



# COUNCIL MINUTES

15 FEBRUARY 2022

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



## MINUTES

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

---

### 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 18 JANUARY 2022	1
5.0	MAYOR'S REPORT	2
6.0	SUPPLEMENTARY ITEMS	2
7.0	COUNCIL WORKSHOPS REPORT	2
8.0	DEPARTMENTAL REPORTS	3
9.0	PETITIONS	3
10.0	LAND USE PLANNING	3
10.1	DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE MINUTES	4
11.0	GOVERNANCE	4
12.0	ENGINEERING & REGULATORY SERVICES	4
13.0	HR & COMMUNITY SERVICES	4
13.1	COMMUNITY GRANTS PROGRAM	4
13.2	PEMBROKE PARK STADIUM – FEES AND CHARGES	5
14.0	FINANCE	5
14.1	EXECUTIVE SUMMARY – FINANCIAL REPORT JANUARY 2022 YTD	5
14.2	MID YEAR BUDGET REVIEW	6
14.3	LONG TERM FINANCIAL PLAN	6
15.0	QUESTION ON NOTICE	7
15.1	QUESTIONS FROM THE PUBLIC	8
16.0	CLOSED MEETING	10
16.1	CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 18 JANUARY 2022	10
16.2	AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	11
16.3	LEAVE OF ABSENCE – COUNCILLOR DE WILLIAMS	11
16.4	LEAVE OF ABSENCE – COUNCILLOR DEGRASSI	12
16.5	RECYCLABLE MATERIALS PROCESSING – ESTABLISHMENT OF A JOINT AUTHORITY	12
17.0	ACRONYMNS	13

The meeting opened at 6.00pm.

## 1.0 ATTENDANCE

^

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  
Jess Hinchin – Manager HR, Customer and Community Services  
Russell Fox – Manager Engineering and Regulatory Services  
Steph Perry – Manager Finance

## 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.

Councillor Jackson advised pursuant to Section 48 of the Local Government Act 1993 of an interest in Item 13.1 – Community Grants Program.

## 4.0 CONFIRMATION OF THE MINUTES OF 18 JANUARY 2022

^

### RECOMMENDATION

“That the Minutes of the Council Meeting held on 18<sup>th</sup> January 2022 be confirmed.”

## 16/2022 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**

## 5.0 **MAYOR'S REPORT**

^

### **RECOMMENDATION**

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

## 17/2022 **JACKSON/REYNOLDS**

“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**

^

### **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**

^

The following Council Workshop was held:



Date	Purpose	Councillor Attendance	Councillor Apologies
1 <sup>st</sup> Feb 2022	<ul style="list-style-type: none"> <li>• 21/22 MYBR – operating and capital budget.</li> <li>• Pembroke Park Stadium matters – naming of venue, use and hire fees.</li> <li>• Operational updates.</li> </ul>	<ul style="list-style-type: none"> <li>• Vincent, Reynolds, Reed, Jackson, Torenus, Nicols</li> </ul>	<ul style="list-style-type: none"> <li>• Gala, DeGrassi, De Williams (Leave of Absence)</li> </ul>

## 8.0 DEPARTMENTAL REPORTS

### ^ RECOMMENDATION

“That the Departmental reports as listed be received.”

#### 18/2022 NICHOLS/REED

“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

^  
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**

**^  
RECOMMENDATION**

“That the minutes of the Development Assessment Special Committee (DASC) Meetings of 1<sup>st</sup> February 2022 be noted.”

**19/2022 NICOLS/TORENIUS**

“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**

**^  
Nil Reports**

**12.0 ENGINEERING & REGULATORY SERVICES**

**^  
Nil Reports**

**13.0 HR & COMMUNITY SERVICES**

**^  
Councillor Jackson left the room at 6.23pm**

**13.1 COMMUNITY GRANTS PROGRAM**

**RECOMMENDATION**

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

**20/2022 TORENIUS/REED**

“That the recommendation be accepted.”



Councillor Nichols moved to lay the matter on the table.

**21/2022 NICHOLS/REYNOLDS**

“That the matter be laid on the table to enable further consideration at a Council workshop.”

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

Against: None

The Motion was **CARRIED**

Councillor Jackson returned at 6.30pm.

**13.2 PEMBROKE PARK STADIUM – FEES AND CHARGES**

**RECOMMENDATION**

“That Council resolve to approve the Fees & Charges for Pembroke Park Stadium.”

**22/2022 JACKSON/REYNOLDS**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

**14.0 FINANCE**

**^**

**14.1 EXECUTIVE SUMMARY – FINANCIAL REPORT JANUARY 2022 YTD**

**RECOMMENDATION**

“That the Executive Summary – FINANCIAL REPORT JANUARY 2022 YEAR-TO-DATE be received and noted by Council.”

**23/2022 NICHOLS/REED**

“That the recommendation be accepted.”



The motion was put.

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

Against: None

The Motion was **CARRIED**

## **14.2 MID YEAR BUDGET REVIEW**

### **RECOMMENDATION**

“That Council resolve to receive and approve the Mid-Year Budget Review.”

### **24/2022 REYNOLDS/TORENIUS**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## **14.3 LONG TERM FINANCIAL PLAN**

### **RECOMMENDATION**

“That Council resolve pursuant to Section 70 of the Local Government Act 1993 to accept and adopt the revised Long Term Financial Plan.”

### **25/2022 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**





## 15.0 QUESTION ON NOTICE

^

Sharon Fotheringham of Forcett at the ordinary Council meeting of the 18<sup>th</sup> January 2022 asked the following question –

‘My question concerns the issue of capacity of Councillors to perform their duties under the Local Government Act Division 3 S.28J.

Is this Council willing to take this issue before the CPS and a Magistrate to determine, the at present, questionable, capacity of Councillor's DeWilliams and DeGrassi to perform their duties taking into account the considerable amount of allowance and rate payers money paid to each as stated at the AGM?’

*Response:*

*The relevant provision of the Act at Section 28J provides for:*

*(1) A prescribed person may apply to a magistrate for an order that a councillor is unable to perform or exercise adequately or competently the functions or powers of a councillor due to the physical or mental incapacity of a councillor.*

*The General Manager has confirmed with the Director Local Government (“DLG”) that ‘a prescribed person’ is the DLG. The position of the DLG is that they will not be commencing proceedings pursuant to Section 28J.*



## 15.1 QUESTIONS FROM THE PUBLIC

^

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.

---

Sharon Fotheringham asked Council to take on board securing better internet and phone connections for the Forcett area.

Mayor Vincent advised that the Federal Minister has been a regular visitor to our municipality over a number of years. They are working to eliminate a number of blackspots. The federal candidates are also aware of the numerous blackspots and it would be best served having discussions with them.

Diedre Biggar commented regarding both Telstra and Centrelink closing down and questioned that these services should remain as part of the community.

Mayor Vincent commented that while Sorell is growing we are only about 15000 people and we are not in a position to demand their presence. We can only do so much but can guarantee we do advocate on a very strong basis.

Diedre further commented regarding councillors being paid when not turning up from ratepayers money. Derwent Valley Council dismissed a councillor after missing 3 meetings.

Mayor Vincent advised that under the Local Government Act a councillor could be dismissed after non-attendance of 3 meetings without an apology or leave of absence in place.

The open meeting closed at 6.25pm



## 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.*



## 16.0 CLOSED MEETING

<sup>^</sup>  
The General Manager advised that in her opinion the listing of agenda item/s:

Reference	Item
16.1	Confirmation of the Closed Council Minutes of the Council Meeting of 18 January 2022 – <i>Regulation 34(3)</i>
16.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
16.3	Leave of Absence – Councillor De Williams – <i>Regulation 15(2)(h)</i>
16.4	Leave of Absence – Councillor Degrassi – <i>Regulation 15(2)(h)</i>
16.5	Recyclable Materials Processing – Establishment of a Joint Authority – <i>Regulation 15(2)(b)</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 - 16.5 which are confidential matters as prescribed in Regulations 34 and 15 of the Local Government (Meeting Procedures) Regulations 2015.

## 26/2022 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**

## 16.1 CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 18 JANUARY 2022

### RECOMMENDATION

“That the Closed Minutes of the Council Meeting held on 18<sup>th</sup> January 2022 be confirmed.”



27/2022 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.”

28/2022 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 **LEAVE OF ABSENCE – COUNCILLOR DE WILLIAMS**

29/2022 TORENIUS/NICHOLS

“That the recommendation be accepted.”

The motion was put.

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



Against: None

The Motion was **CARRIED**

#### **16.4 LEAVE OF ABSENCE – COUNCILLOR DEGRASSI**

**30/2022 REED/GALA**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

#### **16.5 RECYCLABLE MATERIALS PROCESSING – ESTABLISHMENT OF A JOINT AUTHORITY**

**31/2022 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**

The closed meeting concluded at 7.01pm



## 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

