



COUNCIL MINUTES

16 JANUARY 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



MINUTES

FOR THE COUNCIL MEETING TO BE HELD AT THE
COMMUNITY ADMINISTRATION CENTRE (CAC), 47 COLE STREET, SORELL ON
16 JANUARY 2024

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The meeting commenced at 6.00 pm.

1.0 ATTENDANCE

Mayor K Vincent
Deputy Mayor C Wooley
Councillor J Gatehouse
Councillor M Miró Quesada Le Roux
Councillor B Nichols
Councillor M Reed
Councillor N Reynolds
Councillor C Torenus
Acting General Manager Jess Hinchin
Director Service Delivery Russell Fox

2.0 APOLOGIES

Councillor S Campbell
General Manager Robert Higgins

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.

The Mayor acknowledged the passing of former Sorell Councillor Graeme Gill who served on Council from 1984 – 2002 when he retired.

4.0 CONFIRMATION OF THE MINUTES OF 12 DECEMBER 2023

RECOMMENDATION

“That the Minutes of the Council Meeting held on 12th December 2023 be confirmed.”

1/2024 WOOLEY/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.



For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

5.0 MAYOR'S REPORT

RECOMMENDATION

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

2/2024 NICHOLS/REED

"That the recommendation be accepted."

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

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

[^]
The following Council Workshop was held:

Date	Purpose	Councillor Attendance	Councillor Apologies
No Council workshops were scheduled during the reporting period.			

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.”

3/2024 REYNOLDS/REED

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

11.0 PETITIONS

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



Previous petitions received 2023-2024		
Petition	Tabled at Council Meeting	Status
Withdrawal of the Blue Lagoon Draft Management Plan	18 July 2023	Council laid on the table for further consultancy on review and investigate options for stormwater management at Blue Lagoon. Variation to the operating budget approved at August Council meeting.

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 SORELL PLANNING AUTHORITY MINUTES

RECOMMENDATION

“That the minutes of the Sorell Planning Authority (“SPA”) Meetings of 5th and 12th December 2023 be noted.”

4/2024 REED/TORENIUS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**



13.0 GOVERNANCE

13.1 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING BONESEED IN THE MUNICIPALITY

RECOMMENDATION

“That Council use any means available to remove boneseed in my area and the municipality more broadly.”

5/2024 REED/MIRO QUESADA LE ROUX

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

13.2 MOTION PASSED AT THE COUNCIL ANNUAL GENERAL MEETING REGARDING AIR SERVICES AUSTRALIA FLIGHT PATHS

RECOMMENDATION

“That Council;

1. Supply a copy of questions / answers put to Air Services Australia by Council on 17th October and supply the date on which those questions were answered.
2. As Council has a duty of care re: noise we ask that you request Air Services Australia to alleviate the current situation and install one of the 2 viable alternatives that have been deemed both feasible and safe by Air Services. Copies of this correspondence be supplied to ratepayers as / when requested.
3. Pursue the issue of obtaining acceptable noise abatement with Air Services on behalf of residents directly affected by RW30 Flight Path and provide copies of all correspondence to ratepayers affected or as requested.
4. All community meetings organised by Air Services be attended by a Councillor/s.
5. If Air Services continues to act recklessly and without due regard to affected residents then Council, if and when requested by affected residents, approach the Air Noise Ombudsman on their behalf.”



6/2024 MIRO QUESADA LE ROUX/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**

**13.3 SAFEGUARDING CHILDREN & YOUNG PEOPLE POLICY
RECOMMENDATION**

“That Council resolve to endorse the Safeguarding Children & Young People Policy.”

7/2024 REED/MIRO QUESADA LE ROUX

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**

**13.4 POLICY REVIEW - AUDIO/VISUAL RECORDING AND LIVESTREAMING OF
COUNCIL MEETINGS POLICY AND VEHICULAR ACCESS TO PROPERTY
POLICY****RECOMMENDATION**

“That Council resolve to endorse the revised Council policies:

- Audio/Visual Recording and Livestreaming of Council Meetings Policy;
- Vehicular Access to Property Policy”.



8/2024 NICHOLS/TORENIUS

“That the recommendation be accepted.”

A procedural motion was moved.

9/2024 GATEHOUSE/MIRO QUESADA LE ROUX

“That Council resolve to endorse the revised Vehicular Access to Property Policy and lay on the table the Audio/Visual Recording and Livestreaming of Council Meetings Policy”

For: Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Reed, Nichols

Against: Vincent, Wooley

The Motion was **CARRIED**

14.0 INFRASTRUCTURE AND ASSETS

Nil reports

15.0 COMMUNITY RELATIONS

15.1 COMMUNITY GRANTS PROGRAM – ANNUAL CONTRIBUTION

RECOMMENDATION

“That Council resolve to approve the Nugent Community & Sports Association Inc. to receive annual funding to contribute to their insurance costs under the Community Grants Program from the 2023/2024 financial year for up to five (5) years.”

10/2024 TORENIUS/REED

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**



15.2 COMMUNITY GRANTS PROGRAM

RECOMMENDATION

“That Council resolve to approve three applications from;

- Sorell RSL Sub-branch;
- Sorell Community Network Inc.; and
- Southern Tasmania Country Music Inc.

under the 2023-2024 Community Grants Program as per the following report.”

11/2024 GATEHOUSE/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

16.0 FINANCE

16.1 EXECUTIVE SUMMARY – FINANCIAL REPORT DECEMBER 2023 YTD

RECOMMENDATION

“That the Executive Summary – FINANCIAL REPORT DECEMBER 2023 YEAR-TO-DATE be received and noted by Council.”

12/2024 GATEHOUSE/WOOLEY

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**



16.2 2023-2024 CAPITAL BUDGET ADJUSTMENTS

RECOMMENDATION

“That Council resolve pursuant to Section 82 of the Local Government Act 1993 to accept and adopt the below adjustments to the 2023/2024 Capital Budget estimates.”

13/2024 TORENIUS/REYNOLDS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenius, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

17.0 PLANNING

Nil Reports.

18.0 HEALTH AND COMPLIANCE

Nil Reports.

19.0 ROADS AND STORMWATER

Nil Reports.

20.0 FACILITIES AND RECREATION

Nil Reports.



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.

21.1 PUBLIC QUESTIONS ON NOTICE

The below question on notice was received from Greg Brimfield of Primrose Sands:

Shipping containers on property –

A resident raised concern over location of containers on an adjoining property and non-compliance to set-backs. This was raised at August 2022 meeting. The General Manager advised he had followed up with Permit Authority and Planning staff and that their position remained that in the circumstances Council has no role. The General Manager apologised for not providing this feedback to the resident but will put the matter again to Permit Authority staff specific to the resident's position on subsequent advice received from CBOS. General Manager to provide an update directly to resident. This was raised at the July 2023 Community Conversation and to date no response from the General Manager. My questions:

When will the GM respond?

What is the Council position on shipping containers on a residential property?

Does the Council recognise the CBOS position on Shipping Containers?



If the council has no position on shipping containers, why not?

If I was to build a garage on a residential block, I am required to seek approval and abide by regulated setbacks etc. There are two shipping containers on a neighbouring property that are positioned against my fence which significantly blocks natural light to my kitchen/dining/family room. It also affects my view of the surroundings. A garage or other structure would not be approved by council. So why can a shipping container be allowed?

Response:

Shipping containers are subject to the same regulations as sheds, garages, and outbuildings, and may necessitate Planning and Building Approval if they do not meet the exemptions outlined in the Tasmanian Planning Scheme or are not classified as Low Risk Work according to the Directors Determinations under the Building Act 2016.

The Council acknowledges the CBOS position on shipping containers as outlined in the CBOS Fact Sheet – Shipping Containers Doc/17/48797, dated August 2017.

Further, subject to when such structures are located on a property determines which planning scheme controls apply at that time. The current Tasmanian Planning Scheme (effective from December 2022) differs from the prior Interim Planning Scheme (effective 2015 – 2022) for this type of use and development with the latter having fewer development controls.

Compliance staff will investigate the property in question and take any statutory action as necessary. A preliminary assessment is that planning approval is likely not required (due to Interim Planning Scheme being the effective planning instrument) but that building approval may be, as not deemed Low Risk Work and therefore notifiable, and requiring a Certificate of Likely Compliance from a building surveyor.

The above will be provided to Mr Brimfield directly.



Greg Brimfield of Primrose Sands questioned if Council investigate non-compliance of outbuildings or is non-compliance only investigated after a complaint?

The Mayor advised that this is a huge role and mostly investigated by complaint. The Director Service Delivery clarified, those that come through a complaint would receive priority. When Compliance Officers are out investigating non-compliance complaints they are also looking and observing other potential non-compliance in the area. Council now has a dedicated compliance team particularly in building, as part of the recent restructure.

Sharon Fotheringham of Forcett requested an update on the plans for the Arthur Highway?

The Director Service Delivery advised that the department hasn't published what they are planning to do as yet with the Arthur Highway upgrade after receiving feedback from stakeholders and residents.

Sharon further requested an update on the duplication of the causeways?

The Mayor advised that things are progressing, divers have been investigating the sea bed and investigation of middens had also been undertaken. The designs or even concept designs haven't been released as yet.

The Director Service Delivery further added that he would attempt to get a further update from the Department of State Growth.



The open meeting concluded at 7.10 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 7.11 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 12 December 2023 – <i>Regulation 34(3)</i>
22.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
22.3	Copping Refuse Disposal Site Joint Authority Minutes – <i>Regulation 15(2)(c)</i>
22.4	Tender C-23-T-010 Marion Bay and Bay Road Reconstruction – <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.

14/2024 REYNOLDS/REED

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley, Reed, Nichols

Against:

The Motion was **CARRIED**

22.1 CONFIRMATION OF THE CLOSED MINUTES OF THE COUNCIL MEETING OF 12 DECEMBER 2023

RECOMMENDATION



“That the Closed Minutes of the Council Meeting held on 12th December 2023 be confirmed.”

15/2024 REYNOLDS/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**

22.2 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.”

16/2024 REYNOLDS/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**



22.3 COPPING REFUSE DISPOSAL SITE JOINT AUTHORITY MINUTES - 18
DECEMBER 2023

17/2024 REED/NICHOLS

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**

22.4 TENDER C-23-T-010 MARION BAY AND BAY ROAD RECONSTRUCTION

18/2024 REYNOLDS/GATEHOUSE

“That the recommendation be accepted.”

The motion was put.

For: Vincent, Reynolds, Torenus, Gatehouse, Miró Quesada Le Roux, Wooley,
Reed, Nichols

Against:

The Motion was **CARRIED**

The closed meeting concluded at 7.23 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
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
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 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
SPA	Sorell Planning Authority
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

