000;
  - Rate relief excludes fire levy;
  - Waiving of the annual food license registration fee;
  - Waiving of fees and charges on business related development approvals;
  - Waiving of fees and charges for the use of Council facilities by community groups
2. Authorise the General Manager to prepare and implement, at the discretion of the General Manager, support package assessment criteria that assist consideration of eligible applications for rate relief.

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### Decision

**MOVED: Cr McLennan | SECONDED: Cr Chilcott**

That Council:

1. Adopt a COVID-19 Business and Community Support Package that includes:
  - A 0% increase in rates and fees and charges for the 2020/2021 budget estimates;
  - Rate relief for 6 months be provided to businesses occupying commercial premises (shops and offices), excluding the following businesses: supermarkets, banks, bottleshops, butchers, pharmacies, government, medical centres and post offices;
  - Rate relief for 6 months be provided to community organisations adversely affected by COVID-19 lockdown restrictions;
  - Rate relief for 6 months be provided to tourism businesses which have been adversely affected by COVID-19 lockdown restrictions, subject to a cap of \$20,000;

- Rate relief excludes fire levy;
  - Waiving of the annual food license registration fee;
  - Waiving of fees and charges on business related development approvals;
  - Waiving of fees and charges for the use of Council facilities by community groups
2. Authorise the General Manager to prepare and implement, at the discretion of the General Manager, support package assessment criteria that assist consideration of eligible applications for rate relief.

CARRIED

*Councillor Jessup, Councillor Hughes, Councillor Nichols and Councillor Stein returned to the Meeting at this stage (6.58pm)*

Item 60/20

**TasCorp Loan - Aminya Redevelopment**

Reporting Officer: General Manager, Tim Watson

Ref: DOC/20/3901

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### **Purpose**

The purpose of this agenda item is for Council to resolve to secure a \$2 million loan from TasCorp and on lend the funds to May Shaw for the purposes of the redevelopment of the Aminya Aged Care Facility.

### **Recommendation**

That Council enters into a 10-year principle and interest loan with TasCorp for the amount of \$2 million and on lends the loan funds to May Shaw via a back to back loan pursuant to the Redevelopment and Asset Transfer Agreement between Council and May Shaw.

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### **Decision**

**MOVED: Cr Nichols | SECONDED: Cr Jessup**

**That Council enters into a 10-year principle and interest loan with TasCorp for the amount of \$2 million and on lends the loan funds to May Shaw via a back to back loan pursuant to the Redevelopment and Asset Transfer Agreement between Council and May Shaw.**

**CARRIED UNANIMOUSLY**

**Time Meeting Closed: 7.08pm**

Minutes Confirmed: 18 May 2020

Minute No. 61/20

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Mayor