



# COUNCIL MINUTES

18 OCTOBER 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 OCTOBER 2022

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The meeting commenced at 6.00 pm.

## 1.0 ATTENDANCE

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Mayor K Vincent  
Deputy Mayor N Reynolds  
Councillor K Degrassi  
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  
Greg Robertson – Manager Regulatory Services

## 2.0 APOLOGIES

Nil

## 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 Reed declared an interest with her son Xavier being a recipient of Individual Achievement Program funding.

## 4.0 CONFIRMATION OF THE MINUTES OF 20 SEPTEMBER 2022

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### RECOMMENDATION

“That the Minutes of the Council Meeting held on 20<sup>th</sup> September 2022 be confirmed.”

## 128/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.



For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Degrassi, 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.”

**129/2022**   **JACKSON/REYNOLDS**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Degrassi, 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*.



## 6.1 16.4 (CLOSED) SOUTHERN TAS BMX FACILITY

130/2022 REYNOLDS/JACKSON

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## 7.0 COUNCIL WORKSHOPS REPORT

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The following Council Workshops were held:

Date	Purpose	Councillor Attendance	Councillor Apologies
4 <sup>th</sup> & 11 <sup>th</sup> Oct	<ul style="list-style-type: none"> <li>• Dog Management Plan review</li> <li>• Blue Lagoon SW project</li> <li>• Community Grants x 3</li> <li>• Unpaid rates matter and sale process</li> <li>• Wiggins Rd update</li> <li>• Sweetwater Estate remaining POS lot development situation</li> <li>• Dunalley Hall</li> <li>• Sorell post-bypass consultant report recommendations - 11<sup>th</sup> Oct</li> </ul>	<ul style="list-style-type: none"> <li>• Vincent, Reynolds, Reed, Jackson, Torenus, Nichols, Gala</li> </ul>	<ul style="list-style-type: none"> <li>• DeGrassi – 4<sup>th</sup> and 11<sup>th</sup></li> <li>• Nichols - 11<sup>th</sup></li> </ul>

## 8.0 DEPARTMENTAL REPORTS

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### RECOMMENDATION

“That the Departmental reports as listed be received.”

131/2022 REED/NICHOLS

“That the recommendation be accepted.”

The motion was put.



For: Vincent, Reynolds, Torenus, Reed, Nichols, Jackson, Degrassi, 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 4<sup>th</sup> October 2022 be noted.”

## 132/2022 NICHOLS/TORENIUS

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## 11.0 GOVERNANCE

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Nil Reports



## 12.0 ENGINEERING & REGULATORY SERVICES

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### 12.1 NOTICE OF INTENTION – NEW ENVIRONMENTAL HEALTH BY-LAW 2023 RECOMMENDATION

“That in accordance with 156(1) of the Local Government Act 1993 Council resolves to:

- a. Make a new environmental health by-law;
- b. Obtain stakeholder input on the proposed by-law; and
- c. Prepare a regulatory impact statement.”

### 133/2022 DEGRASSI/REED

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## 13.0 HR & COMMUNITY SERVICES

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### 13.1 COMMUNITY GRANTS PROGRAM RECOMMENDATION

“That Council resolve to approve the following community groups to receive grants under the 2022-2023 Community Grants Program:

- Sorell Men’s Shed - \$1,500.00 (part Funded)
- Jazz by the Sea - \$ 800.00
- South East Tasmania Salvos - \$2,000.00.”

### 134/2022 NICHOLS/JACKSON

“That the recommendation be accepted.”

The motion was put.

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



Against: None

The Motion was **CARRIED**

**14.0 FINANCE**

**14.1 <sup>^</sup> EXECUTIVE SUMMARY – FINANCIAL REPORT SEPTEMBER 2022 YTD**

**RECOMMENDATION**

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

**135/2022 REED/REYNOLDS**

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

Mayor Vincent acknowledged and thanked Councillor Degrassi for almost 27 years of service to Council and the Community commencing in 1996 and presented Councillor Degrassi with two gifts in recognition of this accordingly.

The Open meeting concluded at 6.57 pm.





## 15.0 QUESTIONS FROM THE PUBLIC

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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.

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Diedre Biggar questioned what is Council doing regarding the Boneseed along the foreshore at First Avenue, Dodges Ferry?

The General Manager advised that he will investigate through Councils NRM Officer if this was on Council owned land.

Diedre further expressed concern regarding the impact the new bypass is having on the businesses in Sorell and if Council are doing anything to promote stopping in Sorell. She further expressed that a Committee be formed to discuss ideas.

Mayor Vincent advised that we have consulted with Peter Kenyan recently regarding life after a bypass and have held a workshop to discuss items raised in his report. Business has not been overly affected by the bypass at this stage. Council will be working closely with the Business Association and the Community over the coming 12 months to determine how our town may look in the future.

Sharon Fotheringham questioned if the foyer to the Council offices could be left open so that people can wait out of the cold before Council meetings and if copies of the Agenda could be placed there.

Mayor Vincent advised that we would ensure that the foyer, meeting room and Agenda are available.



Sharon questioned regarding the shooting of guns on an adjoining property, response to previous complaints have advised that there were no regulations governing this. She questioned if this would be considered a noise nuisance?

The Manager Regulatory Services responded that the Environmental Management and Pollution Control Act does have general provisions regarding noise nuisance and can cover gun shots. It depends on the context of if this is recreational shooting or that of range shooting. Council may have sufficient legislative power under this legislation to include it in a by-law.

Sharon further questioned if Council were able to do anything about the traffic turning right into McDonalds over a solid white line?

Mayor Vincent advised that this would need to be taken up with the local Police and the Department of State Growth.

Sharon thanked the Councillors for their service.

Mike Purdon questioned the placement of DSG signage and lighting at the new bypass roundabout and approaches with regard to both the excessive quantity and negative impact it has on the new vistas now available.

Mayor Vincent advised that redundant signage and landscaping of this area is currently under review by Department of State Growth.

Mike also thanked Councillors for the last 4 years.



## 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 7.00pm.

## 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 20 September 2022 – <i>Regulation 34(3)</i>
16.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
16.3	Reseal Program 2022-2023 – <i>Regulation 15 (2)(d)</i>
16.4	Southern Tas BMX Facility – Pembroke Park – <i>Regulation 15(2)(d)</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.”

### 135/2022 TORENIUS/REED

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

## 16.1 CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 20 SEPTEMBER 2022

### RECOMMENDATION

“That the Closed Minutes of the Council Meeting held on 20<sup>th</sup> September 2022 be confirmed.”



136/2022 REYNOLDS/NICHOLS

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

16.2 **AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION**

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**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.”

137/2022 GALA/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**



### 16.3 RESEAL PROGRAM 2022-2023

#### 138/2022 DEGRASSI/NICHOLS

“That the recommendation be accepted.”

The motion was put.

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

Against: Jackson (#note - abstained from voting consistent with interest declared and so by default is recorded as a vote against)

The Motion was **CARRIED**

### 16.4 SOUTHERN TAS BMX FACILITY – PEMBROKE PARK

#### 139/2022 DEGRASSI/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

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

Against: None

The Motion was **CARRIED**

The Closed meeting concluded at 7.17 pm.



## 17.0 ACRONYMNS

AGM	Annual General Meeting
AFL	Australian Football League
AIR	Australian Immunisation Register
ASU	Australian Services Union
ATO	Australian Taxation Office
AWTS	Aerated Wastewater Treatment Systems
BEST	Business and Employment Southeast Tasmania
CAC	Community Administration Centre
CEO	Chief Executive Officer
CLRS	Councillors
CPR	Cardiopulmonary Resuscitation
CRM	Customer Request Management
CRDSJA	Copping Refuse Disposal Site Joint Authority
DASC	Development Assessment Special Committee
DEDTA	Department Economic Development, Tourism & The Arts
DOE	Department of Education
DPAC	Department of Premier & Cabinet
DPFEM	Department of Police, Fire and Emergency Management
DSG	Department of State Growth
DST	Destination Southern Tasmania
EBA	Enterprise Bargaining Agreement
EOI	Expressions of Interest
EOFY	End of Financial Year
EPA	Environment Permit Authority
EWaste	Electronic Waste
FMAC	Fire Management Assessment Committee
GM	General Manager
ICT	Information Communication Technology
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
NRE	Department of Natural Resources and Environment Tasmania
NRM	Natural Resource Management
PWS	Parks and Wildlife Service
RACT	Royal Automobile Clube of Tasmania
RDA	Regional Development Australia
RSL	Returned Services League
RTI	Right to Information



SBIP	School Based Immunisation Program
SEI	South East Irrigation
SEBA	South East Basketball Association
SENA	South East Netball Association
SERDA	South East Region Development Association
SEUFC	South East United Football Club
SES	State Emergency Service
SFC	Sorell Football Club
SFL	Southern Football League
SMH	Sorell Memorial Hall
SMT	Senior Management Team
STCA	Southern Tasmanian Councils Association
SWSA	Southern Waste Strategy Association
SWS	Southern Waste Solutions
TasCAT	Tasmanian Civil and Administrative Tribunal
TAO	Tasmanian Audit Office
TCF	Tasmanian Community Fund
TOR	Terms of Reference
UTAS	University of Tasmania

