



# COUNCIL MINUTES

18 JANUARY 2022

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



## MINUTES

FOR THE COUNCIL MEETING HELD AT THE  
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET,  
SORELL ON 18 JANUARY 2022

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### TABLE OF CONTENTS

1.0	ATTENDANCE	1
2.0	APOLOGIES	1
3.0	DECLARATIONS OF PECUNIARY INTEREST	1
4.0	CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING AND COUNCIL MEETING OF 14 DECEMBER 2021	1
4.1	CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF 14 DECEMBER 2021	1
4.2	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING OF 14 DECEMBER 2021	2
5.0	MAYOR'S REPORT	2
6.0	SUPPLEMENTARY ITEMS	3
7.0	COUNCIL WORKSHOPS REPORT	3
8.0	DEPARTMENTAL REPORTS	3
9.0	PETITIONS	4
10.0	LAND USE PLANNING	4
10.1	DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE MINUTES	4
11.0	GOVERNANCE	5
11.1	COPPING REFUSE SITE JOINT AUTHORITY REPORT SEPTEMBER QUARTER	5
11.2	MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING COUNCILLOR LEAVE OF ABESENCE	5
11.3	MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING DISCOUNT ON RATES	6
12.0	ENGINEERING & REGULATORY SERVICES	6
13.0	HR & COMMUNITY SERVICES	6
13.1	COMMUNITY GRANTS PROGRAM	6
14.0	FINANCE	7
14.1	EXECUTIVE SUMMARY – FINANCIAL REPORT DECEMBER 2021 YTD	7
15.0	QUESTIONS FROM THE PUBLIC	7
16.0	CLOSED MEETING	11
16.1	CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 14 DECEMBER 2021	11
16.2	AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	12
16.3	NUGENT ROAD LIME STABILISATION PROJECT	13
16.4	COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY QUARTERLY REPORT	13
17.0	ACRONYMNS	14

The meeting commenced at 6:00 pm

## 1.0 ATTENDANCE

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Mayor K Vincent  
Deputy Mayor N Reynolds  
Councillor V Gala  
Councillor G Jackson  
Councillor C Torenus  
Councillor M Reed  
Councillor B Nichols

## STAFF IN ATTENDANCE

Robert Higgins – General Manager

## 2.0 APOLOGIES

Councillor D De Williams – Approved Leave of Absence  
Councillor K Degrassi

## 3.0 DECLARATIONS OF PECUNIARY INTEREST

The Mayor requested any Councillors to indicate whether they had, or were likely to have, a pecuniary interest in any item on the agenda.

No Councillor indicated they had, or were likely to have, a pecuniary interest in any items on the agenda.

## 4.0 CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING AND COUNCIL MEETING OF 14 DECEMBER 2021

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### 4.1 CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF 14 DECEMBER 2021

#### RECOMMENDATION

“That the Minutes of the Annual General Meeting held on 14<sup>th</sup> December 2021 be confirmed.”



1/2022 REED/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was CARRIED

4.2 CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING OF 14 DECEMBER 2021

**RECOMMENDATION**

“That the Minutes of the Council Meeting held on 14<sup>th</sup> December 2021 be confirmed.”

2/2022 REYNOLDS/REED

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was CARRIED

5.0 MAYOR’S REPORT

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**RECOMMENDATION**

“That the Mayor’s communication report as listed be received”

3/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.



For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

## 6.0 SUPPLEMENTARY ITEMS

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### RECOMMENDATION

“That the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.”

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council by absolute majority may approve the consideration of a matter not appearing on the agenda, where the General Manager has reported:

- a) The reason it was not possible to include the matter on the agenda; and
- b) That the matter is urgent; and
- c) That advice has been provided under section 65 of the *Local Government Act 1993*.

## 7.0 COUNCIL WORKSHOPS REPORT

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The following Council Workshop was held:

Date	Purpose	Councillor Attendance	Councillor Apologies
18 <sup>th</sup> Jan 2022	<ul style="list-style-type: none"> <li>• Operational &amp; community updates.</li> <li>• MYBR capital and P&amp;L.</li> </ul>	Vincent, Reynolds, Reed, Jackson, Gala, Torenus, Nichols, DeGrassi	DeWilliams (leave of absence)

## 8.0 DEPARTMENTAL REPORTS

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### RECOMMENDATION

“That the Departmental reports as listed be received.”



4/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

## 9.0 PETITIONS

At the time of preparation of this agenda no petitions had been received.

## 10.0 LAND USE PLANNING

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The Mayor advised in accordance with the provisions of Part 2 Regulation 25 of the Local Government (Meeting Procedures) Regulations 2015, the intention of the Council to act as a planning authority pursuant to the Land Use Planning and Approvals Act 1993 is to be noted.

In accordance with Regulation 25, the Council will act as a planning authority in respect to those matters appearing under item 10 on this agenda, inclusive of any supplementary items.

## 10.1 DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE MINUTES

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### RECOMMENDATION

“That the minutes of the Development Assessment Special Committee (DASC) Meetings of 14<sup>th</sup> and 21<sup>st</sup> December 2021 be noted.”

5/2022 REED/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**



11.0 GOVERNANCE

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11.1 COPPING REFUSE SITE JOINT AUTHORITY REPORT SEPTEMBER QUARTER  
RECOMMENDATION

“That the attached Copping Refuse Disposal Site Joint Authority (CRDSJA) Report be received and noted.”

6/2022 REYNOLDS/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

11.2 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING  
REGARDING COUNCILLOR LEAVE OF ABESENCE

MOTION

“That all Councillors vote on whether Councillor De Williams should be asked to repay the \$40,000.00 approximately she has received while on special leave and not performing any Council duties.”

7/2022 JACKSON/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: None

Against: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

The Motion was **LOST**



**11.3 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING DISCOUNT ON RATES**

**RECOMMENDATION**

“That Council considers offering a discount on early full payment of rates of somewhere between where it is now and 10%.”

**8/2022 NICHOLS/JACKSON**

“That the recommendation be accepted.”

The motion was put.

For: None

Against: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

The Motion was **LOST**

**12.0 ENGINEERING & REGULATORY SERVICES**

<sup>^</sup>  
Nil Reports

**13.0 HR & COMMUNITY SERVICES**

<sup>^</sup>  
**13.1 COMMUNITY GRANTS PROGRAM**

**RECOMMENDATION**

“That Council resolve to approve the following community group to receive a grant under the 2021-2022 Community Grants Program.”

**9/2022 TORENIUS/REED**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

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## 14.0 FINANCE

### 14.1 <sup>^</sup> EXECUTIVE SUMMARY – FINANCIAL REPORT DECEMBER 2021 YTD

#### RECOMMENDATION

“That the Executive Summary – FINANCIAL REPORT DECEMBER 2021 YEAR-TO-DATE be received and noted by Council.”

#### 10/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

## 15.0 QUESTIONS FROM THE PUBLIC

<sup>^</sup>  
In accordance with Regulation 31 of the Local Government (Meeting Procedures) Regulations 2015, Council will conduct a Public Question Time.

At each meeting the Mayor will invite those members of the public present to ask questions. When requested please:

- Stand up; and
- State clearly your name and address.

This time is allocated for questions from the public. Questions are to be kept brief and specific to the topic to which they relate.

Members of the public are reminded that questions and any answers to such questions are not to be debated.

Questions may be submitted to Council in writing at least seven (7) days before an ordinary Council meeting.



Jan Powning of Richards Avenue made comment regarding the extensive groundwater issues experienced in the vicinity of Richards Avenue in Dodges Ferry and the effect this is having on houses in the area. Jan requested that this be investigated with a hydraulic engineer and that budget allocation be made to progressively implement a solution.

The General Manager advised that he has spoken with staff regarding previous history surrounding this issue. Primarily Council is not responsible for groundwater seepage issues. If other properties are capturing stormwater and discharging onto another property or Council stormwater is discharging onto a property that there is no easement for we are obligated to act.

The Mayor advised the matter would be considered further by Council at a workshop.

Deirdre Biggar has made a request that bollards and flag tape be installed to protect the recent nature strip reinstatement works in First Avenue, Dodges Ferry.

Sharon Fotheringham questioned if the dog catcher was available for call outs on the weekend.

Mayor Vincent advised that Animal Management were currently working of a weekend on inspections and issuing infringements.

The General Manager advised that callouts for dogs are not currently provided after hours but would look into this further as to whether this is something to be considered by Council.

Sharon further raised a question regarding Division 3 S.28J of the Local Government Act, Councillors capacity to perform their duties - Is the Council willing to take this matter before the Magistrates Court to determine the questionable capacity of Councillors De Williams and Degrassi to perform their duties?

Mayor Vincent advised that discussions were ongoing with the Director of Local Government and that the question would be taken on notice and discussed further.

Mike Purdon asked regarding the EFT card transaction costs to Council.

Mayor Vincent advised that he was unsure of the exact rate for Council but most costs at the moment were below 1%.



Mike further commented that if Council as willing to lose 1% on card payments then this should be offered as an equivalent discount to those making non-EFT payments.

The Open meeting closed at 6:53 pm



## CLOSED MEETING

Members are advised that items listed below in the CLOSED SESSION AGENDA are classified as CONFIDENTIAL ITEMS in accordance with the provisions of the Local Government Act 1993.

A Councillor must not discuss any item listed in a CLOSED SESSION AGENDA with any person (except another elected member, the General Manager or the author of a report to the closed session of Council or a Council Committee) without a specific resolution of the Council or a Council Committee that considered the report.

Section 338A (1) of the Local Government Act 1993 states that a Councillor must not disclose information:

- (a) seen or heard by the Councillor at a meeting or part of a meeting of a council or council committee that is closed to the public that is not authorised by the council or council committee to be disclosed; or*
- (b) given to the Councillor by the mayor, deputy mayor, chairperson of a meeting of the council or council committee or the general manager on the condition that it be kept confidential.*

Section 338A (3) states that a member must not disclose information acquired as such a member on the condition that it be kept confidential.

Additionally, Section 339 of the Local Government Act 1993 states that:

- (1) A councillor or a member must not make improper use of any information acquired as a councillor or member.*
- (3) Improper use of information includes using the information –*
  - (a) to gain, directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for oneself, a member of one's family or a close associate; or*
  - (b) to cause any loss or damage to any council, controlling authority, single authority, joint authority or person.*



The closed meeting commenced at 7:06 pm

## 16.0 CLOSED MEETING

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The General Manager advised that in his opinion the listing of agenda item/s:

Reference	Item
16.1	Confirmation of the Closed Council Minutes of the Council Meeting of 14 December 2021 – <i>Regulation 34(3)</i>
16.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
16.3	Nugent Road Lime Stabilisation Project – <i>Regulation 15(2)(d)</i>
16.4	Copping Refuse Disposal Site Joint Authority Quarterly Report – <i>Regulation 15(2)(c)</i>

As prescribed items in accordance with Regulations 15 and 34 of the Local Government (Meeting Procedures) Regulations 2015, and therefore Council may by absolute majority determine to close the meeting to the general public.

### RECOMMENDATION

“That the meeting be closed to the public to enable Council to consider agenda items 16.1 - 16.4 which are confidential matters as prescribed in Regulations 34 and 15 of the Local Government (Meeting Procedures) Regulations 2015.”

## 11/2022 REYNOLDS/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

## 16.1 CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 14 DECEMBER 2021

### RECOMMENDATION

“That the Closed Minutes of the Council Meeting held on 14<sup>th</sup> December 2021 be confirmed.”



12/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

16.2 **AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION**  
**^**  
**RECOMMENDATION**

“That in accordance with Regulation 15(9) of the Local Government (Meeting Procedures) Regulations 2015, the Mayor and General Manager be authorised to disclose information from this ‘Closed Section’ of this meeting in the course of implementing the decisions of Council.”

13/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**



**16.3 NUGENT ROAD LIME STABILISATION PROJECT**

**14/2022 REYNOLDS/GALA**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

**16.4 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY QUARTERLY REPORT**

**15/2022 REYNOLDS/NICHOLS**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Gala

Against: None

The Motion was **CARRIED**

The closed meeting concluded at 7:14 pm



## 17.0 ACRONYMNS

ACWC	Arts & Cultural Working Committee
AGM	Annual General Meeting
ASU	Australian Services Union
CAC	Community Administration Centre
CLRS	Councillors
CPR	Cardiopulmonary Resuscitation
CRDSJA	Copping Refuse Disposal Site Joint Authority
DASC	Development Assessment Special Committee
DEDTA	Department Economic Development, Tourism & The Arts
DPAC	Department of Premier & Cabinet
DSG	Department of State Growth
DST	Destination Southern Tasmania
EOI	Expressions of Interest
EPA	Environment Permit Authority
EWaste	Electronic Waste
FMAC	Fire Management Assessment Committee
GM	General Manager
ICT	Information Communication Technology
KAB	Keep Australia Beautiful
LGAT	Local Government Association of Tasmania
LPS	Local Provisions Schedule
LTFP	Long Term Financial Plan
LTI	Lost Time Injury
MAST	Marine & Safety Tasmania
MERS	Manager Engineering & Regulatory Services
MEMC	Municipal Emergency Management Committee
NBN	National Broadband Network
NRM	Natural Resource Management
PCYC	Police & Citizens Youth Club
RDA	Regional Development Australia
RSL	Returned Services League
RTI	Right to Information
SEI	South East Irrigation
SERDA	South East Region Development Association
SES	State Emergency Service
SMH	Sorell Memorial Hall
SMT	Senior Management Team
STAARC	Sorell/Tasman Affected Area Recovery Committee
STCA	Southern Tasmanian Councils Association
SWSA	Southern Waste Strategy Association
SWS	Southern Waste Solutions
TCF	Tasmanian Community Fund
TOR	Terms of Reference

