



# COUNCIL MINUTES

17 JANUARY 2023

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



## MINUTES

FOR THE COUNCIL MEETING HELD AT THE  
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON  
17 JANUARY 2023

### TABLE OF CONTENTS

1.0	ATTENDANCE	4
2.0	APOLOGIES	4
3.0	DECLARATIONS OF PECUNIARY INTEREST	4
4.0	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING AND ANNUAL GENERAL MEETING OF 13 DECEMBER 2022	5
4.1	CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING OF 13 DECEMBER 2022	5
4.2	CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF 13 DECEMBER 2022	5
5.0	MAYOR'S REPORT	6
6.0	SUPPLEMENTARY ITEMS	6
7.0	COUNCIL WORKSHOPS REPORT	7
8.0	COUNCILLOR QUESTIONS ON NOTICE	8
9.0	COUNCILLOR MOTIONS ON NOTICE	8
10.0	WORKGROUP REPORTS	8
11.0	PETITIONS	8
12.0	LAND USE PLANNING	8
12.1	DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE MINUTES	9
13.0	GOVERNANCE	9
13.1	MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING LEAVE OF ABESENCE TERMS FOR ELECTED MEMBERS	9
13.2	MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING ACOUSTICS IN THE COUNCIL CHAMBERS	10
13.3	GENERAL MANAGERS DELEGATION FROM COUNCIL	10
13.4	DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC) AMENDMENT OF PROCEDURES	11
13.5	BUILDING AND PLUMBING APPLICATION FEES – REQUEST FOR REDUCTION	12
14.0	INFRASTRUCTURE AND ASSETS	12
15.0	COMMUNITY RELATIONS	12
15.1	COMMUNITY GRANTS PROGRAM	12
16.0	FINANCE	13
16.1	EXECUTIVE SUMMARY – FINANCIAL REPORT DECEMBER 2022 YTD	13
17.0	PLANNING	13
18.0	HEALTH AND COMPLIANCE	13
18.1	WASTE MANAGEMENT STRATEGY	13
18.2	RECREATIONAL WATER QUALITY MONITORING REPORT 2021-2022	14
18.3	DRAFT TASMANIAN WASTE AND RESOURCE RECOVERY STRATEGY	14

18.4	WASTE MANAGEMENT RATE REMISSION – BREAM CREEK FARMERS MARKET	15
19.0	ROADS AND STORMWATER	15
20.0	FACILITIES AND RECREATION	15
21.0	QUESTIONS FROM THE PUBLIC	16
22.0	CLOSED MEETING	19
22.1	CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 13 DECEMBER 2022	19
22.2	AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	20
22.3	COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY AGM MINUTES	21
22.4	TENDER C-23-S-003 DEVENISH DRIVE SORELL – STORMWATER UPGRADE	21
23.0	ACRONYMNS	22

The meeting commenced at 6.01 pm.

## 1.0 ATTENDANCE

Mayor K Vincent  
Councillor S Campbell  
Councillor J Gatehouse  
Councillor M Miró Quesada  
Councillor N Reynolds  
Councillor C Torenus

### STAFF IN ATTENDANCE

Robert Higgins – General Manager  
Jess Hinchin – Director People and Performance  
Russell Fox – Director Service Delivery  
Greg Robertson – Manager Health and Compliance

## 2.0 APOLOGIES

Deputy Mayor C Wooley  
Councillor M Brown  
Councillor M Reed

## 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 COUNCIL MEETING AND ANNUAL GENERAL MEETING OF 13 DECEMBER 2022

### 4.1 CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING OF 13 DECEMBER 2022

#### RECOMMENDATION

“That the Minutes of the Council Meeting held on 13th December 2022 be confirmed.”

#### 1/2023 TORENIUS/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

### 4.2 CONFIRMATION OF THE MINUTES OF THE ANNUAL GENERAL MEETING OF 13 DECEMBER 2022

#### RECOMMENDATION

“That the Minutes of the Annual General Meeting held on 13th December 2022 be confirmed.”

#### 2/2023 REYNOLDS/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**



## 5.0 MAYOR'S REPORT

### RECOMMENDATION

"That the Mayor's communication report as listed be received."

#### 3/2023 REYNOLDS/CAMPBELL

"That the recommendation be accepted."

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

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

<sup>^</sup>  
The following Council Workshop was held:

Date	Purpose	Councillor Attendance	Councillor Apologies
10 <sup>th</sup> Jan 2023 <ul style="list-style-type: none"> <li>• Rescheduled to 24<sup>th</sup> Jan</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Plan review</li> <li>• Financial Management Strategy</li> <li>• Organisation re-structure and Work Group focus – Planning and Community Relations</li> <li>• LG Reform project Stage 2 report.</li> </ul>		



## 8.0 COUNCILLOR QUESTIONS ON NOTICE

Nil

## 9.0 COUNCILLOR MOTIONS ON NOTICE

Nil

## 10.0 WORKGROUP REPORTS

### RECOMMENDATION

“That the workgroup reports as listed be received.”

### 4/2023 CAMPBELL/TORENIUS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 11.0 PETITIONS

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

## 12.0 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 12 on this agenda, inclusive of any supplementary items.





## 12.1 DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE MINUTES

### RECOMMENDATION

“That the minutes of the Development Assessment Special Committee (DASC) Meeting of 10<sup>th</sup> January 2023 be noted.”

### 5/2023 REYNOLDS/CAMPBELL

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 13.0 GOVERNANCE

### 13.1 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING LEAVE OF ABESENCE TERMS FOR ELECTED MEMBERS

#### RECOMMENDATION

“That Council discuss and consider Leave of Absence terms of Elected Members and whether this should be restricted to a limited number.”

### 6/2023 GATEHOUSE/MIRO QUESADA LE ROUX

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**



### 13.2 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING ACOUSTICS IN THE COUNCIL CHAMBERS

#### RECOMMENDATION

“That Council discuss and address the acoustics in the Council chambers including any required changes.”

#### 7/2023 TORENIUS/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

### 13.3 GENERAL MANAGERS DELEGATION FROM COUNCIL

#### RECOMMENDATION

“That Council resolve to:

1. DELEGATE the functions and powers of Council identified in the Schedule forming Attachment 1 to this report (Schedule) to the position of General Manager under section 22 of the Local Government Act 1993; and
2. AUTHORISE the position of ‘General Manager’ to further delegate the functions and powers of Council that are identified in the Schedule; and
3. RESOLVE that the delegations and authorisations given in resolutions 1 and 2 (above):
  - (a) supersede any previous delegations or authorisations given to the position of ‘General Manager’ that are inconsistent with the delegations and authorisations given in the Schedule; and
  - (b) do not supersede or revoke any previous delegations or authorisations given to the position of ‘General Manager’ that are not inconsistent with the delegations and authorisations given in the Schedule; and
4. AUTHORISE the Mayor to execute Instruments of Delegation to give effect to resolutions 1 to 3 (above).”



**8/2023 CAMPBELL/REYNOLDS**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

**13.4 DEVELOPMENT ASSESSMENT SPECIAL COMMITTEE (DASC)  
AMENDMENT OF PROCEDURES****RECOMMENDATION**

“That Sorell Council resolve:

- (i) To approve and adopt the amended ‘Committee Procedures – Sorell Planning Authority 17<sup>th</sup> January 2023’ (included in the report below) in accordance with Section 23 of the Local Government Act 1993;
- (ii) To appoint membership as required including a Chair and Deputy Chair of the Sorell Planning Authority;
- (iii) Pursuant to Section 23AA(2)(c) of the Acts Interpretation Act 1931, to revoke all previous delegations in respect of the Development Assessment Special Committee purported to have been made prior to the 17<sup>th</sup> January 2023;
- (iv) To delegate the functions and powers specified in the ‘Committee Procedures – Sorell Planning Authority 17<sup>th</sup> January 2023’ (included in the report below) to the Sorell Planning Authority in accordance with Section 22 of the Local Government Act 1993.”

**9/2023 CAMPBELL/MIRO QUESADA LE ROUX**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**



### 13.5 BUILDING AND PLUMBING APPLICATION FEES – REQUEST FOR REDUCTION

#### RECOMMENDATION

“That Council resolve pursuant to Section 207 of the Local Government Act 1993 to remit \$2,500.00 of the building permit assessment fee for BA 2022 / 00219 – 1 at 521 Old Forcett Road, Dodges Ferry.”

#### 10/2023 GATEHOUSE/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Campbell

Against: Miró Quesada Le Roux

The Motion was **CARRIED**

### 14.0 INFRASTRUCTURE AND ASSETS

Nil

### 15.0 COMMUNITY RELATIONS

#### 15.1 COMMUNITY GRANTS PROGRAM

#### RECOMMENDATION

“That Council approve the Southern Beaches Historical Society grant application pursuant to the 2022-2023 Community Grants Program.”

#### 11/2023 CAMPBELL/TORENIUS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**



## 16.0 FINANCE

### 16.1 EXECUTIVE SUMMARY – FINANCIAL REPORT DECEMBER 2022 YTD

#### RECOMMENDATION

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

#### 12/2023 CAMPBELL/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 17.0 PLANNING

Nil

## 18.0 HEALTH AND COMPLIANCE

### 18.1 WASTE MANAGEMENT STRATEGY

#### RECOMMENDATION

“That Council resolve to adopt the Sorell Council Waste Management Strategy contained in attachment 1 of this report.”

#### 13/2023 GATEHOUSE/MIRO QUESADA LE ROUX

“That the recommendation be accepted.”

A Procedural Motion was moved.

#### 14/2023 MIRO QUESADA LE ROUX/TORENIUS

“That item 18.1 Waste Management Strategy lay on the table to enable the motion to be considered further prior to Council making a decision.”



For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 18.2 RECREATIONAL WATER QUALITY MONITORING REPORT 2021-2022

### RECOMMENDATION

“That Council resolve to receive the Recreational Water Quality Monitoring Report 2021-2022 attached in Appendix 1 and note the recommendations adopted.”

### 15/2023 CAMPBELL/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 18.3 DRAFT TASMANIAN WASTE AND RESOURCE RECOVERY STRATEGY

### RECOMMENDATION

1. “That Council resolve to make a submission on the Draft Tasmanian Waste And Resource Recovery Strategy and authorise the Manager of Health and Compliance to make a submission including:
  - a. General support for the strategy.
  - b. Priority investment areas should include support for organic processing facilities to ensure that waste resource recovery targets are achieved.
  - c. Provide support for regional Councils to participate in Organics diversion (FOGO), not just ‘identifying’ opportunities but delivering ‘on-ground’ action.
  - d. Support for regional waste groups to provide education, facilitate regional service delivery and infrastructure planning.
  - e. More details to be included on what support will be provided for Councils dealing with littering and rubbish dumping.
  - f. Measures that local and state government can take to create demand for locally manufacture recycled products, including organics.”



**16/2023 CAMPBELL/MIRO QUESADA LE ROUX**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

**18.4 WASTE MANAGEMENT RATE REMISSION – BREAM CREEK FARMERS MARKET****RECOMMENDATION**

“That in accordance with Section 129 of the *Local Government Act 1993* Council resolve to remit the Waste Management rate for the Bream Creek farmers market.”

**17/2023 GATEHOUSE/TORENIUS**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

**19.0 ROADS AND STORMWATER**

Nil

**20.0 FACILITIES AND RECREATION**

Nil



## 21.0 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.

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Sharon Fotheringham of Forcett questioned why her motion from the AGM regarding a letter of support to Air Services Australia hadn't been included as a motion and subsequently addressed in this agenda?

The General Manager advised that he would review the records, confirm and rectify if necessary regarding both the query around the motion not being recorded and the specifics of the request for a letter of support. With the latter, the General Manager further advised that he discussed this with a Primrose Sands resident heavily engaged in the review process who advised that a formal submission is not currently required and that she would communicate with the General Manager when a letter of support is best sought and provided.

Sharon further questioned if Council were aware of the Premier's announcement of upgrades to the Arthur Highway.

The DSD advised that Jacobs Consultants have been awarded the contract for Community Consultation, however, there isn't a scope or detail as yet.

Sharon questioned the ongoing incidence of people contaminating bins and dumping rubbish outside other people's properties and in turn, the property owner receiving letters from Council regarding this. How will Council handle these residents stating they didn't do it?





MHC responded essentially the function is to educate and explain the process. A lot of the time it is to make people aware of some common mistakes in particular contamination of recycling.

Dierdre questioned if Council was going to do anything regarding the bonesed in the foreshore area in front of her property.

The General Manager responded that Council doesn't have jurisdiction over this piece of land and will continue to pursue the Public Trustee around establishing ownership.

Diedre further questioned who was responsible for dogs off lead causing erosion on banks in the Lewisham area as there is not a lot of access to get up.

Mayor Vincent advised that there would be a lot of other factors contributing as well and concerns for particular areas should be reported.

Graeme Evans questioned if the portrait of King Charles in the Council Chamber was an official portrait?

Mayor Vincent advised that this was an official photo.

Graeme further raised a question around the strata unit developments in the area whereby the body corporate runs the waste management and that should this still be Council responsibility?

MHC advised that as part of the development process it is not mandatory for kerbside collection to be considered as part of the design, they can only condition that adequate services are provided by the body corporate. He also advised of the legal constraints around indemnity for Council or its contractors being on private property.

Mike Purdon questioned if additional microphones could be purchased to assist with the ongoing sound issue in the Council Chambers in accordance with the AGM motion seeking a resolution by the January 2023 Council meeting.

Mayor Vincent advised that there was a review process in place and that additional microphones will be considered with the mid-year budget review or 23/24 budget if necessary.

The open meeting concluded at 8.12 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 8.15 pm.

## 22.0 CLOSED MEETING

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

Reference	Item
22.1	Confirmation of the Closed Council Minutes of the Council Meeting of 13 December 2022 – <i>Regulation 34(3)</i>
22.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
22.3	Copping Refuse Disposal Site Joint Authority AGM Minutes – <i>Regulation 15(2)(c)</i>
23.4	Tender Devenish Drive Sorell – Stormwater Upgrade C-23-S-003 – <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 22.1 - 22.4 which are confidential matters as prescribed in Regulations 34 and 15 of the Local Government (Meeting Procedures) Regulations 2015.

#### 18/2023 TORENIUS/CAMPBELL

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

#### 22.1 CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 13 DECEMBER 2022

### RECOMMENDATION

“That the Closed Minutes of the Council Meeting held on 13 December 2022 be confirmed.”



**19/2023 REYNOLDS/TORENIUS**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

**22.2 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.”

**20/2023 CAMPBELL/GATEHOUSE**

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**



## 22.3 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY AGM MINUTES

### 21/2023 REYNOLDS/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

## 22.4 TENDER C-23-S-003 DEVENISH DRIVE SORELL – STORMWATER UPGRADE

### 22/2023 MIRO QUESADA LE ROUX/CAMPBELL

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Campbell

Against:

The Motion was **CARRIED**

The closed meeting concluded at 8.29 pm.



## 23.0 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
DSD	Director Service Delivery
DPP	Director People and Performance
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
MEMC	Municipal Emergency Management Committee
MHC	Manager Health and Compliance
NBN	National Broadband Network
NRE	Department of Natural Resources and Environment Tasmania
NRM	Natural Resource Management
PWS	Parks and Wildlife Service
RACT	Royal Automobile Club 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
STRWA	Southern Tasmanian Regional Waste Authority
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

