



COUNCIL MINUTES

20 FEBRUARY 2024

COUNCIL CHAMBERS

COMMUNITY ADMINISTRATION CENTRE (CAC)



MINUTES

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

2.0 APOLOGIES

Councillor S Campbell

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 16 JANUARY 2024

RECOMMENDATION

“That the Minutes of the Council Meeting held on 16th January 2024 be confirmed.”

23/2024 NICHOLS/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**



5.0 MAYOR'S REPORT

RECOMMENDATION

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

24/2024 REED/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**

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*."

25/2024 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**

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 ITEM 22.4 (CLOSED) TENDER C-23-T-006 – PRIMROSE SANDS ROAD AND GREVILLEA STREET RECONSTRUCTION

7.0 COUNCIL WORKSHOPS REPORT

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The following Council Workshops were held:

Date	Purpose	Councillor Attendance	Councillor Apologies
6 th February 2024	<ul style="list-style-type: none"> • Future of Local Government Review – Draft submission on 37 recommendations • Dunalley Hall Management – EOI Result • Community Grants <ul style="list-style-type: none"> - Sorell Tennis Club - Sorell Men’s Shed • Dog Management <ul style="list-style-type: none"> - Pembroke Park user groups proposal - Municipal wide ‘Dogs on lead’ consideration • GM Updates <ul style="list-style-type: none"> - Abetz Curtis briefing – planning authority role and governance - SPA meetings live streaming • Councillor requests <ul style="list-style-type: none"> - ASA Flight Path review - Additional water carrier fill point 	Vincent, Wooley, Nichols, Torenus, Miro Quesada Le Roux, Reynolds, Gatehouse, Reed	Campbell
13 th February 2024	<ul style="list-style-type: none"> • Abetz Curtis briefing with Councillors – Planning Authority role, interests, code of conduct 	Vincent, Wooley, Nichols, Torenus, Miro Quesada Le Roux, Reynolds, Gatehouse, Campbell, Reed	



8.0 COUNCILLOR QUESTIONS ON NOTICE

8.1 QUESTION ON NOTICE – COUNCILLOR MIRO QUESADA LE ROUX

Non-domestic noise

1. How are noise emissions from non-domestic sources and their impact on community health and wellbeing managed by Council.
2. What are the strategies, plans, guidelines, and/or policies that mention, regulate, or deal with non-domestic noise emissions and the impact on the different aspects for which we are responsible:
 - Environment
 - Economy/growth
 - Housing
 - Character and identity of suburb/town/region
 - Health and wellbeing.
3. How would a council non-domestic noise initiative/policy/guideline look like? And what would it take to create and implement?

Response from Manager Health and Compliance:

Policy/legislation

- The Tasmanian Noise Environment Protection Policy already references acoustic quality objectives which are based on the WHO recommendations.
- Any Council policy on noise would not be legally enforceable.
- If Council writes a by-law to regulate non-domestic noise it cannot override or contradict Commonwealth or State Government legislation, or the by-law would be ultra vires.
- The Building Act 2016 section 9 states “A regulation, or rule or by-law, that relates to the technical requirements of the design or construction of a building, building work or plumbing work must not be made under any Act without the approval of the Minister unless that Act expressly provides to the contrary.” In other words, a Council cannot legislate via a by-law to require additional noise insulation of a building above what is included in the National Construction Code.

Noise Complaints

- The majority of noise complaints that Council receives are domestic noise rather than from commercial or industrial sources.
- Generally, commercial, industrial and rural activities that generate noise are located in appropriate land-use zones.
- Noise complaints from aircraft and major industries are not dealt with by Council.

Planning

- The Planning Scheme includes an attenuation code which requires separation between noise emitting activities and residential use.
- New road projects such as the Sorell By-Pass and Midway Point intersection had detailed noise reports completed in accordance with State Growth traffic noise guidelines.

Noise impact

- FIDOL for noise.
- A similar approach is already used to determine if a noise is an environmental nuisance in section 53 of EMPCA:

“The emission is to be taken to unreasonably interfere with a person's enjoyment of the environment if it is unreasonable having regard to –

- (a) its volume, intensity or duration; and*
- (b) the time, place and other circumstances in which it is emitted; and*
- (c) in the case of noise emitted from residential premises, whether it is, or is likely to be, audible in a habitable room in any other residential premises.”*

- Council's primary role in non-domestic noise is to investigate noise complaints (other than level 2 activities or aircraft noise), assess applications for noise impacts (DA and SA) and determine appropriate land use zones for commercial, industrial and agricultural activities.

Noise monitoring

- Council has very limited resources for noise monitoring and it is restricted to complaint investigation only.
- Appropriate noise levels from non-domestic activities are (where appropriate) included in the DA permit or prescribed in EMPCA. If an activity does not have a DA permit an Environment Protection Notice can be issued, if there is sufficient evidence.
- Broad scale noise surveys completed by acoustic consultants and/or noise modelling are costly.

Noise attenuation/education

- Noise attenuation measures are already used to reduce noise emissions from activities, via the DA or subdivision permit.
- If a development complies with the acceptable solution of the Tasmanian Planning Scheme, Council cannot require additional noise mitigation measures.

The issue with Council having a Policy on Non-Domestic noise is that it would not be legally enforceable and would be overridden by the Planning Scheme, Environmental Management and Pollution Control Act 1994 and associated Noise Regulations and other Commonwealth Laws relating to Air Traffic (as applicable).



9.0 COUNCILLOR MOTIONS ON NOTICE

Nil

10.0 WORKGROUP REPORTS

RECOMMENDATION

“That the workgroup reports as listed be received.”

26/2024 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**

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 19th December 2023 and 16th January 2024 be noted.”

27/2024 GATEHOUSE/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**

13.0 GOVERNANCE

13.1 LG REFORM SUBMISSION

RECOMMENDATION

“That Council resolve to receive and note the report and authorise the General Manager to provide a submission to the Local Government Board as contained in *Attachment - FoLGR Final Report Recommendations.*”

28/2024 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**



14.0 INFRASTRUCTURE AND ASSETS

Nil

15.0 COMMUNITY RELATIONS

15.1 COMMUNITY GRANTS PROGRAM

RECOMMENDATION

“That Council resolve to:

- i) approve the application from Sorell Tennis Club Inc; and
- ii) decline the application from the Sorell Men’s Shed;

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

29/2024 GATEHOUSE/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**

16.0 FINANCE

16.1 EXECUTIVE SUMMARY – FINANCIAL REPORT JANUARY 2024 YTD

RECOMMENDATION

“That the Executive Summary – FINANCIAL REPORT JANUARY 2024 YEAR-TO-DATE be received and noted by Council.”

30/2024 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**

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.”

31/2024 REED/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**

16.3 OPERATING BUDGET - MID YEAR BUDGET REVIEW

RECOMMENDATION

“That the Sorell Council Operating Mid-Year Budget Review be received and approved by Council.”

32/2024 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**



16.4 SORELL COUNCIL AUDIT PANEL 2024 WORK PLAN

RECOMMENDATION

“That Council resolves to receive and note the 2024 Audit Panel Annual Work Plan in accordance with section 9 of the Audit Panel Charter “

33/2024 REED/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**

17.0 PLANNING

Nil

18.0 HEALTH AND COMPLIANCE

18.1 WASTE MANAGEMENT SERVICES POLICY

RECOMMENDATION

“That Council resolve to adopt the *Waste Management Services Policy* contained in Appendix A of this report”.

34/2024 GATEHOUSE/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**



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.

21.1 PUBLIC QUESTIONS ON NOTICE

Helen Galloway of Sorell asks:

It has become a common observation around the world and locally that short stay accommodation in general residential areas detracts from the amenities of community living and impacts domestic housing supply. What is Council's position on short stay accommodation in residential zoned areas that have no tourism attributes? In your answer I would like comment on:

- Tenure of permits (eg 5 year permit cap).
- Rates structure (are these higher).
- Standard conditions for short stay:
 - Hours of operation for arrival and departure to not disrupt neighbourhood serenity.
 - Noise control (no parties).
 - Outside lighting.
 - Maximum occupancy.



- Safety of children within the municipality.

Response from Manager Planning:

There are between 150 and 200 short stay accommodation providers in dwellings and it appears that approximately 40% of these have converted long-term housing to short stay accommodation. There are over 8,000 private dwellings in the Sorell LGA.

The planning and building regulations for short stay accommodation are set by the Tasmanian Government. Planning approval is not always required and, for instance, using a place of principal residence for short stay accommodation is exempt.

Consistent with the regulations, there is no ability to set a maximum time limit on the use or to specify hours of arrival or address matters related to community safety. Excessive noise is a police matter, irrespective of whether it is for a residential or visitor accommodation use, which is why it is not possible to use permit conditions to control residential or visitor accommodation parties. In unserviced areas, a condition on maximum occupancy is set which is linked to the design capacity of the onsite wastewater management system. Staff are unaware of any community safety or excessive noise complaints associated with operational short stay accommodation providers.

Short stay accommodation in dwellings does not normally attract a commercial rate, whereas a hotel would.

Sharon Fotheringham of Forcett requested a survey flyer regarding opposition to flight paths being placed on the Council website.

The Director of People and Performance responded that unfortunately this cannot be placed on the Council website but could be displayed on the electronic community noticeboard in the Council foyer.

Cathy Minnucci questioned the reporting on budget revenue in the Monthly Finance dashboard reports of the Council agenda with the significant difference between budgeted and actual figures.

The General Manager advised he would confirm with the Manager Finance if it was with regard to the requirement to recognise the full year rate revenue in July (as accrued income) with the October and January results associated with timing of rates instalments. The Acting Manager Finance has subsequently confirmed that it relates to non-cash contributions from donated assets transferred to Council at the completion of private development ie. roads, footpaths, stormwater assets associated with subdivisions. These are recognised in the balance sheet. A similar

accounting treatment occurs but recognised as operating expenditure when Council disposes of an asset out of the balance sheet ie. replacing a bridge.

The open meeting concluded at 7.00 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 7.05 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 16 January 2024 and Special Council Meeting of 6 February 2024 – <i>Regulation 34(3)</i>
22.2	Disclosure of confidential information – <i>Regulation 15(8)</i>
22.3	Sorell Council Audit Panel Meeting Minutes – <i>Regulation 15(2)(g)</i>
22.4	Tender C-23-T-006 – Primrose Sands Road and Grevillea Street Reconstruction – <i>Regulation 15</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 - 22.3 which are confidential matters as prescribed in Regulations 34 and 15 of the Local Government (Meeting Procedures) Regulations 2015.”

35/2024 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 16 JANUARY 2024 AND SPECIAL COUNCIL MEETING 6 FEBRUARY 2024

RECOMMENDATION

“That the Closed Minutes of the Council Meeting held on 16th January 2024 and Special Council Meeting on 6th February 2024 be confirmed.”

36/2024 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**

22.2 **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.”

37/2024 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**



22.3 SORELL COUNCIL AUDIT PANEL MEETING MINUTES

38/2024 REED/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**

22.4 TENDER C-23-T-006 – PRIMROSE SANDS ROAD AND GREVILLEA STREET RECONSTRUCTION

39/2024 TORENIUS/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 7.13 pm.



23.0 ACRONYMS

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

