



The City with Spirit

NOTICE OF MEETING

Notice is hereby given that an **Ordinary Council** meeting of the Devonport City Council will be held in the Aberdeen Room, Level 2, 137 Rooke Street, Devonport on Monday 24 August 2020, commencing at 5:30pm.

The meeting will be open to registered members of the public and live streamed from 5:30pm.

QUALIFIED PERSONS

In accordance with Section 65 of the *Local Government Act 1993*, I confirm that the reports in this agenda contain advice, information and recommendations given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.

Matthew Atkins
GENERAL MANAGER

19 August 2020

SEPTEMBER 2020

Meeting	Date	Commencement Time
Ordinary Council	28 September 2020	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 24 AUGUST 2020, IN THE ABERDEEN ROOM, LEVEL 2 paranapple centre,
137 ROOKE STREET, DEVONPORT AT 5:30PM**

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ATTENDEES

		Apology
Chair	Cr A Rockliff (Mayor)	
	Cr A Jarman (Deputy Mayor)	
	Cr J Alexiou	
	Cr G Enniss	
	Cr P Hollister	
	Cr L Laycock	
	Cr S Milbourne	
	Cr L Murphy	
	Cr L Perry	

ACKNOWLEDGEMENT OF COUNTRY

Council acknowledges and pays respect to the Tasmanian Aboriginal community as the traditional and original owners and continuing custodians of this land.

IN ATTENDANCE

All persons in attendance are advised that it is Council policy to record Council Meetings, in accordance with Council's Digital Recording Policy. The digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months. Members of the public in attendance at the meeting who do not wish for their words to be recorded and/or published on the website, should contact a relevant Council Officer and advise of their wishes prior to the start of the meeting.

1 APOLOGIES**2 DECLARATIONS OF INTEREST**

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

3.1.1 CONFIRMATION OF MINUTES - COUNCIL MEETING - 27 JULY 2020 RECOMMENDATION

That the minutes of the Council meeting held on 27 July 2020 as previously circulated be confirmed.

3.2 PUBLIC QUESTION TIME

PUBLIC QUESTION TIME

Members of the public are invited to ask questions in accordance with Council's Public Question Time Policy (Min No 153/19 refers):

1. Public participation shall take place at Council meetings in accordance with Regulation 31 of the *Local Government (meeting Procedures) Regulations 2015*.
2. Public participation will be the first agenda item following the formal motions: Apologies, Minutes and Declarations of Interest.
3. Questions without notice will be dependent on available time at the meeting (with a period of 30 minutes set aside at each meeting).
4. A member of the public who wishes to ask a question at the meeting is to state their name and address prior to asking their question.
5. A maximum of 2 questions per person are permitted.
6. A maximum period of 3 minutes will be allowed per person.
7. If time permits, a third question may be asked once all community members who wish to ask questions have done so. A time limit of 2 minutes will apply.
8. Questions are to be succinct and not contain lengthy preamble.
9. Questions do not have to be lodged prior to the meeting, however they will preferably be provided in writing.
10. A question by any member of the public and an answer to that question are not to be debated.
11. Questions without notice and their answers will be recorded in the minutes.
12. The Chairperson may take a question on notice in cases where the questions raised at the meeting require further research or clarification, or where a written response is specifically requested.
13. Protection of parliamentary privilege does not apply to local government and any statements or discussion in the Council Chambers, or any document produced, are subject to the laws of defamation.
14. The Chairperson may refuse to accept a question. If the Chairperson refuses to accept a question, the Chairperson is to give reason for doing so in accordance with the Public Question Time Policy.

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

Author: **Matthew Atkins, General Manager**

There were no questions from the 27 July 2020 Council meeting that required a written response.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

Author: **Robyn Woolsey, Executive Assistant General Management**
 Endorser: **Matthew Atkins, General Manager**

CHRISTOPHER MILLS – 52 CAROLINE STREET, EAST DEVONPORT

Questions on notice received from Mr Christopher Mills on 12 August 2020 are **reproduced as attachment 1.**

Q1 The Coordinator of Parks & Reserves in an internal document (8 August 2019) refers to this landslip zone as a “Park”. In direct contradiction the General Manager claimed (27 July Council Meeting) that:

“Council has not created a new park and there is no change to the existing use of the land.”

However a complete row of 7 mature trees was cut down on 5 November 2019 and a “Planting Plan” consisting of 4 areas of garden beds was proposed on 24 December 2019, to compensate for the destruction of the trees.

As previous Administrations have indicated in writing that the land use was to retain the trees as they stabilized potential landslip there obviously is a new use for the land and if it is not a “Park” then what is it?

Response

Council has nothing further to add from what has previously been advised regarding the use of the land.

Q2 The photo shows 7 tree stumps with vigorous regrowth. A sign that the root systems were healthy and casting doubt on the General Manager’s claim (11 November 2019) that the entire row of trees were cut down because they were “in poor health”.

Why did the Parks and Reserves team so hastily spray the living and healthy stumps that were exhibiting signs of vigorous re-growth with poison on Thursday June 4 2020, what was the herbicide and how much was used?

Response

As part of normal routine maintenance Council sprayed weeds on the property and also suckers which had grown from the tree stumps. The spray used was Glyphosate and was applied in accordance with the manufacturer’s recommendations.

MALCOLM GARDAM – 4 BEAUMONT DRIVE, MIANDETTA

Questions on notice received from Mr Malcolm Gardam on 14 August 2020 are **reproduced as attachment 2.**

- Q1**
- a) Did Council engage “...an independent agent to undertake negotiations with P+I to determine if a suitable head lease could be agreed.”?
 - b) Who precisely was charged on behalf of Council to negotiate the initial head lease agreement with Providore Place Devonport Pty Ltd?

Q2 In granting approval to enter the initial head lease agreement, with Providore Place Devonport Pty Ltd, and with full knowledge of the limitations and potential consequences within the lease document, will Council please advise why the reported public representation by the then Deputy General Manager of the 7th December 2016, on behalf of council, that “the revenue the council received.....was guaranteed through the head lease arrangement and **removed**

the council's exposure to financial risk." was not a breach of Section 345 "False and misleading statements" **by the Deputy General Manager** under the Local Government Act?

- Q3** a) Was Council's final decision to not pursue the outstanding debt as a result of the head lease agreement being unenforceable?
- b) Was the Council's decision not to pursue the outstanding debt as a result of the head lessee not having the capacity to pay?
- c) If the reason was that the head lessee did not have the capacity to pay then why did Council immediately enter a second head lease agreement with the same entity still owing around \$200,000?
- Q4** a) What relevant "**qualifications**" did the Deputy General Manager have at the time to provide advice to council on a head lease of the complexity of the Providore Place head lease?
- b) What relevant "**experience**" did the Deputy General Manager have at the time to provide advice to council on a head lease of the complexity of the Providore Place head lease?
- Q5** Between 2011 and 2016 (immediately prior to the acceptance by council of the Providore Place head lease) did the council enter:
- a) Any head lease as landlord?
- b) Any head lease similar to the Providore Place head lease?
- c) Any lease similar to the Providore Place head lease variously described as a co-operative shared arrangement, operating partnership and non-traditional co-operative shared arrangement?

Response Q1 to Q5

As advised in response to your questions on notice in June 2020, Council has nothing further to add on this matter. As also advised, Council does not intend to continually re-visit a matter that the independent Office of the Tasmanian Auditor-General has thoroughly examined and made recommendations on. Council has committed to implementing the recommendations in full.

- Q6** a) Will Council please provide a full list of the properties comprising the CBD Properties component of the "Property Management cost centre"?

Response

The Property Management cost centre in Councils finance system currently includes the following properties:

17 Fenton Way
 21 Oldaker Street
 6-10 Steele Street
 62 Stewart Street
 64 Stewart Street
 45-47 Stewart Street
 92 Formby Road

- b) Will Council please advise the date the loans for the CBD Properties component of the Property Management cost centre were consolidated?

Response

Council determined to consolidate previous borrowings into one loan facility at its meeting on 27 June 2016. A copy of the Council report which provides further detail in relation to the borrowings is still available on Council's web site.

- c) Will Council please provide the residual loan values for each of the CBD Properties component of the Property Management cost centre at the time of consolidating the loans?

Response

At the time of refinancing its borrowings in 2016 into one facility, Council had eight individual loans with Tascorp, totalling \$21,400,000. These loans had various terms and interest rates. Not all the loans were directly attributable to specific projects and whilst research of previous Council decisions may identify the original purpose of each loan, this is not information which is readily or easily available. A review of the loan documentation executed in 2016 simply identifies the loans as one amount.

BOB VELLACOTT – 11 COCKER PLACE, DEVONPORT

Questions on notice received from Mr Bob Vellacott on 17 August 2020 are **reproduced as attachment 3**.

- Q1** It is noted in the July 2020 Minutes under Closed Session at Item 8.6 – 17 Fenton Way – which the outcome is recorded as “Lease approved for execution”; please inform will Council confirm that this lease agreement contains no confidentiality clause(s) which limit Council's disclosure rights?

Response

Council will make an announcement on this lease in due course.

- Q2** As of this date, what is the total amount of money, if any, in dispute or arrears for rent and other services pertaining to Providore Place?

Response

Any debt in arrears or dispute for Providore Place will be pursued in accordance with Council's normal debt collection processes. Details in regard to the status of any outstanding Council debtor is not information that is publicly available.

- Q3** Apart from the revenue to be received from TAFE (Drysdale) and Red Line what is the now expected revenue from Providore Place Council will receive for this financial year?

Response

Council has budgeted to receive \$120,000 in total income for Providore Place for the 20/21 financial year.

- Q4** Are all Councillors given regular simplified information in regard to the financial situation at Providore Place about the tenants payments of rent rates and services?

Response

Yes.

ATTACHMENTS

1. Questions on Notice - Council Meeting - 24 August 2020 - Mr Christopher Mills [**3.2.2.1** - 2 pages]
2. Questions on Notice - Council Meeting - 24 August 2020 - Malcolm Gardam P+i [**3.2.2.2** - 2 pages]
3. Questions on Notice - Council Meeting - 24 August 2020 - Mr Bob Vellacott Transparency Issues [**3.2.2.3** - 1 page]

RECOMMENDATION

That Council in relation to the correspondence received from Mr Christopher Mills, Mr Malcolm Gardam and Mr Bob Vellacott endorse the responses proposed and authorise their release.

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda, no questions had been received from Councillors.

3.4 NOTICES OF MOTION

3.4.1 PARKING SPACES - NOTICE OF MOTION - CR ALISON JARMAN

Author: **Robyn Woolsey, Executive Assistant General Management**
 Endorser: **Matthew Atkins, General Manager**

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor Jarman.

ATTACHMENTS

Nil

MOTION

That Council allow the four metered car spaces opposite the Gateway Bottleshop entrance in Best Street to be cancelled out during the peak Christmas period from 11 to 24 December 2020 with appropriate signage.

SUPPORT

The reason for this is traffic gets extremely congested during the busy shopping time with the four car spaces on the left side, the entrance to the multi storey car park on the left, the entrance to the Bottleshop with four lane spaces on the right and the entrance to Edward Street on the right as well. Congestion has been a problem in the past during peak times and discussed since the multi storey car park was constructed and I think this would be a good time to trial this situation, monitor the traffic during this exercise and to then bring the findings back to Council for further consideration.

OFFICER'S COMMENTS

The parking spaces relating to this Notice of Motion are highlighted on the image below:



Video observations previously presented to Council have shown that reported congestion issues at the entry to the bottle shop are infrequent and short-term in nature.

It is noted that maintaining lower traffic speeds on this section of the road network, is a desirable outcome in terms of road safety for pedestrians within the CBD area. Observations have shown that when occupied, these spaces assist in reducing speeds and preventing unsafe driver behaviour.

No consultation has occurred with nearby businesses in relation to the removal of the parking spaces.

From a technical perspective, there are challenges in identifying a methodology that can properly analyse and determine whether the removal of the parking spaces has led to improvement of the function of the road network during a short-term trial period, and how that may be applicable to other times of the year. Congestion related improvements are likely to remain highly dependent on customer demand management during peak periods by the business in question, and safety related improvement will be minimal given the already very low existing crash data for this location.

A short-term seasonal change to the current allocation between traffic and parking lanes may also lead to confusion amongst some road users. On this basis, if Council does not wish to retain the parking bays then a more appropriate resolution to this Notice of Motion may be to permanently remove the parking bays in question.

Alternative resolution:

"That Council remove the four metered car spaces in Best Street opposite the Gateway bottle shop entrance."

3.4.2 NATIONAL POLICE CHECK - NOTICE OF MOTION - CR ALISON JARMAN

Author: **Robyn Woolsey, Executive Assistant General Management**

Endorser: **Matthew Atkins, General Manager**

In accordance with Regulation 16(5) of the *Local Government (Meeting Procedures) Regulations 2015*, a notice of motion has been received from Councillor Jarman.

ATTACHMENTS

Nil

MOTION

That the Devonport City Council submit the following motion at the next LGAT meeting:

"That LGAT determine as a policy position and lobby the State Government to require all future candidates nominating for Local Government elections in Tasmania undertake a National Police check in current name and any previous names. The requirements to be a mandatory part of the nomination form which must be completed by all candidates and be available for public scrutiny."

SUPPORT

National Police checks are now a requirement for most employment applications and for any volunteer position however have never been a mandatory requirement for candidates nominating at the Local Government level which seems strange. Councillors are seen as leaders of the local community when elected and are invited to many different events and functions over their term, which can include vulnerable members of our community on a regular basis. It has always seemed logical to me that when nominating all should be willing to allow for this common style of check if putting their hand up to run for such an important role in Local Government. This motion has been put up at the LGAT level in both 2012 and 2014 yet has been lost each time which I have thought wrong and needs to be rectified. I would think we should have nothing to hide if we are up for the public to vote for any candidate to lead the community and we should allow any checks and balances before we run. I ask my fellow colleagues on Council to vote this through to go to the next LGAT meeting as a Notice of Motion to be voted on by all twenty-nine Councils ready for the next Council election in 2022.

OFFICER'S COMMENTS

The next general meeting of LGAT is scheduled for 4 December 2020 with any motions required to be submitted no later than 2 September 2020.

A similar motion to the one suggested was considered by LGAT and lost in July 2012 and again in 2014.

Section 270 of the *Local Government Act 1993* outlines the instances in which a person is not eligible to nominate as a candidate for the office of Councillor.

Among other things, section 270 provides that a person is not eligible to nominate as a candidate if that person is a bankrupt, is undergoing a term of imprisonment, or has been sentenced for a crime but the sentence has not been executed.

4 PLANNING AUTHORITY MATTERS

There are no items in this agenda to be considered by Council in its capacity as a Planning Authority.

5 REPORTS

5.1 ROAD NETWORK STRATEGY - YEAR 5 STATUS UPDATE

Author: **Michael Williams, Infrastructure & Works Manager**
 Endorser: **Matt Skirving, Executive Manager City Growth**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards

SUMMARY

To report to Council on the progress of the actions outlined in the Devonport City Council Road Network Strategy.

BACKGROUND

Council's Road Network Strategy 2014 was adopted in April 2015 and was amended in April 2016 to incorporate the Tasmanian Local Government Road Hierarchy. The amended document is known as the Road Network Strategy 2016 (the Strategy). The objective of the Strategy is to provide a road network suitable for all road users, balancing efficiency, safety and amenity. The Strategy identifies seven outcomes and the action plan identifies twenty-two actions to deliver the outcomes:

- Improve access to and from the Bass Highway
- Improved access to the CBD
- Maintain the road hierarchy
- Maintain the 'Ring Road' system
- Improve traffic management arrangements
- Address road safety concerns
- Improve asset management and maintenance

The Strategy is available from Council's website:

<http://www.devonport.tas.gov.au/Council/Publications-Plans-Reports/Council-Plans-Strategies>

STATUTORY REQUIREMENTS

Section 21 of the *Local Government (Highways) Act 1982* describes Council's responsibilities regarding road maintenance on local roads.

- “(1) Subject to this Act, the corporation of a municipality is charged with the duty of maintaining the local highways in the municipality that are maintainable by the corporation as shown on its municipal map, and, in any particular case, it shall discharge that duty in such manner as, having regard to all the circumstances of the case, it considers practicable and appropriate.
- (2) For the purposes of the discharge of its duties under this section in respect of a highway, a corporation may carry out such works as it considers necessary for the maintenance or renewal of any bridge, embankment, or other work carrying, or otherwise associated with, the highway.”

Section 11 of the *Roads and Jetties Act 1935* describes Council's responsibilities State Highways, where the State Government has primary responsibility.

"Where in a city, town or village there is a footpath on one side or both of a State highway or subsidiary road –

- (a) the Minister is required to maintain and reconstruct –*
 - (i) the carriageways and the surface lying between them, in the case of two paved carriageways divided by a median strip;*
 - (ii) the carriageway and the overtaking lane, in the case of a single paved carriageway incorporating an overtaking lane;*
 - (iii) a paved carriageway not exceeding 7.4 metres in width, in the case of a single undivided paved carriageway;*
 - (iv) a paved carriageway not exceeding 4.3 metres in width, in the case of a carriageway providing a traffic lane to a traffic interchange; and*
 - (v) the culverts and bridges over which the State highway or subsidiary road runs; and*
- (b) the remainder of the State highway or subsidiary road, including drainage and shoulders but not culverts and bridges, shall be maintained and reconstructed by the local authority."*

DISCUSSION

Implementation of the Strategy is largely the responsibility of the Infrastructure and Works Department, with input from internal and external stakeholders.

Of the twenty-two actions, two are underway, five are ongoing throughout the life of the strategy, thirteen are complete, while two are no longer required. Details of the status of each action are included as an attachment to this report.

Key developments in the last year include:

- **Action 1:** Most key crash data indicators show an improvement in road safety on Devonport City Council managed roads in the last year:
 - Total crashes decreased by 2.6% in the last year (1031 to 1004*).
 - Casualty crashes remained unchanged at 263*.
 - Percentage of crashes resulting in fatality or serious injury (%FSI) decreased by 0.06% (1.45% of total to 1.39% of total*).

* Crash totals compared are five-year totals to June 2019 and June 2020.

The past year is a continuation of long-term downward trend in total crash numbers, which reflects well on the investment Council has made in projects designed to improve road safety. However, the crash numbers may be suppressed due to decreased traffic volumes resultant from the COVID-19 pandemic restrictions. Ongoing investment is required to make Devonport's road network safer. A safer road network is only one part of reducing the likelihood and severity of crashes, with safe drivers, safe vehicles, and safe speeds the other components.

- **Action 8.8:** The traffic management arrangement on Watkinson Street near Don College was reviewed as part of the Statewide review of urban bus networks. Don College is the second most used bus stop behind Rooke Street, and the mix of pedestrians, buses and inexperienced drivers has been a concern. The improvements included a 'wombat crossing to slow traffic and improve pedestrian access, some

safety barrier and some improvements to kerb lines to allow for busses to travel in both directions on Watkinson Street.



- Action 8.11:** Council's Engineering team completed an investigation into frequently reported traffic management issues around Spreyton Primary School. The investigation included consultation with key stakeholders including the school and the Department of State Growth as well as hours of site observations. Some improvements were identified, including the installation of a right turn slot into the school car park and changes to the school crossing. Council was successful in securing \$104,000 from the State Government's Safer Roads: Vulnerable Road User program to undertake the work in 2020-21.



- **Action 8.12:** Council's Engineering team has commenced an investigation into the current and future traffic demands at the intersection of William Street and Middle Road, to ensure that the intersection will function effectively into the future. Traffic data has been collected and some modelling of the current operation and some future scenarios has occurred.



- **Action 10:** Identify and pursue grant funding. A total of \$927,000 of grant funding was allocated to road safety projects in 2019-20 including:
 - Berrigan Road and Lyons Avenue black spot project (\$400,000)



- o Fenton Street and Stewart Street black spot project (\$415,000)



- o Middle Road pedestrian crossing – Gatenby Drive (\$30,000)



- o Lovett Street pedestrian facilities – Tasman to Lawrence (\$60,000)



- o Purchase of a variable message sign (\$22,000)



Four grant submissions were made for road safety projects in Council's 2020-21 capital works program and three have been successful with a combined value of \$207,000:

- Mersey Main Road safety improvements at Spreyton Primary (\$104,000)
- Mersey Main Road pedestrian safety improvements at Maidstone Park (\$68,000)
- Steele Street pedestrian safety improvements at Percy Street (\$35,000)

A review of the Strategy is scheduled for 2020-21. Actions that are ongoing will be considered for inclusion in the updated strategy. The review provides an opportunity

to identify and address any new issues and challenges faced by Council as the manager of a road network.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in the preparation of this report. However, consultation with relevant stakeholders is undertaken as part of the investigation of road network issues and the implementation of projects when appropriate.

Multiple requests and enquiries regarding management of the road network are regularly received by Council. Each request receives a response using the principals outlined in the Strategy as a guide.

FINANCIAL IMPLICATIONS

Operational and capital funds are allocated to Strategy actions during the annual planning process. External funds may be sought throughout the year as the opportunity arises.

RISK IMPLICATIONS

Implementation of the Strategy action plan will ensure that the road network meets the requirements of the community into the future.

CONCLUSION

Progress has been made to implement the actions listed in the Devonport City Council Road Network Strategy since its adoption. A review of the Strategy is proposed in 2020-21.

ATTACHMENTS

1. Road Network Strategy - Year 5 Status - Action List [**5.1.1** - 3 pages]

RECOMMENDATION

That Council receive the report of the Infrastructure and Works Manager and that the status of actions listed in the Road Network Strategy 2016 be noted.

5.2 CORPORATE CLIMATE CHANGE ADAPTATION PLAN - YEAR TWO STATUS

Author: **Carol Bryant, Executive Officer**
Endorser: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 1.2.2 Develop and implement local and regional policies and initiatives to mitigate climate change impacts in partnership with all spheres of Government

SUMMARY

To report progress on the actions in the Corporate Climate Change Adaptation Plan 2018-2023 to Council.

BACKGROUND

The Corporate Climate Change Adaptation Plan 2018-2023 aims to improve the capability of the Council to manage corporate risks associated with climate change that are within the Council's sphere of influence.

The development of the Plan is based upon climate projection data, specific to Devonport, provided by the Antarctic Climate and Ecosystems Cooperative Research Centre 'Climate Futures for Tasmania' program.

The Plan presents summarised scientific climate projections, risk statements, and adaptation actions for four key climate change impacts: Rainfall; Sea Level Rise and Storm Tide; Heat; and Bushfire.

Council noted the Plan at the meeting held 26 March 2018 (Min No 52/18 refers).

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

DISCUSSION

Achievements for the second year of implementation of the Plan are outlined in the attached document. Four of the twenty-four actions over the five-year plan have been completed to date, six are in progress, twelve are ongoing, one has not commenced, and one did not require any action. Key progress includes:

1. Rainfall

Revegetation of the Don River riparian zone south of Bass Highway, and on the East bank at the Gun Club, plus Figure of Eight Creek to reduce the velocity of overland flow during more intense, short duration rain events resulting in erosion of waterways and sedimentation downstream.

2. Sea Level Rise and Storm Tide

Foreshore restoration carried out in three locations on Victoria Parade to minimise environmental degradation and loss of capital values due to extreme storm tide events.

3. Bushfire

Continued improvements to emergency management and community disaster preparedness in the event of a bushfire.

4. Other

Improving our capacity to respond in an emergency when SES resources are stretched, by working with Volunteering Tasmania with their new coordinated volunteer emergency management service.

COMMUNITY ENGAGEMENT

As an Internal corporate plan, no community engagement was undertaken in preparation of this report.

FINANCIAL IMPLICATIONS

Several actions in the Plan are undertaken as part of usual business operations and have been budgeted for in the annual operational budget. Some actions may require a specific allocation in future operational and capital budgets that will be considered on an annual basis as part of Council's budgetary process.

RISK IMPLICATIONS

- **Asset & Property Infrastructure**
Increased damage to Council's assets and infrastructure may result from extreme weather events. Actions to mitigate this risk are outlined in the plan.
- **Environmental Sustainability**
Changes in climatic conditions may negatively impact on Devonport's environmental values and biodiversity. These have been factored into the plan.
- **Emergency Business Continuity**
Increased extreme weather events resulting in power outages and telecommunications failure to Council buildings and assets may result in an inability of the Council to coordinate and deliver services and emergency management responses placing the community at risk. Council's Business Continuity Plan outlines strategies to address this.
- **Risk Reporting**
Adaptation actions have been integrated into Council's risk register and will be reported through Council's risk reporting process

CONCLUSION

The Corporate Climate Change Adaptation Plan 2018-2023 uses a risk management approach to climate change impacts, based on available scientific data, local knowledge, and internal expertise. Progress has been made during the second year of the Plan's implementation.

ATTACHMENTS

1. Corporate Climate Change Adaptation Plan Year Two Status 2020 [5.2.1 - 7 pages]

RECOMMENDATION

That Council receive the report on the status of actions listed in the Corporate Climate Change Adaptation Plan 2018-2023 be noted.

5.3 CITIES POWER PARTNERSHIP

Author: **Carol Bryant, Executive Officer**
 Endorser: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 1.4.3 Lead and actively promote emissions minimisation

SUMMARY

For Council to consider joining the Cites Power Partnership program.

BACKGROUND

The Cities Power Partnership program focusses on supporting and celebrating the emissions reduction successes of local councils across the country. The program connects local councils with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

Investigating joining the 'Cities Power Partnerships Program' and pledging to reduce greenhouse gas emissions is an action in Council's 2020/21 Corporate Action Plan.

Council recognises that action on climate change is more than an individual council responsibility; it is the responsibility of all levels of government and the community to work together. Council is committed to developing a sector wide approach to climate change, supported by the State Government, and therefore, at the March 2019 Council Meeting, Councillors unanimously voted (Min No 54/19 refers) to submit the following motion to the Local Government Association of Tasmania's General Meeting in July 2019:

That the Local Government Association of Tasmania investigate opportunities for the sector to develop a position on climate change including acknowledging:

- a) *there is a state of climate emergency that requires action by all levels of government;*
- b) *human induced climate change is at the forefront of the climate emergency;*
- c) *the State Government has a particular role in assisting local governments in dealing with the impacts of climate change and coastal erosion.*

A similar motion was also put forward by Huon Valley Council and the City of Hobart:

That the LGAT call upon the Federal and Tasmanian State Governments and Parliaments urging them to:

- a) *Acknowledge the urgency created by climate change that requires immediate and collaborative action across all tiers of government;*
- b) *Acknowledge that the world climate crisis is an issue of social and environmental injustice and, to a great extent, the burden of the frontline impacts of climate change fall on low income communities, vulnerable groups and future generations; and*
- c) *Facilitate emergency action to address the climate crisis, reduce greenhouse gas emissions and meet or exceed targets in the Paris Agreement.*

Due to two similar motions being submitted, Devonport City Council's motion was withdrawn, and the Huon Valley Council/City of Hobart motion was carried.

Council is committed to mitigating the effects of climate change and have a number of strategies and plans in place to assist in achieving this aim, including:

- the Corporate Climate Change Adaption Plan – adopted in 2013 and reviewed internally in late 2017, this plan aims to improve the capability of the Council to manage corporate risks associated with climate change that are within the Council's sphere of influence;
- the Environment Strategy 2019-2024 – outlines Council's environmental management activities focused on three main areas, 'conserving our biodiversity', 'healthy waterways and coasts' and 'living lightly'; and
- in 2017, Council participated in the Tasmanian Government's Climate Resilient Councils Project - participating in this project identified opportunities for Council to build on existing climate change management efforts.

Joining the Cities Power Partnership program is an additional avenue for Council to progress work on mitigating climate change impacts. The program was presented to Councillors at a workshop held 3 August 2020.

STATUTORY REQUIREMENTS

There are no statutory requirements in relation to this report.

DISCUSSION

The Cities Power Partnership, delivered by Australia's Climate Council, was launched in July 2017, and now has 125 (or 23%) of Australian local governments as partners; five of which are in Tasmania: Launceston, Glamorgan Spring Bay, Northern Midlands, Brighton, and Huon Valley.

The free national program provides a credible platform for Council to extend our efforts to reduce emissions, while being supported with a knowledge hub, training opportunities, reporting tools, and profiling our activities to a national audience.

To join the program, Council will need to, within six months, identify five projects that comprise our 'Cities Power Partnership Pledge' that Council will strive to achieve. Initiatives that focus on emissions reductions in the areas of renewable energy, energy efficiency, sustainable transport and community advocacy can be included towards the pledge.

Examples of possible pledge activities suggested by Cities Power Partnerships include:

- Renewable Energy
 - Support community facilities to access renewable energy through incentives, support or grants.
 - Power council operations by renewable energy and set targets to increase the level of renewable power for council operations over time.
- Energy Efficiency
 - Adopt best practice energy efficiency measures across all Council buildings, and support community facilities to adopt these measures.
 - Roll out energy efficient lighting across the municipality.
- Sustainable Transport
 - Ensure Council fleet purchases meet strict greenhouse gas emissions requirements and support the uptake of electric vehicles.
 - Provide fast-charging infrastructure throughout the City at key locations for electric vehicles.
 - Encourage sustainable transport use such as public transport, walking and cycling through Council transport planning and design.

- Support cycling through provision of adequate cycle lanes, bike parking and end-of-ride facilities.
- Community Advocacy
 - Set up meetings and attend events to work with other cities on tackling climate change.
 - Support the local community to develop capacity and skills to tackle climate change.

COMMUNITY ENGAGEMENT

Climate Action North-West, a group of concerned residents from across the North West coast advocating for climate action, presented the benefits of the program along with other climate change initiatives to elected members at the Council workshop held 3 August 2020. Should Council join the program, there would be opportunity to improve Council's level of engagement with the community on climate change matters.

FINANCIAL IMPLICATIONS

Initiatives that would comprise a possible Cities Power Partnership pledge are those that have existing capital and operating expenditure allocated 2020/21. Additional activities to be considered under the program would need to be considered as part of future annual planning and estimates processes.

RISK IMPLICATIONS

- Environmental Sustainability

Emissions reductions is a growing environmental sustainability focus at all levels of government. The aim of the Paris Agreement (most recent global commitment to reduce emissions) is to limit increase of global temperatures by 2 degrees above pre-industrial levels by 2100. Australia's Paris Agreement target is 26-28% reduction below 2005 levels by 2030. However, Australian emissions are headed for an increase of approximately 8% above 2005 levels by 2030 (excluding emissions from land use, land-use change, and forestry due to measurement uncertainties), with industry and transport significantly increasing emissions (Climate Analytics, 2020, *Climate Action Tracker*, <https://climateactiontracker.org/>).

In Devonport, from 2015/16 to 2018/19 emissions across the entire municipality have increased by 23%. Emissions from electricity use decreased by 19.6% however emissions from the agricultural sector have increased by 69.4% (Beyond Zero Emissions and Ironbark Sustainability, 2020, *Snapshot: Community Climate Tool*, <https://snapshotclimate.com.au>). Devonport City Council's change in emissions levels are yet to be calculated, however during the same four-year period are likely to have increased.

Should countries uphold current policies, it is predicted that global temperatures will rise by at least three degrees within the century, resulting in ecosystem collapse and extensive social and economic upheaval, such as mass displacements of people.

To avoid this catastrophe, emissions need to be reduced rapidly in the coming years and brought to zero around 2050. Many governments (national, state and local) share this aspirational target, with programs such as the Cities Power Partnership assisting to reach such goals. Being part of the program will assist Council to actively understand, report and analyse our emissions, and help set key emissions reduction performance targets.

- Consultation and/or Communication
Communities around the globe are increasingly lobbying governments to increase action to avert the negative impacts of climate change. There will likely be a growing expectation in coming years that Council should be more proactive in climate change mitigation and adaptation.

CONCLUSION

The Cities Power Partnership is the largest visible and credible local government climate program, which would provide Council with an opportunity to share knowledge, better understand the impacts of climate change, and develop effective strategies in response.

ATTACHMENTS

Nil

RECOMMENDATION

That Council note the report of the Executive Officer and join the Cities Power Partnership program.

5.4 JULIE BURGESS DEED OF GIFT

Author: **Geoff Dobson, Convention & Art Centre Director**
 Endorser: **Matthew Atkins, General Manager**
Kym Peebles, Executive Manager People & Finance

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 3.2.3 Facilitate a pro-active approach by business to embrace tourism opportunities

SUMMARY

This report provides Council with the relevant information to endorse a Deed of Gift, and therefore handover ownership of the vessel known as the Julie Burgess to the association Julie Burgess Inc.

BACKGROUND

The Julie Burgess is a two-mast sailboat. It is a collection item of the Bass Strait Maritime Centre and is listed on the Australian Register for Heritage vessels. Built in Launceston in 1936, for Captain Harry Burgess, the vessel formed part of the Burgess Family fishing fleet.

In 2009, Council received a Federal Government, Jobs Fund grant for the project 'Julie Burgess: Maritime Discovery Centre'. The grant enabled Council to purchase and restore the vessel to operate as a passenger carrying sailing vessel in sheltered and coastal waters.

The Council has until now operated the vessel as a seasonal sailing attraction. A comprehensive review of operations was provided to Council in August 2019. The review highlighted that passenger numbers and engagement was decreasing year-on-year, and that Council did not have the necessary resources to diversify the operation and increase activity.

Following, at a meeting held on Monday 26 August 2019, Council resolved to (Min No 168/19 refers):

"To advertise for expressions of interest to sell or gift the vessel to a suitable operator or to enter into a partnership agreement with the Devonport City Council."

Council undertook an open expression of interest process to seek an alternate operator. Council made it known it would prefer a suitable operator undertake activity in Devonport, however remained open to an application from any interested party who would preserve the integrity of the vessel. Expressions of interest closed on Friday 29 November 2019. A total of eight applications were received and reviewed by Council at a Workshop on Monday 3 February 2020. Four applicants were shortlisted and subsequently invited to present to Council at a Workshop Monday 16 March. One of the four shortlisted applicants withdrew from the process prior to the presentation.

As a result of the presentations, Council resolved at the meeting held on the Monday 27 April 2020 (Min No 74/20 refers):

"That Council:

- 1. note the submissions received from the Julie Burgess EOI process;*
- 2. select the Julie Burgess Working Committee, as its Preferred Proponent; and*

3. *offer to negotiate with the Preferred Proponent for a period of up to six months to establish an Agreement for the transfer of the vessel on the following basis:*
 - a) *Council to provide five-years of financial assistance, of \$50,000pa in the first year, and \$40,000pa thereafter;*
 - b) *Council undertake Capital Works for the provisions of a concrete base, suitable for a 20ft shipping container in Reg Hope park, with power provided to site;*
 - c) *Council provide a licence to use the existing pontoon at Reg Hope Park for an initial period of five years;*
 - d) *the Committee demonstrate suitable evidence, including a detailed business plan to address the deficiencies in their submission as outlined in this report; and*
 - e) *the necessary transfer deed is drafted to mitigate future risk to Council."*

The preferred proponent, previously referred to as the Julie Burgess Working Committee has since formed an incorporated association, Julie Burgess Inc (JBI). JBI formed specifically for the purpose of taking ownership of and operating the vessel. The association is largely comprised of Council's Julie Burgess sailing and committee volunteers.

STATUTORY REQUIREMENTS

The transfer of the Julie Burgess requires both parties to complete relevant registration transferal documentation. It includes a Transfer of Certificate of Survey and Application for Certificate of Operation, submitted to the Australia Maritime Safety Authority (AMSA), and a Disposal of Vessel and Transfer Form through Marine and Safety Tasmania (MAST).

DISCUSSION

Attached to this report are four documents, in draft, pertaining to the handover of the vessel and Council's ongoing relationship with JBI. They are:

1. Draft - Deed of Gift
2. Draft - Financial Support Agreement, Julie Burgess Inc 2021-2025
3. Draft - DCC & JB Inc Licence, East Devonport Pontoon
4. Draft - Business Plan for Julie Burgess Heritage Listed Tall Ship August 2020

The Deed of Gift has been prepared by Rae and Partners, Devonport. By transferring ownership of the Julie Burgess mitigates Council's risk of ownership. However, Council's interest in the vessel is protected by several Reserved Conditions stated in the Deed; one, regarding the early winding-up of JBI; and two, if the vessel fails to maintain a certificate of survey. In both scenarios the vessel would automatically revert to Council ownership. Council also reserves the right of first refusal, should JBI seek to divest itself of the vessel in the future.

The Financial Support Agreement includes a comprehensive list of expectations and obligations of both parties, specifically concerning the proposed financial assistance over five-years, of \$50,000pa in the first year, and \$40,000pa thereafter.

Council prepared the 2020/21 Budget on the assumption it would operate the vessel. This was based on the principle that the vessel, at the time and currently, is in Council's possession. If Council cannot reach agreement with JBI, it is likely the vessel would be operated by Council until such time as a suitable operator was secured.

The provision of \$50,000, as per the Financial Support Agreement, does not adversely impact the operational budget if transferred in the first quarter of 2020/21. Prolonged negotiations

would result in higher operational costs to Council, therefore the one-off payment to JBI would have a greater impact on the 2020/21 budget.

Council has committed Capital spending for the construction of a footing, suitable for a temporary structure at Reg Hope Park, similar size to that of a 20ft shipping container. As part of the works, Council have agreed to install an electricity meter to accurately measure consumption at the pontoon. Planning requirements were still being assessed at the time of preparing this report and a Development Application is yet to be submitted by JBI. Council is working with both JBI, and Crown Land to meet the required conditions. Development and planning approval do not form part of this report.

A Licence Agreement has been prepared for use of the pontoon at Reg Hope Park. Conditions related to the use of the pontoon are detailed in the Licence Agreement. Approval has been granted by Crown Land, to execute the Licence. Council retain access to the pontoon for inspection and maintenance. As per the Financial Support Agreement, Council agree to waive any licence fees for access to the pontoon. JBI will be responsible for any outgoings associated with the pontoon, including mooring fees.

To address point 3d of the Council Resolution 74/20, noted above, JBI have provided a Business Plan to address the deficiencies noted in the previous report.

As a new association, JBI is untested, and therefore it is unknown if it has the capacity to deliver upon its intended outcomes. However, the Business Plan provided does demonstrate to Council that JBI understands the complexities to own and operate the vessel as a public sailing vessel. It includes evidence of an incorporated association, governed by a board of management, comprised of individuals with appropriate experience.

The Plan includes a breakdown of key-accountabilities in Human Resourcing, covering key areas such Operations, Administration and Marketing. JBI have included a SWOT analysis and commentary surrounding managing weaknesses and threats.

JBI's marketing initiatives detail a diversified program with key target areas of: building membership; community engagement; education and accredited training; collaborative community events; collaborative tourist experiences; dockside experiences; and, ocean adventures.

The Business Plan's financial summary acknowledges COVID-19, and the unpredictability of the impact COVID-19 will have in the future. In addition, commentary is provided on reducing operating costs, sourcing sponsorship and diversifying income streams through such things as membership programs and grant funding.

The Business Plan is relatively silent on how JBI will operate ticket sales and customer engagement. A short summary is provided within the Business Plan regarding an online system, Rezgo. The summary includes reference to additional elements such as a point-of-sale system, online bookings, event ticketing, manifest management, and cancellation procedures. Council is aware that this area of operation is heavily resource reliant, with significant materials and services and human resource overhead required to operate efficiently. Whilst the lack of detail in this area is concerning, Council accept JBI understand the requirements.

Furthermore, the Business Plan is silent on Human Resource policies and management procedures. Council note that JBI will likely be reliant on volunteers to operate the vessel, however the Plan does not include specifics on volunteer management. However, the SWOT analysis does recognise the need to develop a volunteer recruitment program. Council has provided JBI with the Julie Burgess Operations Manual, which includes a selection of policies and procedures relevant to operating the vessel with volunteers, however the association would be well placed to reference their relevant human resource

policies and procedures for the broader management of the association in its future Business Plans.

JBI's membership is largely made up of previous Council Julie Burgees sailing crew and committee volunteers, therefore Council has confidence in the association's ability to sail the vessel.

COMMUNITY ENGAGEMENT

No community engagement has formed part of this report.

FINANCIAL IMPLICATIONS

Since the inaugural sailing season under Council ownership, the average annual operating deficit of the Julie Burgess has been approximately \$80,200pa. This assessment does not include the 2019/20 season which was disrupted by the Covid-19 pandemic.

JBI are seeking financial assistance to operate the vessel; a licence to use the existing pontoon at Reg Hope Park; and, Capital program expenditure, specifically the construction of footings at Reg Hope Park on which to install a temporary structure.

As detailed in the Financial Support Agreement, Council agree to waive the licence fees for the pontoon for five years. Council has also allocated \$11,000 in the Capital program for works at Reg Hope Park suitable for the temporary structure footing.

The proposed financial assistance of \$50,000 in the first year and \$40,000 thereafter for a further four years, equates to \$210,000 over the five year period. This funding arrangement will likely reduce Council's average annual expenditure from \$80,200pa to \$42,000pa over the next five year period, representing a significant saving compared to Council continuing to operate the vessel.

Year	Operating Cost
2012/13	\$89,898
2013/14	\$88,998
2014/15	\$85,750
2015/16	\$60,502
2016/17	\$65,679
2017/18	\$129,113
2018/19	\$41,460
2019/20	\$44,421
2020/21	\$50,000
2021/22	\$40,000
2022/23	\$40,000
2023/24	\$40,000
2024/25	\$40,000
Total	\$771,400.00

In addition, Council expects a significant administration overhead saving, previously incurred by the staffing at the Bass Strait Maritime Centre.

The most recent valuation of the vessel, June 2020, places the value of the Julie Burgess between \$900,000 and \$950,000. Once ownership is transferred, Council will need to account for the disposal of the asset on its balance sheet.

RISK IMPLICATIONS

Operating a historic sailing vessel has inherent safety risks, which in part formed Council's view to seek an alternate operator.

By divesting Council's interest in operating the Julie Burgess, Council's reputation will be subject to media and public scrutiny, including the process by which Council obtained the funding to undertake the restoration. However, this scrutiny is likely to be lessened by the JBI's mission to operate the vessel in Devonport. This assumption is relative to JBI continuing to develop, and importantly, increase engagement with the vessel and by not allowing the vessel to fall into disrepair.

Financial risk for Council has been mitigated by securing a known operating cost for the vessel through a financial support. The Financial Support Agreement excludes JBI from any further financial assistance from Council.

CONCLUSION

Since 2009, Council has owned and operated the vessel known as Julie Burgess. For a range of reasons, Council wishes to now divest itself of ownership of the vessel and thus mitigate its risk of operating the vessel. However, Council wishes to ensure the vessel's on-going use and benefit for Devonport and the region.

Having completed an open and transparent expression of interest process, Council has resolved to gift the vessel to Julie Burgess Inc, an association specifically formed for the purpose of taking ownership and operating the vessel.

Julie Burgess Inc have provided Council with a Business Plan that demonstrates they have addressed the deficiencies in their original proposal, and whilst silent on several aspects, the Plan acknowledges the complexities of undertaking and operating the vessel. This sufficiently provides Council with confidence in the ability of the association to adequately own and operate the vessel.

The transfer of ownership is to be recorded in a Deed of Gift. Likewise, the ongoing relationship between Council and Julie Burgess Inc is detailed in a separate Financial Support Agreement.

RECOMMENDATION

That Council authorise the General Manager to execute the attached Deed of Gift, Financial Support Agreement and Licence Agreement with Julie Burgess Incorporated, and thus commence the transfer of ownership of the vessel known as Julie Burgess.

AND

Agree to waive Licence fees for a period of five years, for Julie Burgess Inc's use of Council's pontoon, positioned at Reg Hope Park.

5.5 PARTNERSHIP AGREEMENT 2020-2022 - TASMANIAN ARBORETUM INC

Author:	Karen Hampton, Community Services Manager
Endorser:	Jeffrey Griffith, Deputy General Manager

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 4.1.3 Promote passive recreational usage including walking, bike paths, trails, parks and playspaces
- Strategy 5.1.2 Pursue opportunities for cooperative initiatives including resource sharing with other councils, organisations and community groups

SUMMARY

To present a two-year Partnership Agreement between Devonport City Council ('Council') and the Tasmanian Arboretum Inc ('Arboretum') for consideration by Council.

BACKGROUND

Council has had a Partnership Agreement with the Tasmanian Arboretum Inc for many years to establish a set of principles and obligations in relation to funding arrangements and activities between Council and the Arboretum. A review of the Agreement has recently been undertaken by Council and the Arboretum and a revised agreement is presented for Council's consideration (attached).

The Arboretum owns and operates a 66ha botanical tree park at Eugenana. The area contains over 5,000 woody plants representing over 1,000 species and provides a living tree reference in addition to a peaceful countryside setting for the enjoyment of locals and visitors to the area.

STATUTORY REQUIREMENTS

Details relating to the financial impacts of the Agreement will be included in Council's Annual Report each year in accordance with Section 77 of the *Local Government Act 1993*.

DISCUSSION

The Partnership Agreement sets out the obligations of both parties and the services that the Arboretum will provide to the Devonport community.

Council undertakes to provide a payment of \$22,000 (GST incl) per year for two years, commencing 1 July 2020 to the Arboretum to assist in the ongoing operations of the group as well as assist in the marketing and promotion of their events.

The Arboretum will continue to develop the site in accordance with the Arboretum's Strategic Plan and adhere to all reporting requirements outlined in the Agreement.

COMMUNITY ENGAGEMENT

There has been no community engagement undertaken in respect to this report.

FINANCIAL IMPLICATIONS

The sum of \$22,000 has been allocated in Council's Financial Assistance Community Partnerships budget for 2020/21.

RISK IMPLICATIONS

There are no risks identified as a result of this report as it is a continuation of the collaboration and partnership that has existed for many years between the two organisations.

CONCLUSION

The partnership between Council and the Arboretum has been in place since 2010 and has proven beneficial to the Devonport community. The Partnership Agreement strengthens the relationship and clearly sets out each parties' obligations and commitments. There have been no changes to the intent of the parties' obligations in the Partnership Agreement for Council endorsement.

ATTACHMENTS

1. Arboretum Agreement 2020-2022 DRAFT [5.5.1 - 4 pages]

RECOMMENDATION

That Council endorse the Partnership Agreement between Council and the Tasmanian Arboretum Inc.

5.6 CODE OF CONDUCT DETERMINATION REPORT

Author: **Jacqui Surtees, Executive Officer**
Endorser: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

SUMMARY

To present the Determination Report of the Local Government Code of Conduct Panel, received on 10 August 2020.

BACKGROUND

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel has made a determination in relation to a Code of Conduct complaint lodged on 6 April 2020 by Mr Malcolm Gardam against Cr Annette Rockliff.

STATUTORY REQUIREMENTS

In accordance with section 28ZK(4) of the Act, Council is required to table the Report at the first meeting of Council at which it is practicable to do so, and which is open to the public.

DISCUSSION

The complainant, Mr Gardam, alleged that Cr Rockliff breached Parts 1.1, 1.2, 1.3 and 1.4 of the Devonport City Council Code of Conduct at the 2019 Annual General Meeting (AGM).

In accordance with section 28ZE of the Act, the Code of Conduct panel conducted an investigation into the complaint. The complaint has been upheld and Cr Rockliff has received a caution and is required to apologise for prematurely closing the 2019 AGM at the meeting at which this report is tabled.

COMMUNITY ENGAGEMENT

No community engagement was required in preparing this report.

FINANCIAL IMPLICATIONS

The costs associated with the Panel's considerations is to be met by Council. At the time of preparing this report, the costs are unknown.

A full refund of the lodgement fee will be provided to Mr Gardam in accordance with section 28ZO of the Act.

CONCLUSION

It is recommended that Council receive the Determination Report.

ATTACHMENTS

1. Code of Conduct Determination Report - Devonport City Council - Gardam v Rockliff [5.6.1 - 5 pages]

RECOMMENDATION

That Council receives and notes the Code of Conduct Panel Determination Report made on 6 April 2020 in relation to the complaint made by Mr Malcolm Gardam against Cr Annette Rockliff.

5.7 DEVONPORT SURF LIFE SAVING CLUB - KIOSK PROPOSAL

Author: **Claire Jordan, Governance Officer**
Endorser: **Kym Peebles, Executive Manager People & Finance**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.4 Build capacity of the sport and recreation sector

SUMMARY

The purpose of this report is to consider the Devonport Surf Life Saving Club's request to establish a kiosk facility at the Surf Club. It is envisaged that the kiosk will primarily serve Surf Club members and participants, during meets, training activities and Surf Club carnivals throughout the season - 1 December – 31 March annually. Operating times will generally be Thursday night and Sunday mornings whilst Junior (Nipper) training is underway with the possibility of opening on public holidays whilst patrols are being undertaken. If approved, the Club would like to have the kiosk operational from this upcoming season.

BACKGROUND

The Devonport Surf Life Saving Club (DSLSC) lease the eastern section of the Surf Club complex at the Bluff. The Club currently has 198 members (2019/20 season), and hosts training activities, patrol services, and carnivals throughout the season. The Club have contacted Council seeking permission to re-purpose an existing janitor's room into a kiosk, with a serving counter and awning to be erected on the northern side of the downstairs section of the building, to operate during their season.

STATUTORY REQUIREMENTS

If the proposal is approved, more detailed plans will be required, and will require assessment by both Council's Planning and Permit authorities, to establish planning and building requirements.

As the building is located on Crown land which is leased to Council (and sub-leased to the DSLSC), the Crown must be notified of any work prior to the work being undertaken.

Dependent on the food range that will be stored, prepared and available for sale, food licencing permits may also be required.

DISCUSSION

The premise for the establishment of a kiosk facility at the Surf Club is to cater for families during and after training, Club-endorsed activities and carnivals. It is proposed that cooked sausages and items such as ice-creams/icy poles, flavoured crisps, drinks and confectionary will be sold. The need for a kiosk facility is necessitated when nearby food establishments have not been operational during periods where club-based activities were being held. The facility will be operated exclusively by volunteers, who are members of the Surf Club, and operate exclusively during the Surf Club season.

In regard to any potential conflict with neighbouring eateries, the Club has confirmed that it has spoken with the manager of Drift Café Restaurant to discuss the proposal, including operating hours. The upstairs restaurant at the complex, Mrs Jones, does not cater for the targeted market, as it is a restaurant establishment.

The only other business in the area offering the type of food to be sold from the kiosk, is Meercroft Park Café, Milk Bar & Takeaway. Their Facebook page states that their hours of

operation are 7.00am-2.00pm Monday – Saturday and closed on Sunday. This business is located approximately 450 metres from the Surf Club, and for pedestrian access, requires crossing Bluff Road. The proposed operational hours for the kiosk appear to be outside of the opening hours of the shop.

To ensure that any commercial conflict is mitigated, it is proposed that a licence agreement between Council and the Club be established, which will list, amongst other items, restrictions on trading hours and products available for sale.

From a building perspective, minor works will be involved in facilitating the kiosk as currently planned. The only internal modification required will be the relocation of an internal door to the janitor's room. Externally, the timber cladding would require cutting into, to place a serving counter from the janitor's room to the outside public, and an awning affixed. The space is large enough to cater for plant and equipment that would be required for the particular food types that the kiosk would be selling.

COMMUNITY ENGAGEMENT

There has been no community consultation undertaken as a result of this report.

FINANCIAL IMPLICATIONS

All costs associated with the proposed works, and ongoing maintenance will be the responsibility of the Club, and therefore there are no cost implications for Council. If a licence agreement is in place, Council will not charge the Club as licensee an annual licence fee.

RISK IMPLICATIONS

- **Corporate and Business**
It will be important that some operational restrictions are imposed on the kiosk to minimise possible detrimental commercial or competitive impact on neighbouring food-based businesses, particularly during peak times and events/activities that these businesses have historically and exclusively catered for. It is possible that there may be negative feedback from neighbouring food-based businesses if they believe this operation detrimentally impacts on their own operations and operating revenue.

Further, if in future a request to increase hours or an expansion of food and beverage items for sale is made, a licence fee may be required in line with other licence agreements and other sporting and community clubs who raise revenue via sales of food and beverages, to ensure equity across income generating ability.
- **Asset & Property Infrastructure**
As minor modifications will need to be made to the external timber clad wall of the clubrooms, to allow for the servery and awning, it will be important to ensure that this does not cause any aesthetic issues, nor greater infrastructure or maintenance requirement of Council.

CONCLUSION

That the Devonport Surf Life Saving Club's proposal to install a kiosk facility at its clubrooms, be considered.

ATTACHMENTS

1. DSLSC - Kiosk Proposal [5.7.1 - 4 pages]
2. DCC Letter - Proposed Tuck Shop [5.7.2 - 1 page]

RECOMMENDATION

That Council support, the Devonport Surf Life Saving Club's proposal to install a kiosk on-site at their clubrooms, and a licence agreement be drafted stipulating the terms and conditions on which the kiosk may operate.

5.8 ENVIRONMENT STRATEGY 2019-2024 YEAR TWO STATUS

Author: **Carol Bryant, Executive Officer**
Endorser: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 1.1.1 Lead and actively promote the adoption of practices that support the sustainable use of energy and other natural resources by Council, businesses and the community
- Strategy 1.2.1 Support the conservation and maintenance of biodiversity including coastal landscapes and preservation of areas of remnant vegetation

SUMMARY

To report progress during the second-year implementation of the Environment Strategy 2019-2024.

BACKGROUND

The City of Devonport's 2019-2024 Environment Strategy outlines Council's environmental management activities over a five-year period commencing 2018-19, grouped under three focus areas:

1. Conserving our Biodiversity
2. Healthy Waterways and Coasts
3. Living Lightly

Council adopted the Strategy at the meeting held 23 July 2018 (Min No 131/18 refers).

STATUTORY REQUIREMENTS

No statutory requirements relate to this report.

DISCUSSION

Achievements for the second year of implementation of the Environment Strategy are outlined in the attached document.

One of the thirty-six actions over the five-year plan has been completed to date, seven are in progress, fifteen are ongoing, and thirteen have not commenced.

Key highlights for each focus area are as follows.

- **Invasive Flora and Fauna:**
 - Consistent program of on-ground weed control.
 - Community involvement in weed management through Friends of Don Reserve and Community Service Order volunteers
- **Biodiversity Health:**
 - 4 community events delivered with 277 participants; and
 - 21.4% decrease in illegal dumping of waste in 2019/20 from 2018/19.

- **Healthy Waterways and Coasts:**
 - 100 students from Miandetta Primary School and Don College participated in revegetation projects to protect waterway riparian areas and reduce erosion.
 - 175% increase in community participation in waterways projects from 2018-19.
- **Energy Efficiency:**
 - Solar powered lighting installed at new Miandetta amenities block.
 - Installation of a fast-charge electric vehicle charging station progressing.
 - Two hybrid vehicle purchased to reduce fleet emissions.
 - 3.4% of electricity used at Council's three largest facilities (Devonport Recreation Centre, paranaple arts centre, Aquatic Centre) was offset by solar power generated at the Bass Strait Maritime Centre.
- **Liveable City:**
 - Reduction in total amount of waste generated with total waste to landfill in 2018/19 decreased by 5% from 2016/17 levels. (2019/20 figures yet to be collated.)
 - Foreshore and riparian revegetation projects delivered to reduce storm tide and flooding risks associated with climate change.

COMMUNITY ENGAGEMENT

Over 300 community members have been involved in various activities to deliver Strategy actions.

FINANCIAL IMPLICATIONS

Operational and capital funds are allocated to Strategy actions during the annual planning process. External funds may be sought throughout the year as the opportunity arises.

RISK IMPLICATIONS

- Environmental Sustainability
There is a risk that without a strategic approach to managing Devonport's natural assets and addressing key sustainability challenges, it may lead to negative environmental outcomes.

CONCLUSION

The Environment Strategy 2019-2024 reflects the work of the community and Council officers to improve the management of Devonport's natural resources. Progress has been made during the second year of the Plan's implementation.

ATTACHMENTS

1. Environment Strategy 2019-2024 Year Two Actions [5.8.1 - 9 pages]

RECOMMENDATION

That Council receive the report of the Executive Officer and note the status of actions listed in the Environment Strategy 2019-2024.

5.9 COUNCIL EVENTS - IMPACTS OF COVID-19

Author: **Karen Hampton, Community Services Manager**
 Endorser: **Jeffrey Griffith, Deputy General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.4.1 Support the community in emergency management response and recovery

SUMMARY

This report is provided to enable Council to consider the cancellation of the Devonport Christmas Parade and New Year's Eve celebrations in their current format due to COVID-19 restrictions and plan smaller alternative COVID safe community events.

BACKGROUND

Since March 2020, a number of Council events, programs and activities have either been cancelled or modified as a result of restrictions imposed for public events arising from COVID-19.

Council run events which have been cancelled include:

- Harmony Day
- Know Your Odds Skate Competition
- Youth activities and programs (including Youth Week activities)
- Devonport Jazz Festival
- Senior programs at the Recreation Centres (Ageing Stronger, Active Longer and Tai Chi for Beginners)

Non-Council event cancellations in Devonport have included: Devonport Motor Show, ANZAC Day, Reflections Café, Devonport Eisteddfod as well as significant sporting events (Devonport Junior Soccer, NW Basketball Union roster, Basketball Tas tournament).

A number of Council events have been held but modified to comply with COVID-19 restrictions. These include:

- National Families Week - online
- School Holiday Activities (A-Z of activities online)
- Wellness Wednesday implemented (weekly blog)
- Fitness Friday implemented (to replace Ageing Stronger Active Longer classes)
- Festival of Learning – a blend of small activities/on-line (September)
- RU OK Day – online (September)
- Devonport Food and Wine Festival – a blend of small activities/on-line (October)
- Seniors Week – a blend of small activities/on-line (October)

STATUTORY REQUIREMENTS

The Director of Public Health declared a Public Health Emergency for Tasmania to help manage the implications of COVID-19. A number of public health measures have been implemented under the *Emergency Management Act 2006*, particularly relating to larger gatherings, to assist in alleviating the spread of COVID-19.

DISCUSSION

Whilst many activities and events have been able to be modified as a result of COVID-19 restrictions, Council need to consider the implications of these restrictions on two major Council events:

- Christmas Parade
- New Year's Eve celebrations

Both events require significant advanced planning but particularly the New Year's Eve celebrations. Because of the planning lead in time, it has become necessary for Council to consider this matter in light of the current COVID-19 restrictions for public events. The restrictions that are applicable for these two events are as follows:

- 500 people in an undivided space outdoors (includes staff, volunteers, children and babies);
- Social distancing measures must be applied;
- Seating must be provided where alcoholic beverages are serviced (NYE) and tables/chairs regularly sanitised; and
- Sanitiser stations and regular cleaning must be applied to high frequency areas.

It is difficult to maintain physical distancing and effective hygiene measures in large public gatherings. Restricting gathering numbers reduces the likelihood of transmission and provides opportunities for the community to continue effective hygiene practices. Physical distancing continues to be the strongest safeguard to prevent the spread of COVID-19 with patrons being required to maintain a safe distance of no less than 1.5 metres between each other, where safe and practical.

As the logistics of organising the Christmas Parade is far less onerous than the New Year's Eve event, an event cancellation date of 1 October 2020 could be set and the event cancelled should the capacity of gatherings of 500 people not be lifted by the State Government as at that date.

A summary of the two events from 2019 is set out below.

Christmas Parade:

Overview:

- Held the first Friday in December
- Route length – 1.75 km
- 5,000 + people lined the parade route
- 49 floats involving approximately 780 people
- Budget allocation \$5,760 (2020/21)

Likely Impacts:

- Increase parade route to enable spectators to be spread out further
- Limit the number of participants on floats
- No walking with floats, participants must be contained within the float
- No giveaways
- More costs if event has to be ticketed and seated
- Availability of SES and emergency services to assist
- Additional staffing in marshalling area, for road closures and to monitor spectator areas
- Lack of opportunities for participation as well as spectators
- Could impact the viewer's enjoyment of the Parade

New Year's Eve Celebrations:

Overview:

- 6,000 – 8,000 attendees throughout the evening

- 25 food and drink vans
- Children's activities (including jumping castle, face painting, silent disco, Zorb balls, swing cars, etc)
- 2 fireworks displays – 9.30pm and midnight
- 6 hours of stage entertainment (including 4-5 bands)
- Budget of \$49,740 net
- Sponsorship of \$10,000 (SeaFM)

Likely impacts:

- Maximum capacity of 500 people able to attend (which includes staff/bands/security etc)
- No children's activities due to the hygiene requirements
- No dancing
- Attendees must sit whilst drinking alcoholic beverages (additional tables/chairs required)
- Additional cleaning and sanitisation required
- Additional security required
- Total area required to be fenced to manage capacity
- Staff resourcing – additional staff required

Events are being cancelled across the State due to the planning and lead in time required for large scale events and the limited capacity of 500 people. Some of the events that have been cancelled to date include:

- Bicheno Food and Wine Festival
- Hobart Christmas Pageant
- Taste of Tasmania
- Annual shows (Hobart, Launceston, Stanley)
- Tulip Festival
- Falls Festival
- Junction Arts Festival
- The Unconformity
- ICC Men's T20 World Cup
- Cygnet Folk Festival
- Chocolate Winterfest - Latrobe

It is expected that there will be further announcements in the coming weeks regarding Christmas and NYE activities across the State.

As a result of the COVID-19 restrictions, Council consideration is requested to the following:

- Should the maximum number of 500 people at gatherings not be lifted by 1 October, the Christmas Parade be cancelled
- Council hold alternative smaller Christmas events throughout the month of December

Revised approach to NYE Event:

- Encourage COVID safe parties at home
- Discuss a partnership with SeaFM to host an online 'Party Night'
- On-line presence (social media)

COMMUNITY ENGAGEMENT

There has been no community consultation undertaken in the development of this report.

FINANCIAL IMPLICATIONS

The budget for the Christmas Parade is \$5,760. This could be re-allocated into smaller Christmas festivities across the City and include retail promotions.

The budget for the New Year's Eve event is \$49,740. By revising the approach to this event, the surplus budget allocation could be used for smaller community events and social recovery actions to assist those members of the community who may be struggling because of COVID-19.

Should Council determine to hold a New Year's Eve event, the cost of additional requirements due to COVID-19 (security, cleaning, staff resources etc) is currently unknown and would need to be costed. It is anticipated that there would be substantial added cost to hold the New Year's Eve event to meet government restrictions.

RISK IMPLICATIONS

- **Reputational Risk**
There is a risk that Council's reputation could be impacted by cancelling two major community events, however there is a higher risk of reputational damage should a COVID outbreak or breach occur at either event.
- **Legal Compliance**
Several public health measures have been implemented under the *Emergency Management Act 2006*, particularly relating to larger gatherings, to assist in alleviating the spread of COVID-19. Council will need to ensure compliance with these health measures.

CONCLUSION

The restrictions and implications because of COVID-19 on large scale events make them more difficult to manage, as well as limiting the number of the community who could enjoy the events (currently no more than 500 per event). Reducing the size, capacity and scope of the events would still require significant fencing, sanitisation and staffing resources to address safety and government restrictions and for this reason, they are not seen as being viable options.

As a result of these restrictions, it is recommended that Council consider cancelling the 2020 Christmas Parade with a decision to be made on 1 October 2020. It is also recommended that the New Year's Eve event be revised to suit a COVID safe community event. Remaining budgeted funds could be allocated to support ongoing social recovery actions.

ATTACHMENTS

Nil

RECOMMENDATION

That Council receive and note the report relating to the Christmas Parade and New Year's Eve impacts due to COVID-19 and determine to:

- a) cancel the 2020 Christmas Parade on 1 October 2020 should the capacity of outdoor events not be lifted from 500 people;
- b) cancel the New Year's Eve event;
- c) run smaller COVID-19 safe community events throughout December; and
- d) allocate budget surplus to community social recovery action items.

5.10 EXPRESSIONS OF INTEREST - VACANT SPACE AT DEVONPORT RECREATION CENTRE

Author: **Karen Hampton, Community Services Manager**

Endorser: **Jeffrey Griffith, Deputy General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.1.1 Provide and manage accessible sport, recreation and leisure facilities and programs

SUMMARY

This report is provided to Council to enable consideration of Expressions of Interest received for the vacant space at the Devonport Recreation Centre.

BACKGROUND

Council sought Expressions of Interest from interested sporting bodies to lease an area at the Devonport Recreation Centre (formerly used by the Devonport Gymnastics Club). The Gymnastics Club occupied a portion of the facility for more than 10 years and with the construction of a new purpose-built facility at Maidstone Park, they have now vacated the facility.

At the closing date, four Expressions of Interest were received for the vacant space (see attached). Expressions of Interest were received from:

- Devon Darts League
- Devonport Judo Club
- Devonport Men's Shed
- KD Studio of Dance

STATUTORY REQUIREMENTS

The Devonport Recreation Centre site at 30-40 Forbes Street is zoned Recreation under the planning scheme. The current approved use for the former gymnastics building is best described as 'Sport and Recreation'. Therefore, no planning permit would be required if another sporting or recreational club utilised the building.

The use 'Sports and Recreation' is defined under the planning scheme as:

"use of land for organised or competitive recreation or sporting purposes including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, racecourse and sports ground."

DISCUSSION

A summary of the four Expressions of Interest received is set out below:

Devon Darts League	<p>50+ members</p> <p>Rental offer \$250 - \$300 per week</p> <p>Will be seeking grants to undertake improvements and/or Council support</p> <p>Complies with zoning</p>
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	Generally operate out of East Devonport Recreation Centre but is currently being used as COVID-19 clinic and therefore not accessible
Devonport Judo Club	<p>Club will renovate/upgrade facilities at their cost through in-kind and sponsorship</p> <p>Judo and Aikido joint tenants with options for possible other forms of martial art clubs utilising the space</p> <p>Membership of approx 50 currently – all ages</p> <p>Would open the (much smaller) space they currently occupy at DRC for another small user group</p> <p>Rental offer – hourly basis to enable the Club to improve the building</p> <p>Complies with Recreation zoning</p>
Devonport Men's Shed	<p>Does not comply with the Recreation zoning</p> <p>Membership: 47 men, 16 women</p> <p>Requires sound proofing, installation of equipment (Devonport Men's Shed will undertake)</p> <p>No rental amount offered (suggest subject to negotiation)</p>
KC Studio of Dance	<p>80 members (ages 3 to 50)</p> <p>Reluctant to commit to a 5-year lease</p> <p>Would require Council to consider upgrades – install mirrors and fold up wall</p> <p>Has been operating out of Devonport High School but due to renovations at the school, are now using the Don Hall</p>

Based on the Expressions of Interest received, it is recommended that an initial 5-year lease be entered into with the Devonport Judo Club, subject to further negotiation regarding rental. The lease would be based on Council's standard sporting lease template (rental, maintenance requirements, dispute clauses, etc). The lease negotiations should factor in the Club's offer to renovate and upgrade the facility.

The condition of the vacant space is poor and requires work to repair holes in walls and the floor. An estimate of the works required to bring the area to a safe standard is approximately \$15,000.

COMMUNITY ENGAGEMENT

There has been no community engagement undertaken as a result of this report.

FINANCIAL IMPLICATIONS

An estimate has been prepared for upgrades to the vacant space to make it safe. Whilst the Devonport Judo Club suggest an hourly rate to use the building, they have offered to upgrade the space at their own cost using qualified trade labour.

RISK IMPLICATIONS

Council could be criticised for choosing one applicant over another.

CONCLUSION

Three of the four Expressions of Interest comply with the Recreation zoning at the Devonport Recreation Centre. The application by the Devonport Judo Club, a current user of the facility, would free up a smaller space at the Centre, whilst providing them with a much larger space which could be modified for their specific use and capacity for growth of the sport.

ATTACHMENTS

1. Devonport Men's Shed - Expression of Interest - Rec Centre building [**5.10.1** - 4 pages]
2. EOI - G Ymnastics Room - Devonport Judo Club [**5.10.2** - 2 pages]
3. Devon Darts League EOI [**5.10.3** - 1 page]
4. KC Studio EOI [**5.10.4** - 1 page]

RECOMMENDATION

That Council receive and note the report regarding Expressions of Interest for the vacant space at the Devonport Recreation Centre and:

- a) Authorise the General Manager to negotiate and execute a lease with the Devonport Judo Club on terms similar to other Centre user groups for a 5-year lease period; and
- b) Council officers to work with the Devonport Men's Shed Club in an endeavour to assist in finding them an alternative venue for their operations.

5.11 HOME HILL LANDSCAPE MANAGEMENT PLAN

Author: **Geoff Dobson, Convention & Art Centre Director**

Endorser: **Kym Peebles, Executive Manager People & Finance**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 4.3.1 Develop and implement initiatives to preserve and maintain heritage buildings, items and places of interest

SUMMARY

This report provides Council with a summary of the Home Hill Landscape Management Plan. The Plan provides recommendations for the renovation and future maintenance of the grounds at 77 Middle Road, Devonport.

BACKGROUND

The property known as Home Hill is the former residence of the Lyons family. The property is listed on the Tasmanian Heritage Register, in part due to the Lyons' social and political significance; Joseph Lyons was the first, and to date only Tasmanian Prime Minister of Australia and his wife, Dame Enid Lyons, was the first woman elected to the Federal Parliament and the first female member of Cabinet.

The property was established in 1916. It remained in the Lyons family until the passing of Dame Enid in 1981. Dame Enid desired that the property be accessible and open to the public after her death. To achieve this, a division of responsibilities was established between the Devonport City Council and the National Trust of Tasmania. The property and grounds were purchased by Council, who are responsible for the grounds and external parts of the building. The National Trust is responsible for the contents of the home and operation of the house-museum.

Currently, Home Hill is one of only three properties owned by former Australian Prime Ministers open to the public. It forms an important part of Devonport's social history and serves as a visitor attraction. It is one of three regular stops for Cruise Ship ground tours, alongside Don River Railway and the Bass Strait Maritime Centre. The grounds are also used on occasion for public and private events.

The National Trust manage volunteers who assist on-site with the daily operation of the house-museum. National Trust also oversee a volunteer Home Hill Committee. The Committee coordinates several regular fundraising events, such as a garden fete devised to generate funding for the upkeep of the collection.

The majority of ground-keeping is undertaken by Council's Parks and Reserves staff, however National Trust volunteers assist with minor gardening tasks periodically.

In 2017, Council, in partnership with the National Trust commissioned the development of a landscape management plan. Funding for the plan was provided by the Australia Garden History Society. The project was administered by the National Trust along with the Garden History Society and Council was included in consultation as a stakeholder.

Susan Small Landscape Architects in association with Prue Slatyer, Architect and Landscape Architect were engaged to undertake the project.

STATUTORY REQUIREMENTS

There are no statutory requirement considerations attached to this report.

DISCUSSION

Prepared by Susan Small and Prue Slatyer, the Home Hill Landscape Management Plan is a comprehensive document that examines the history of Home Hill, both during the Lyons occupation and post Lyons period. A series of detailed images, aerial photographs and drawings support the Plan. The Plan provides an assessment of the garden as it is today and a series of actions to renovate and reconstruct the garden as one of cultural and heritage significance.

The Plan has been prepared with an understanding of the dual management structure and details a cooperative approach by the National Trust and Council.

The Plan expresses that the garden is in danger of irreversible change and that a guiding document is required to preserve and reinstate the garden as it was throughout the Lyons' occupation and make it suitable for its current and future use.

The Plan is critical of Council's management, citing that the garden has lost much of its character since 1981. The Plan states the garden is structurally opposite to that of the Lyons period and that new plantings have occurred with '*little heritage rationale*' (p.35), resulting in a lower or diminished heritage significance. As the garden was largely established by Dame Enid herself, it is not necessarily distinguishable from the house when considering its significance value. There are many arrangements and built elements of the garden that are as equally significant as the hand-painted murals of the bedrooms within the house. From a heritage assessment viewpoint, after the Plan is enacted and completed, the garden and grounds should be viewed equally as significant as the house.

Through consultation with stakeholders, Slatyer and Small devised several aims for the Plan. It was agreed the Plan would seek to:

1. reinforce the heritage significance of the garden;
2. enhance the visitor experience;
3. cater for a diverse range of visitors;
4. provide flexibility to enable the garden to be used in a variety of ways;
5. balance the need for garden enhancement with realistic maintenance demands; and
6. be achievable through a process of gradual implementation as funds become available.

The Plan understandably leads to the development of a garden that is representative of the Lyons period, spanning almost seven decades. As a result, the Plan does not focus on one single, or short period of time, but it identifies several key significant elements that are intrinsic of the Lyons occupation.

The significant elements highlighted within the Plan are essential to the Lyons story. Several elements require work to reinstate, others are a matter of maintenance. They are identified as:

1. the teardrop shape of the driveway
2. stone edged garden beds at the front of the house (except the rose beds)
3. stone walls: along front boundary, and at the back of the house
4. gravel path in front garden
5. stone pillars
6. stone steps from the front terrace to the garden

7. Californian Redwood (*Sequoia sempervirens*)
8. stone path in the enclosed garden
9. some trees and shrubs in the inner front garden, the enclosed garden and the outer gardens
10. pond and the stone wall behind it
11. crazy paving
12. pergola
13. sleeper wall in the enclosed garden

As mentioned, the Plan seeks to reinstate the key significant elements and structure the garden as it was during the Lyons period. The plan also considers the future usage of the garden, including the possibility of erecting an interpretive centre. A centre has been discussed between Council and the National Trust for some time. The property would benefit from a contemporary space to assemble visitors, conduct workshops, facilitate education programs, and provide for catered events. This would greatly reduce the stress on the house. At present, construction of an interpretation centre has not been fully scoped or investigated, however, several concepts have been proposed. Slatyer and Paul indicate a possible location for an interpretation centre would be the Eastern Outer Garden, as it would not conflict with the re-establishment of the heritage elements of the garden.

The Plan is comprehensive and provides justification and reasoning for all recommendations, too detailed to review in this report. A complete list of actions is contained within the Plan.

The Plan's key recommendations are:

1. recreating the character of the Lyons garden by modifying and rationalising tree planting and reducing the bitumen parking and driveway;
2. retaining, and repairing if necessary, existing features of the Lyons garden such as stone walls, stone edged garden beds, paving, trees and shrubs;
3. retaining some elements from the post Lyons period such as plaques and memorials;
4. reinstating significant features from the Lyons period such as flowering plants, hedges, trees, swing seat and bird bath;
5. removing and/or replacing elements from the post Lyons period which detract from heritage significance such as the Savin Juniper hedge, randomly planted specimen trees, and municipal street fittings;
6. carry out new work such as tree planting, boundary planting, an accessible approach to the house, formalising overflow parking and open areas for events as well as continuation of woody weed removal;
7. develop an interpretive walk through the garden; and
8. pursue heritage listings such as national listing for the Home Hill property, and significant tree listing for the Californian Redwood.

There are a number of actions that are regarded as high priority as they pose an immediate safety risk. They include the sleeper wall in the enclosed garden, and the pond and adjacent stone wall. Repairs should be carried out on these items as soon as practicable.

The timeframe for the implementation of the Plan is not defined. It is accepted by all parties that the implementation of the Plan will be gradual and determined by the availability of both financial and human resources. However, at minimum, the endorsement of the Plan

will restrict any further work being undertaken that detracts from the heritage significance of the garden.

COMMUNITY ENGAGEMENT

The Landscape Management Plan was prepared in consultation with Council, National Trust, Home Hill Volunteers and Lyons family members.

FINANCIAL IMPLICATIONS

Slatyer and Small have included indicative costings for the Plan:

1. Overall Professional Services: approximately \$28,800 + hourly rates as required;
2. High Priority: approximately \$105,180;
3. Medium Priority: approximately \$23,520; and
4. Low Priority: approximately \$24,000.

Therefore, the estimated total sum to implement the plan is approximately \$181,500. The estimations have not been tested or scrutinised by Council. The total estimated cost does not allow for a contingency, nor increases should the implementation period span several years.

A portion of the actions are appropriate for volunteers to implement and it is expected that some actions will be funded by Council's annual operating budget for maintenance of the garden. Importantly, these assumptions have been included as part of the estimated costings and should not be considered as a possible saving.

Grant funding opportunities are broad, as funding related to heritage, environment, or community development present as possible opportunities.

At the 27 July 2020, Council Meeting, Council endorsed an allocation of funding available through the Australian Government's Local Roads and Community Infrastructure (LRCI) Program. An operational amount of \$25,000 was allocated to Parks and Open Spaces, specifically for the Home Hill Landscape Management Plan. This amount would address the immediate safety concerns of the sleeper wall, rock wall and pond.

The Plan does not consider the ongoing maintenance cost, and whether the anticipated maintenance cost would be greater than current allocation. It would be expected that the garden would require a higher degree of care, however volunteer labour may be useful resource to provide upkeep of the garden.

RISK IMPLICATIONS

There are several elements of the garden that represent an immediate public safety risk, including the sleeper wall, rock wall and pond.

The large Secoula (American Redwood) represents a risk to the property and should continue to be inspected by an arborist for its condition. The tree is near the house and damage to the tree, or loss of a limb is likely to cause major damage to the house.

A financial risk exists by Council not having input into the estimated costings, nor sufficient analysis of the ongoing operational cost of maintenance.

CONCLUSION

The Landscape Management Plan, prepared by Slatyer and Small, provides Council and the National Trust with a guiding document to renovate and restore the garden at 77 Middle Road. Implementing the Plan would aim to align the significance of the house and its contents with the exterior of the property. The garden was established by Dame Enid, and therefore, it is likely to be assessed highly for heritage significance value.

Improvement to the garden would assist the property develop as a major attraction for Devonport, increase the usability of the grounds for events, and strengthen an application for National Heritage listing.

Endorsement of the Landscape Management Plan would commit Council to prioritise undertaking the actions of the plan, resulting in the renovation of much of the garden and grounds.

The Plan provides for the inclusion of an interpretation centre, which does not form part of this report. However, the inclusion of the interpretation centre is pertinent to the future use of the gardens and grounds.

ATTACHMENTS

1. Home Hill Final Landscape Management Plan February 2020 [5.11.1 - 87 pages]

RECOMMENDATION

That Council receive and endorse the *Home Hill Landscape Management Plan* and

1. consider funding for identified actions in future forward works programs; and
2. undertake immediate action to address the sleeper wall, pond and adjacent rock wall, utilising \$25,000 previously allocated through the Australian Government's Local Roads and Community Infrastructure Program funding.

5.12 HARBOURMASTER CAFE LICENCE AGREEMENT

Author: **Matthew Atkins, General Manager**
Endorser: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.5.1 Provide professional administrative services to support effective and efficient operations

SUMMARY

This report is presented for Council to consider a request from the Harbourmaster Cafe to waive their licence fee whilst the Café is closed.

BACKGROUND

Council at its meeting on 23 November 2015 determined to grant a Licence Agreement to the Harbourmaster Café for use of land to the north of the existing café. The initial licence fee was set at \$1,000 per annum and the agreement was to be reviewed annually in line with Council's Annual Fees & Charges.

STATUTORY REQUIREMENTS

Under section 205(f) of the *Local Government Act 1993* (the Act) a council may impose fees and charges relevant to any licence, permit, registration or authorisation granted by the council. Under section 207 of the Act, a council may remit all or part of any fee or charge paid or payable under this Division.

DISCUSSION

The Licence Agreement instigated in 2015 has been renewed three times and remained current through until November 2019.

In September 2019 the Harbourmaster Café advised that it is closing the Café and intend to reopen upon completion of the LIVING CITY Waterfront Precinct development.

A request has been received from the Café owner to waive any fee payment until the Waterfront Park construction is complete.

Based on current progress it is envisaged that works will be completed by the end of 2021.

An undercover seating area has been built on the licenced land. The agreement requires the Licensee to remove any structures and make good the area upon expiry of the licence.

Given the Café intends to reopen requesting the removal of the existing structure seems unwarranted and it would be logical for both parties to renew the Licence Agreement.

The owner has not indicated any objection to renewing the Licence and accepting the associated obligations relating to risk, maintenance and insurance, however, is seeking that Council waive the \$1,000 annual Licence fee. A copy of the request is provided to Councillors as a confidential attachment in accordance with section 15(2)(g) of the *Local Government (Meeting Procedures) Regulations 2015 – information of a personal and confidential nature or information provided to the council on the condition it is kept confidential*.

COMMUNITY ENGAGEMENT

There has been no community consultation undertaken in relation to this report.

FINANCIAL IMPLICATIONS

Council would forgo approximately \$2,000 of income by waiving the Licence fee through until November 2021.

Council's 2020/21 operational budget includes an allowance of \$1,000 for the Licence with the Harbourmaster Café.

RISK IMPLICATIONS

To minimise its exposure to risk Council should have a documented Licence Agreement in place or request the Café Owner to remove the existing structure and return the land to Council control.

CONCLUSION

The owner of the Harbourmaster Café has requested a waiving of the current licence fee paid to Council for the use of land to the north of the Café during the Waterfront Park construction period.

ATTACHMENTS

Nil

RECOMMENDATION

That Council waive the annual Licence fee for the Harbourmaster Café for two years from November 2019.

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Robyn Woolsey, Executive Assistant General Management**

Endorser: **Matthew Atkins, General Manager**

Council is required by Regulation 8(2)(c) of the *Local Government (Meeting Procedures) Regulations 2015* to include in the Agenda the date and purpose of any Council Workshop held since the last meeting.

Date	Description	Purpose
3/8/2020	Climate Change Presentation	Presentation by CANWest on climate change and discussion regarding Council's mitigation actions.
	Providore Place	Update on Tenancy Leases
	Proposal from Surf Club re Kiosk	Consideration of tuck shop proposal
	Police Checks	Discussion on possible future motion to LGAT re introduction of mandatory National Police Checks for elected members
	Retail Doctor Update	Update on workshop held with retailers
	Workshop Schedule	Consideration of scheduling of workshops along with virtual attendance
	Commercial CBD Development	Proposal to facilitate development and assist community recovery from the COVID pandemic

RECOMMENDATION

That the report advising of Workshop/Briefing Sessions held since the last Council meeting be received and the information noted.

6.2 MAYOR'S MONTHLY REPORT

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 5.3.2 Provide appropriate support to elected members to enable them to discharge their functions

SUMMARY

This report details meetings and functions attended by the Mayor.

BACKGROUND

This report is provided regularly to Council, listing the meetings and functions attended by the Mayor.

STATUTORY REQUIREMENTS

There are no statutory requirements which relate to this report.

DISCUSSION

In her capacity as Mayor, Councillor Annette Rockliff attended the following meetings and functions between 23 July and 19 August 2020:

- Council meetings
- Workshops
- Coronavirus Committee Meeting
- Regular meetings with General Manager
- Catchups with staff members and Councillors as required
- Met with community members on a range of topics
- Media as requested: The Advocate Newspaper(x3), 7AD(x2), SeaFM, Tasmania Talks(x2), ABC
- Attended morning tea at East Devonport Child & Family Centre
- With General Manager met with Anita Dow MP
- Attended first day of Junior Soccer at Meercroft Park
- Officially opened new clubroom facilities at Mersey Valley Pony Club
- Attended Official Opening of the new Burnie offices of Ten Days on the Island
- Hosted a meeting of a subcommittee of Dulverton RWM to plan Board recruitment
- Attended Forum re livestock holding facility and/or saleyard on the North West Coast
- Attended two online updates to Shareholders from TasWater
- Attended Retail Strategy presentation and discussion
- Met with representatives of Hydro Tasmania receiving an update on the Battery of the Nation project
- With General Manager met with TSO CEO – discussing possibility of future events
- Attended first home game of Devonport Strikers and office opening of new facilities
- Attended 2nd birthday celebrations for International Café
- Attended Beacon Foundation's North West Business Partnerships Group meeting
- Attended the AGM of City of Devonport Brass
- With the General Manager met with Senator Wendy Askew
- Attended Zonta Club Missing Persons Week Remembrance Ceremony
- With General Manager met with Minister Michael Ferguson
- Attended Audit Panel meeting
- Attended tourism stakeholder catch up
- Attended Sports Infrastructure Working Group meeting

- Attended Vietnam Veterans Day service
- Attended Senior Citizens Association AGM

ATTACHMENTS

Nil

RECOMMENDATION

That the Mayor's monthly report be received and noted.

6.3 GENERAL MANAGER'S REPORT - AUGUST 2020

Author: **Matthew Atkins, General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.8.2 Ensure access to Council information that meets user demands

SUMMARY

This report provides a summary of the activities undertaken by the General Manager, between 23 July and 19 August 2020. It also provides information on matters that may be of interest to Councillors and the community

BACKGROUND

A monthly report provided by the General Manager to highlight management and strategic issues that are being addressed by Council. The report also provides regular updates in relation to National, Regional and State based local government matters as well as State and Federal Government programs.

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other legislation. The General Manager is appointed by the Council in accordance with the provisions of the *Act*.

DISCUSSION

1. COUNCIL MANAGEMENT

- 1.1. Attended and participated in several internal staff and management meetings.
- 1.2. Attended Workshops, Committee meetings, Council site tour and Council Meetings as required.
- 1.3. Participated in Councils audit panel meeting.
- 1.4. The Council-wide staff performance review process is currently underway.
- 1.5. Attended a briefing session on the status of the current review of the Fire Services Act.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Attended a tourism function at the Bass Strait Maritime Museum which included a briefing from tourism leaders on the Governments tourism recovery strategy.
- 2.2. Met with a resident on site regarding a driveway crossover issue in Bovill Street, East Devonport.
- 2.3. Met with representatives of C3 Church in relation to planning queries.
- 2.4. Met with a local restaurateur for a tour of their premises and discussions regarding the installation of a flagpole.
- 2.5. Met with a Director of 123V a new company looking at opportunities for hydrogen power vehicles in Tasmania.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended the quarterly Taswater Owners Representatives briefing.

-
- 3.2. As Tasmanian Director attended State Board meeting for LG Professionals.
 - 3.3. Attended Cradle Coast General Managers Meeting. The meeting included:
 - Presentation by Nick Sherry, Chair of Youth and Family Focus (YAFF) regarding social issues affecting the region and potential opportunities for Council's to partner with YAFF
 - Update by Cradle Coast Cat Management Coordinator regarding the progress of cat management in the region
 - State wide planning Scheme
 - Cradle Coast Waste Management update including approval of new terms of reference for the Cradle Coast Waste Management Group and an overview of a 10-year financial plan
 - NW tourism update
 - CCA matters
 - 3.4. Attended the virtual awards presentation and announcement of the winner of the 2020 Tasmanian LG Professionals Management Challenge. A team from Devonport participated in the challenge, which is highly regarded across the country as a beneficial professional development opportunity. The 2020 winning team was from Glenorchy City Council.
4. STATE AND FEDERAL GOVERNMENT PROGRAMS
- 4.1. Along with the Mayor met with Minister Michael Ferguson regarding the delay in delivery of the Spirit of Tasmania replacement vessels.
 - 4.2. With the Mayor met with Senator Wendy Askew for a general overview and update on matters affecting the Devonport region.
 - 4.3. With the Mayor, met with Anita Dow MP regarding topical issues for Devonport
5. OTHER
- 5.1. Met with Tasmanian Symphony Orchestra CEO in relation to opportunities for a TSO event in Devonport.

COMMUNITY ENGAGEMENT

The information included above details any issues relating to community engagement.

FINANCIAL IMPLICATIONS

Any financial or budgetary implications related to matters discussed in this report will be separately reported to Council.

There is not expected to be any impact on the Council's operating budget as a result of this recommendation.

RISK IMPLICATIONS

Any specific risk implications will be outlined in the commentary above. Any specific issue that may result in any form of risk to Council is likely to be subject of a separate report to Council.

CONCLUSION

This report is provided for information purposes only and to allow Council to be updated on matters of interest.

ATTACHMENTS

1. Actions as at August 2020 [**6.3.1** - 2 pages]

RECOMMENDATION

That the report of the General Manager be received and noted.

6.4 INFRASTRUCTURE AND WORKS REPORT

Author: **Michael Williams, Infrastructure & Works Manager**
Endorser: **Matthew Skirving, Executive Manager City Growth**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

- Strategy 2.3.2 Provide and maintain roads, bridges, paths and car parks to appropriate standards
- Strategy 2.3.3 Provide and maintain stormwater infrastructure to appropriate standards
- Strategy 2.3.4 Provide and maintain Council buildings, facilities and amenities to appropriate standards
- Strategy 2.3.5 Provide and maintain sustainable parks, gardens and open spaces to appropriate standards
- Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Infrastructure and Works Department during the months of June and July 2020.

BACKGROUND

The report has previously been provided to the Infrastructure, Works and Development Services Committee and aims to update the Councillors and the community on matters of interest.

Changes to the scheduled Section 23 committee meetings, due to the Covid-19 pandemic, has meant that this report has been provided to the Ordinary Council Meeting, 24 August 2020.

The functional areas of Council covered by this report are:

- Asset management program (forward planning and maintenance)
- Capital works
- Roads and paths
- Streetscape design (including lighting, signs, furniture, vegetation)
- Stormwater management
- Traffic management
- Waste management
- Recreation reserves (including playgrounds, parks and gardens)
- Sporting grounds and facilities
- Tracks and trails
- Public buildings (including public halls, toilets)
- Marine structures (including jetties, boat ramps)
- Recreation and open space planning

STATUTORY REQUIREMENTS

Council is required to comply with the provisions of the *Local Government Act 1993* and other relevant legislation.

DISCUSSION

1. Capital Works Program

- 1.1. In June and July, progress was made on the 2019/20 Capital Works Program, while investigation, design and planning work commenced on the 2020/21 Capital Works Program.
- 1.2. The Oldaker Street footpath renewal project is nearing completion. The section of path between Rooke Street and Providore Place has been renewed to match the adjacent sections and other areas recently renewed in the CBD including Southern Rooke Street and Edward Street.



- 1.3. Construction of the new Meercroft Park Pavilion is underway, with demolition of the old structure now complete.



- 1.4. The accessible amenities facility at the Mersey Bluff caravan park has been installed and is awaiting permits before being available to visitors to the park.



- 1.5. Erosion repairs on the Victoria Parade foreshore have been completed. One location included the installation of a mowing strip which will make mowing the site safer and more efficient.



- 1.6. The construction of the Coastal Pathway between Latrobe and Ambleside is continuing. The path has now been completed beyond the municipal boundary. Although the link is incomplete, the path is already being used considerably by the community.



- 1.7. 28 trees were planted in Stewart Street, between William Street and Gunn Street, which was the final part of the road renewal project completed earlier in the year. The tree planting was delayed until final locations were agreed with underground asset owners and until the preferred time of year for planting.



- 1.8. Park furniture has been renewed in the Hiller flora reserve.



- 1.9. Planning Permits have been issued for the sports ground lighting projects at Girdlestone Park and Maidstone Park. Detailed design and procurement are in progress.
- 1.10. Work to commence in August and September includes:
- Mersey Bluff inclusive playground
 - Stormwater improvements near 200 Steele Street
 - Don Reserve path renewal
 - Mersey Vale Memorial Park signage upgrades
- 1.11. At its July meeting, Council endorsed twelve projects to be submitted for funding within Council's \$506,733 allocation from the Australian Government's Local Roads and Community Infrastructure Grant (Min 20/34 refers). Those projects have now been submitted and will be added to the Capital Works Program once the funding agreement has been approved.

2. Management

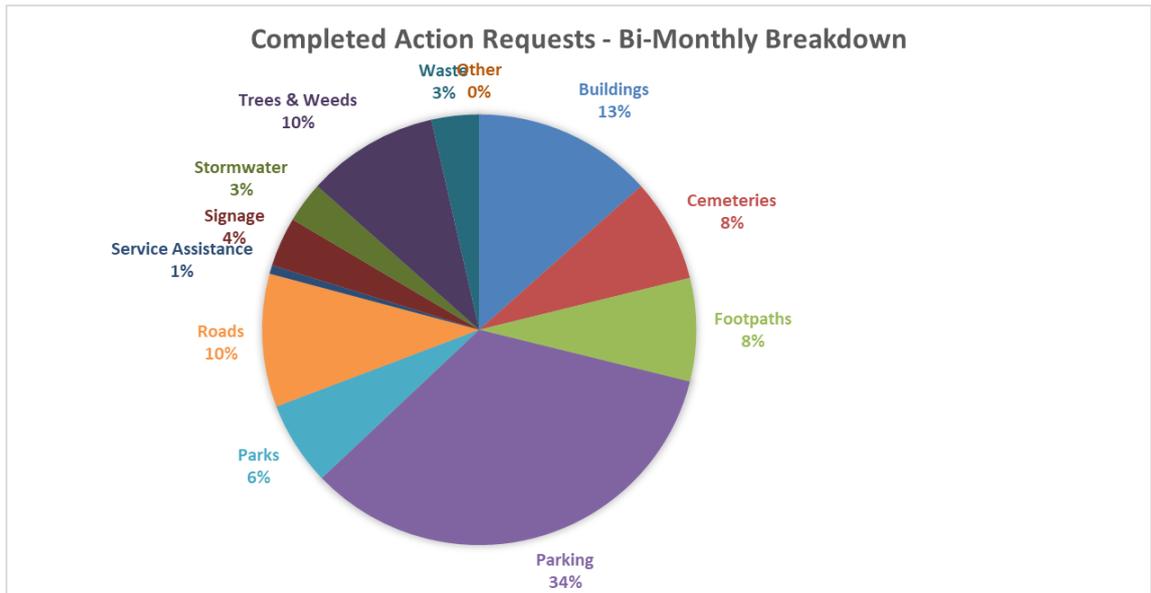
- 2.1. Measures implemented to comply with COVID-19 pandemic restrictions on physical contact and proximity have been reviewed as part of Council's COVID safe work plan. Some measures have been scaled back as State Government restrictions have relaxed. Changes in June and July include:
- Up to 50% infrastructure staff returning to paranaple centre
 - Reopening of the Works Depot and Mersey Vale Memorial Park Office to the public
 - Consolidation of work teams from temporary satellite sites back to the Works Depot.

Remaining measures will be in place until government regulations change sufficiently. Risk assessments will be undertaken to ensure the timing of the roll back of these changes is appropriate.

- 2.2. A submission has been made to the Cradle Coast Waste Management Group's public place recycling program. If successful, this grant would supplement Council's \$30,000 capital works allocation for the installation of public recycling bins.
- 2.3. The following table is a summary of the action requests for the Infrastructure and Works Department:

Balance of Action Requests as at 31 May	860
Action Requests created in June and July	592
Action Requests completed in June and July	634
Balance of Action Requests as at 31 July	818

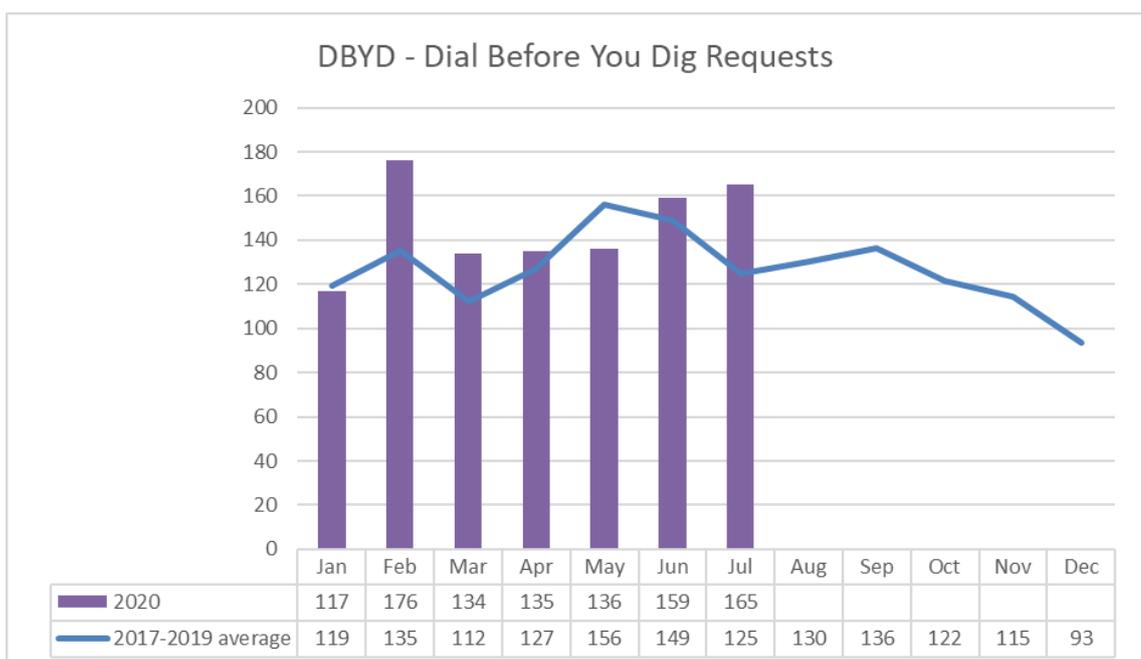
The following graph details the categories of the action requests completed during June and July.



3. Technical and Engineering

3.1. The Infrastructure and Works Department are in the final stages of preparing for major changes to asset management and works management processes, occurring under the *Project Transform* initiative. This project will facilitate improvements to how work is identified, prioritised, planned and executed. The project has required a considerable investment in review of existing practices, system configuration, staff training, and hardware. Project Transform will ensure that capital and maintenance budgets are delivering the maximum possible benefit to the community through sustainable management of a \$500M portion of Council's asset portfolio. It is planned that changes will 'go live' on 31 August, which will be a significant milestone for the project team, the Infrastructure and Works Department and Council.

3.2. The following graph details the Dial Before you Dig Requests that have been assessed by the Infrastructure and Works Department this year compared to previous years:

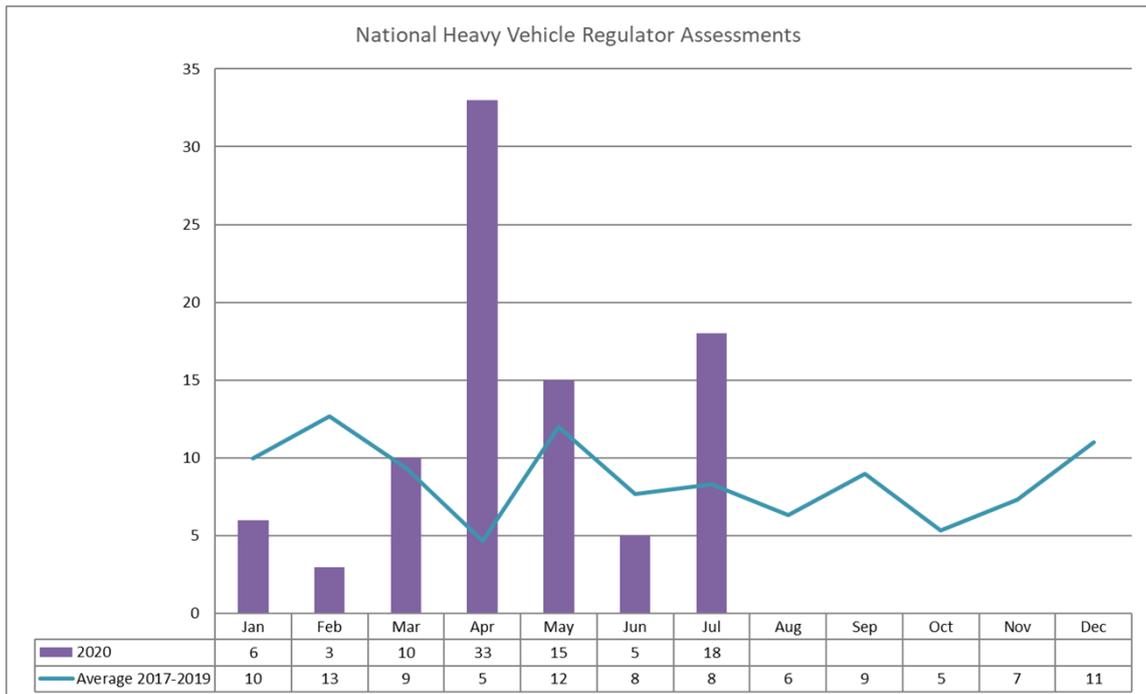


3.3. The following is a summary of the projects capitalised in the period since the last report:

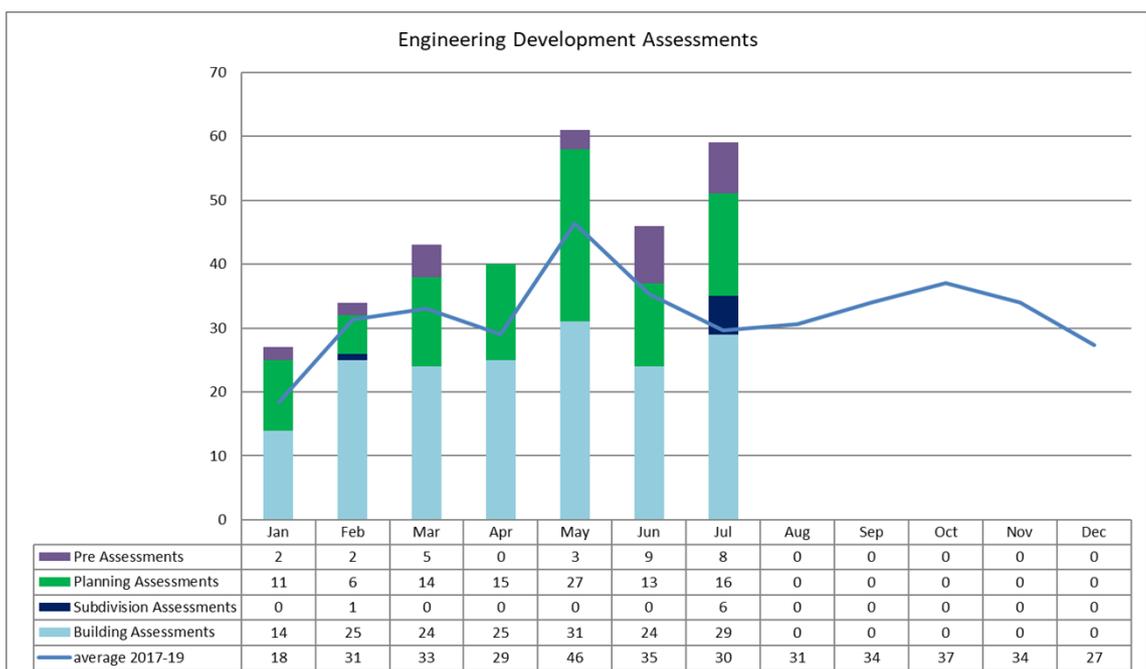
Number of projects capitalised in period	12*
Total value of capitalisations in period	\$0.72M
Donated Asset Capitalised (Subdivisions) in period	\$0
Number of projects awaiting capitalisation next period	0

* includes finalisation of the capitalisation of the paranapple centre. Previously capitalised by journal, this completion has no impact on WIP.

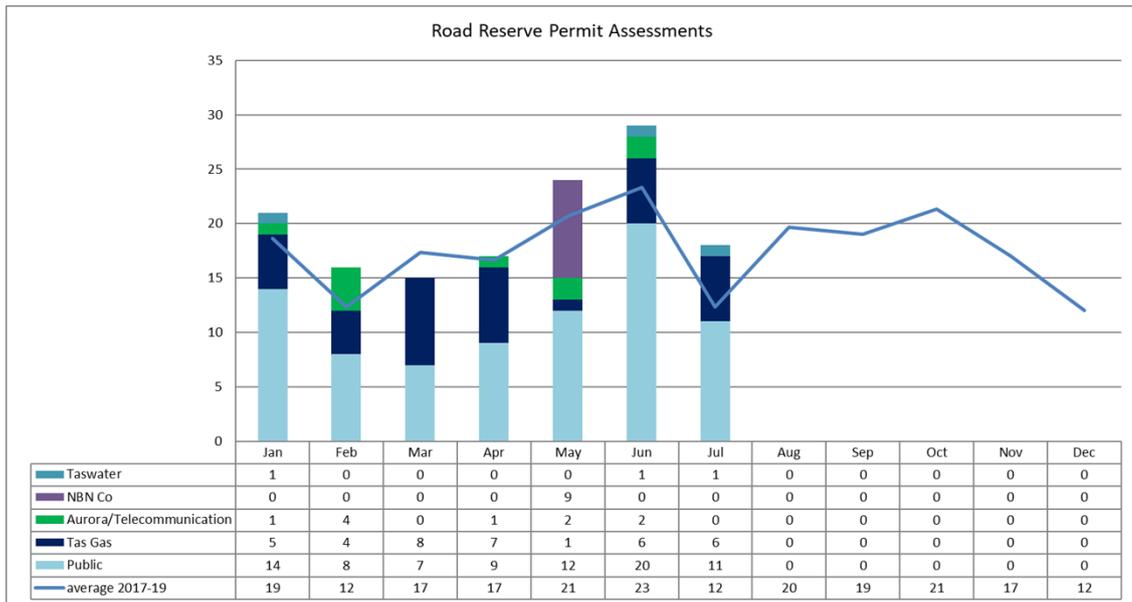
3.4. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



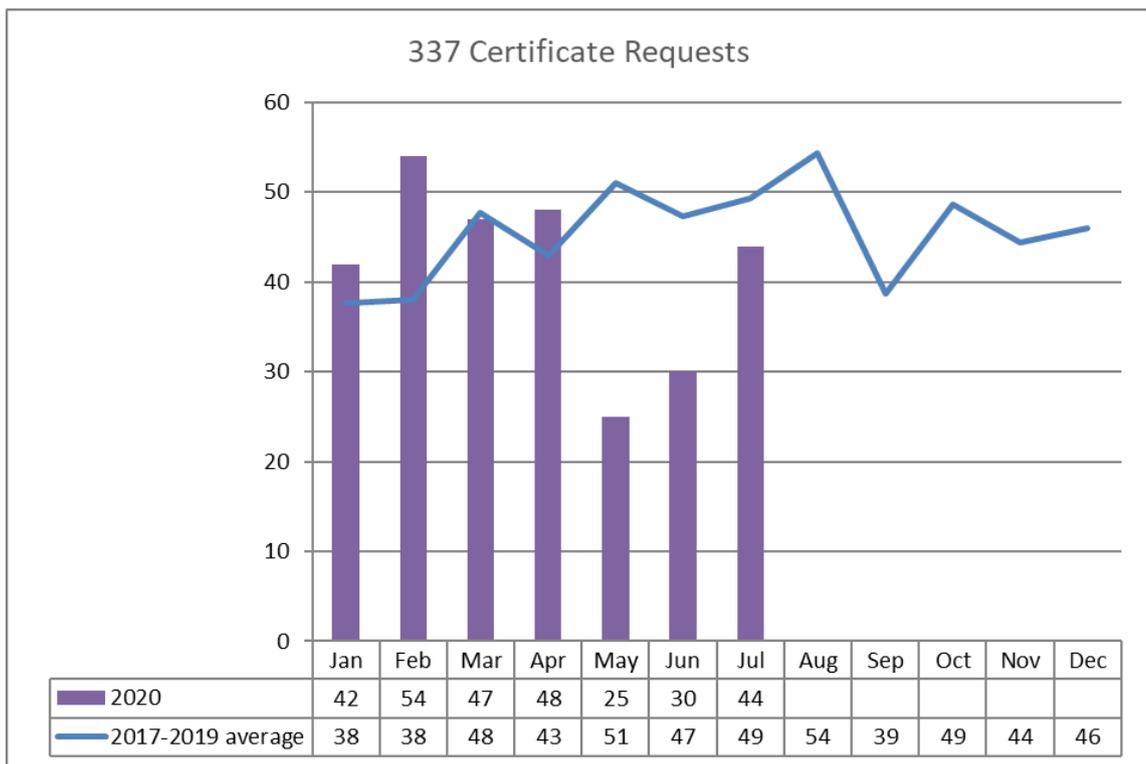
3.5. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



3.6. The following graph details the Road Reserve Permit Assessments that were completed this year compared to previous years.



3.7. The following graph details the 337 Certificate requests that have been processed this year compared to previous years.



4. Operational Contracts

4.1. The following table details the contracts managed within the Infrastructure and Works Department that have been extended this financial year:

Contract	Contract Period	Extension Options	\$ Value (Excluding GST)	Contractor
N/A				

4.2. The following table details the new contracts entered into this financial year that are managed within the Infrastructure and Works Department:

Contract	Contract Period	Extension Options	\$ Value (Excluding GST)	Contractor
Contract 1338 Supply & Delivery of Pre-Mixed Concrete	1/7/21 to 30/6/21 plus two extension options	Two 12 month extensions	Nominally \$51,262 per annum	Hazell Bros Group Pty Ltd

5. Civil Works and Stormwater Maintenance

5.1. Maintenance in accordance with the Service Level Document, undertaken in June and July included:

- Patching and other preparation work has commenced on roads to be resealed under the two reseal contracts this financial year
- Clearing a landslip on Pumping Station Road
- Clearing a stormwater main in Pine Place
- Drainage improvements and construction of a turning head in Dogs Home Road

5.2. In August and September, planned civil works and stormwater maintenance works will include:

- Footpath maintenance on Sheffield Road and Ronald Street
- Road patching in Nicholls Street and James Street
- Rock lining of open drain on Tugrah Road

6. Parks and Reserves Maintenance

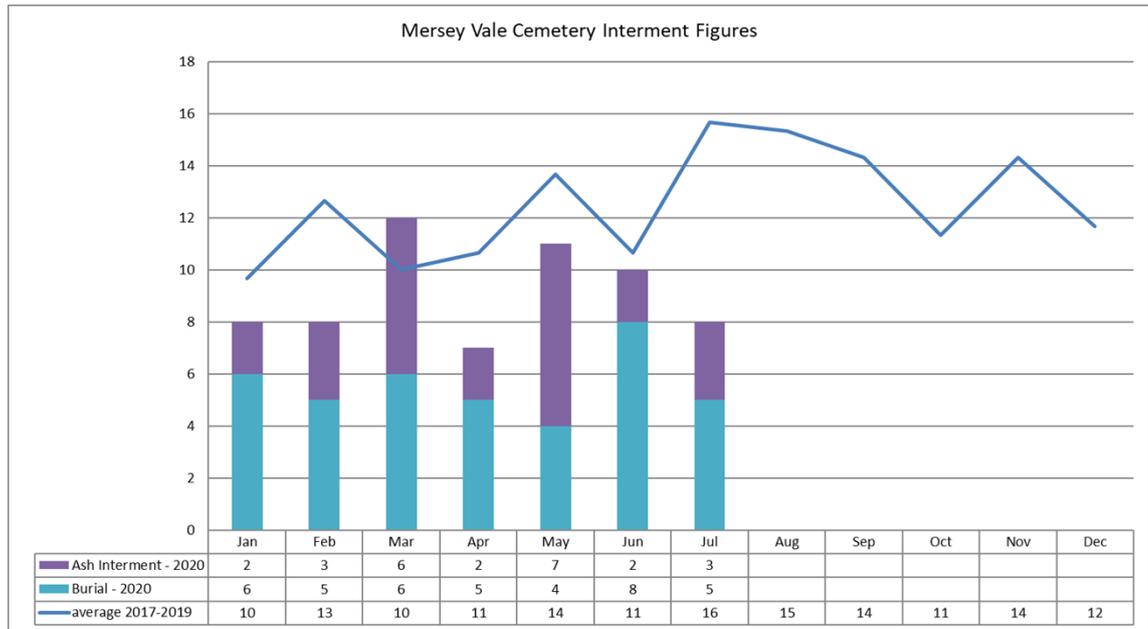
6.1. Maintenance in accordance with the Service Level Document, undertaken in June and July included:

- Planting of 10 trees at the aquatic centre, which will provide shade during summer
- Line marking of sports fields for the recommencement of winter sports
- Removal of overgrown vegetation at Mersey Bluff and replanting clear of park furniture
- Annual rose pruning throughout the City

6.2. In August and September, planned parks and reserves maintenance works will include:

- Aikenhead Point garden bed renewal
- Norton Way garden bed renewal
- Completion of maintenance program on Sawdust Track

6.3. Mersey Vale Memorial Park interment figures compared to previous years are as follows:



7. Building and Facilities Maintenance

7.1. Maintenance in accordance with the Service Level Document, undertaken in June and July included:

- Relining of shed at Elanora Child Care, including removal of existing asbestos sheet
- New footings and support pole underneath the squash courts at Devonport Recreation Centre
- Install commemorative seat in Devonport General Cemetery
- Painting poles in Rooke Street Mall
- Replace roller doors at Devonport Surf Club

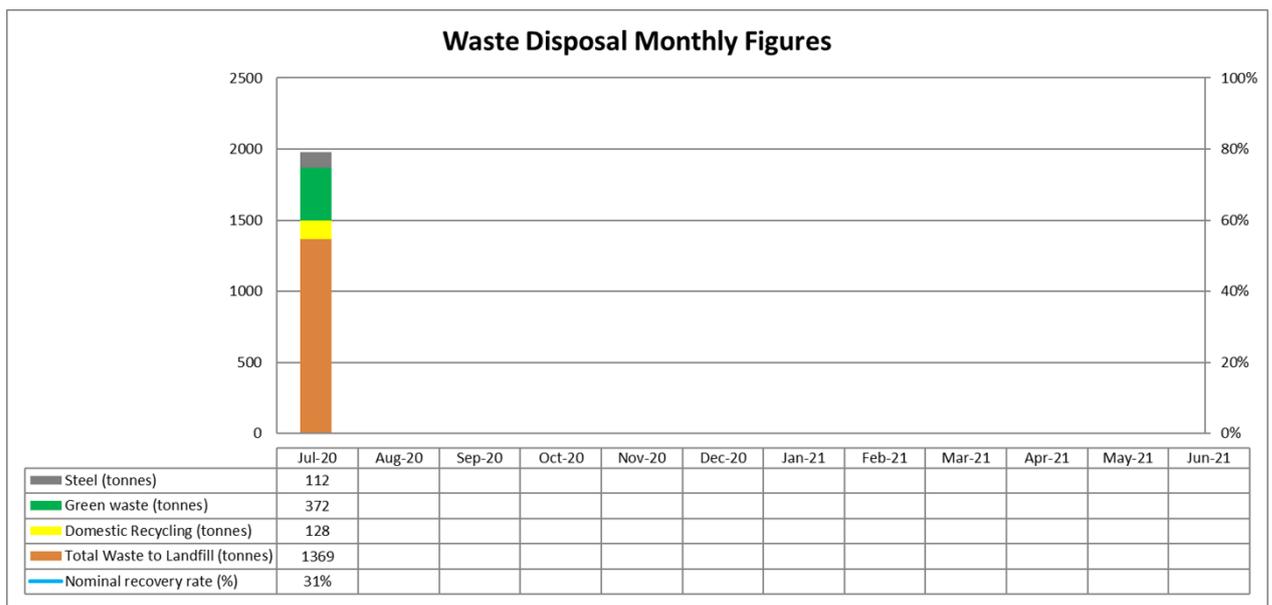


7.2. In August and September, planned building and facilities maintenance works will include:

- Install commemorative seat in Don Reserve
- Replace gutters at the Devonport Recreation Centre
- Scheduled washing of buildings
- Assembly of park and street furniture for use later in the year

8. Waste Management Operations

8.1. Waste Management Services were conducted in accordance with the Service Level Document during June and July. The following graph details the major waste disposal streams from the Spreyton Waste Transfer Station.



COMMUNITY ENGAGEMENT

The information provided above details any issues relating to community engagement.

FINANCIAL IMPLICATIONS

Any financial or budgetary implications relating to matters discussed in this report will be separately reported to Council.

RISK IMPLICATIONS

Any specific risk implications have been outlined in the discussion above. Any specific risk that may result in an issue to Council is likely to be the subject of a separate report to Council.

CONCLUSION

This report is provided for information purposes only and to allow Council to be updated on activities undertaken by the Infrastructure and Works Department.

ATTACHMENTS

Nil

RECOMMENDATION

That Council receive and note the Infrastructure and Works report.

6.5 DEVELOPMENT AND HEALTH SERVICES REPORT

Author: **Kylie Lunson, Development Services Manager**
 Endorser: **Jeffrey Griffith, Deputy General Manager**

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.4.1 Provide timely, efficient, consistent services which are aligned with and meet customer needs

SUMMARY

This report provides a summary of the activities undertaken by the Development Services Department for the months of June and July 2020.

BACKGROUND

This report is provided to summarise the activities of the Development Services Department in the preceding two months.

The Council functions undertaken by the Department are:

- Planning;
- Building and Plumbing Services;
- Environmental Health;
- Animal Control; and
- Risk and Regulatory Compliance Services.

STATUTORY REQUIREMENTS

In carrying out its activities, the Development Services Department is required to ensure compliance with a substantial amount of legislation and regulation. The principal legislation administered by the Department includes the:

- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003*
- *Environmental Management and Pollution Control Act 1994*
- *Dog Control Act 2000*
- *Devonport Interim Planning Scheme 2013*
- *Work Health and Safety Act 2012*

DISCUSSION

1. State Planning Scheme/Local Provisions Schedules

The draft Devonport Local Provisions Schedule (LPS), which has been prepared as part of the transition to the Tasmanian Planning Scheme, was on public exhibition between Monday 23 March 2020 until Friday 12 June 2020.

Eighteen representations were received during the public exhibition period.

In accordance with the requirements of the Land Use Planning and Approvals Act 1993, Council has prepared and submitted a report to the Tasmanian Planning Commission (the Commission) on the representations received during the public

exhibition period. The Commission will now undertake an assessment of those representations including the facilitation of hearings.

2. COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020

2.1. In June, the State Government issued a Notice pursuant to section 14 and 16 of the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* to extend certain permits issued under the *Building Act 2016* (the Building Act).

During the COVID-19 pandemic, a number of building projects were disrupted, put on hold, or their completion delayed. The Notice extended current building, plumbing, demolition, and partial completion permits issued under the Building Act for a further six months.

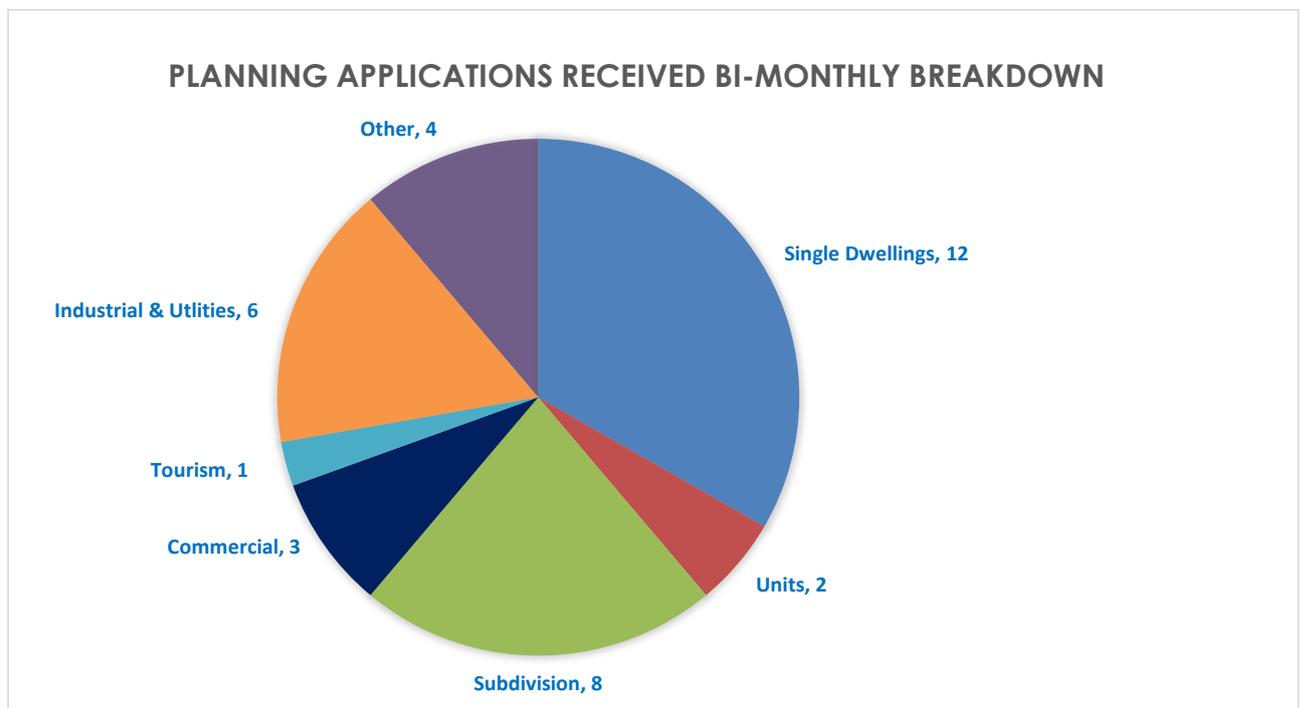
This also enabled builders and property owners to continue their projects without the need to apply for a permit extension which would have involved extra time and costs.

The Notice also extends permits issued for historical "pre-2012" permits granted under the former *Building Act 2000* that were deemed to expire on 30 June 2020. This allowed a further time for property owners and permit authorities that have been affected by the emergency period to undertake necessary work.

Fact sheets issued by the State Government explain the extensions to permits have been attached to this report.

3. Planning

3.1. The following graph details the breakdown of planning applications received during June and July:

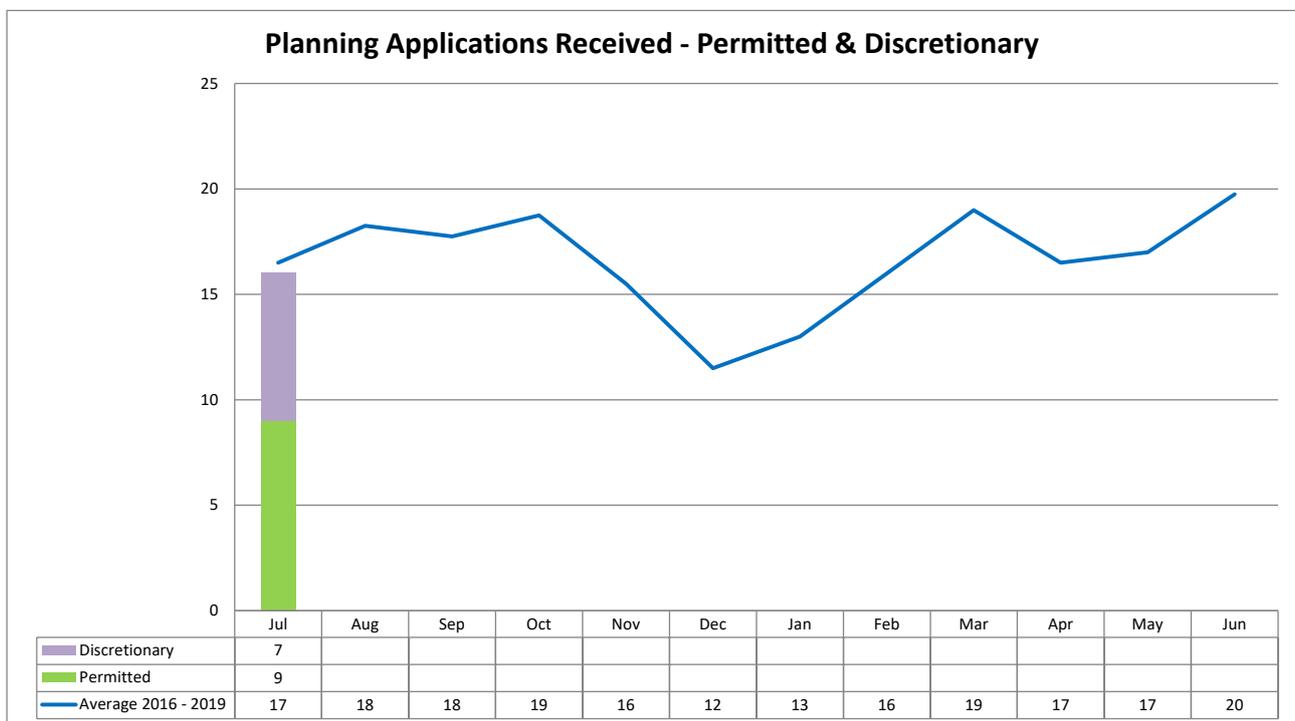


Note:

- Single Dwellings – means single residential dwelling on a single lot.
- Units – means two or more dwellings on a site.
- Subdivision – means the division of a single lot into multiple lots giving separate rights of occupation, excluding boundary adjustments.

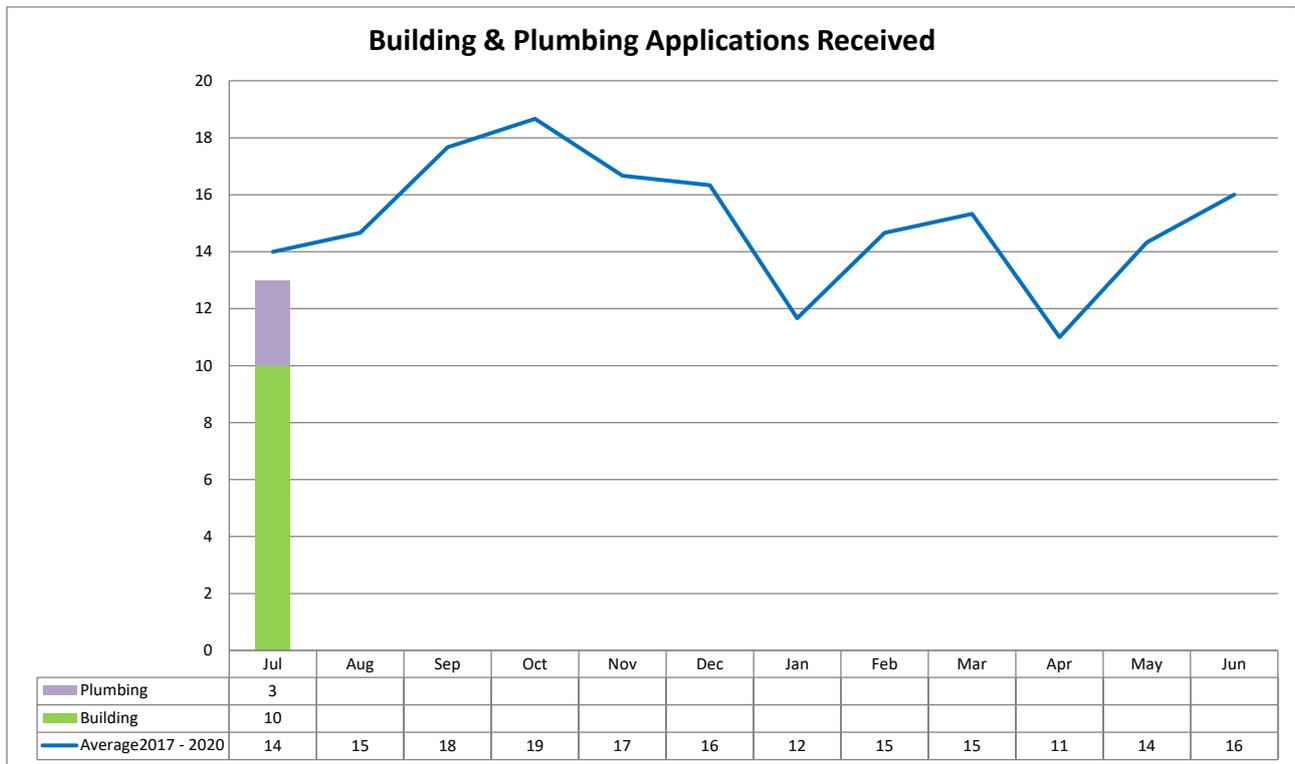
- Commercial – means bulky goods sales, business and professional services, community meeting and entertainment, educational and occasional care, equipment and machinery sales and hire, food services, general retail and hire, hotel industry, research and development.
- Tourism – means tourist operations and visitor accommodation.
- Industrial and Utilities – means extractive industry, manufacturing and processing, port and shipping, recycling and waste disposal. Resource processing, service industry, storage, transport depot and distribution, utilities, vehicle fuel sales and service.
- Other – means all other use classes.

3.2. 21 Discretionary Planning Applications and 15 Permitted Planning Applications were received in June and July. The following graph details the number of Planning Applications received compared to previous years:

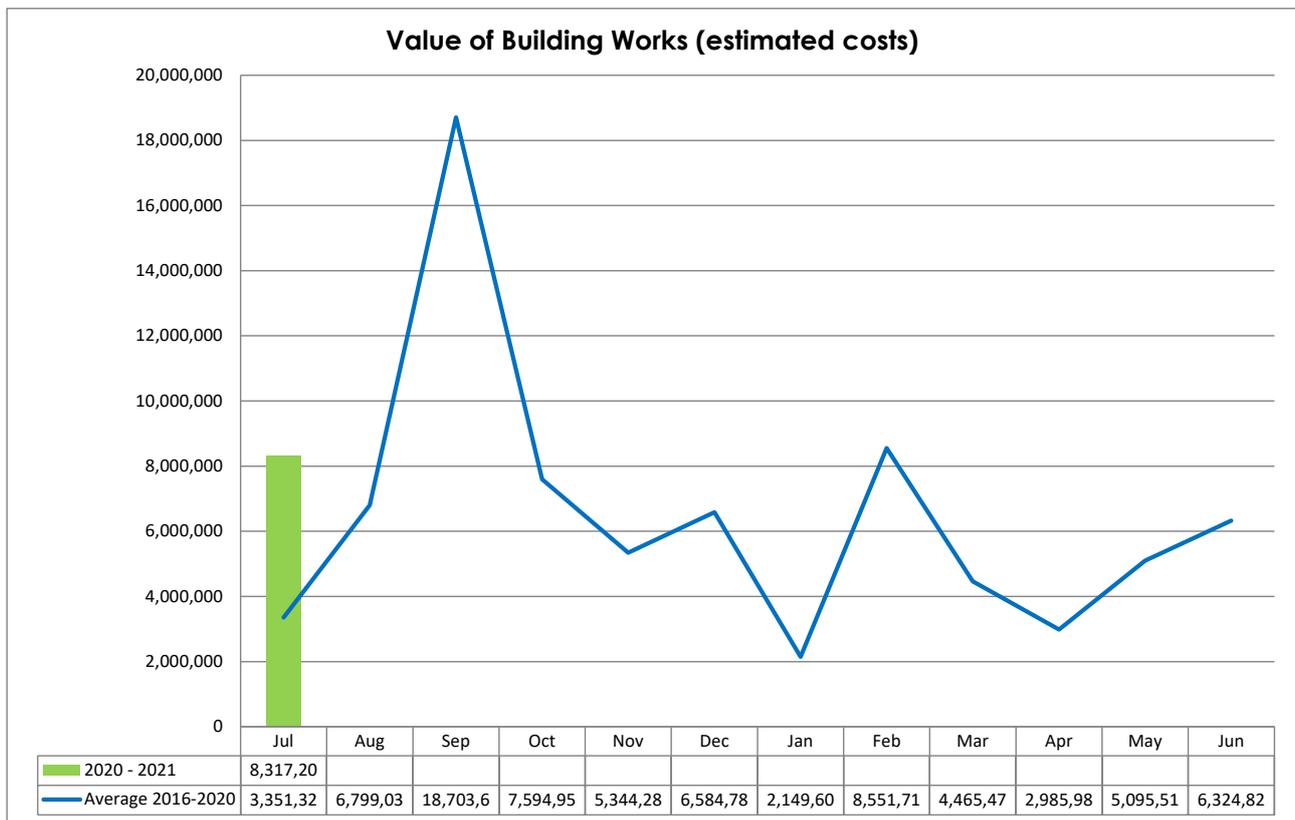


4. Building/Plumbing

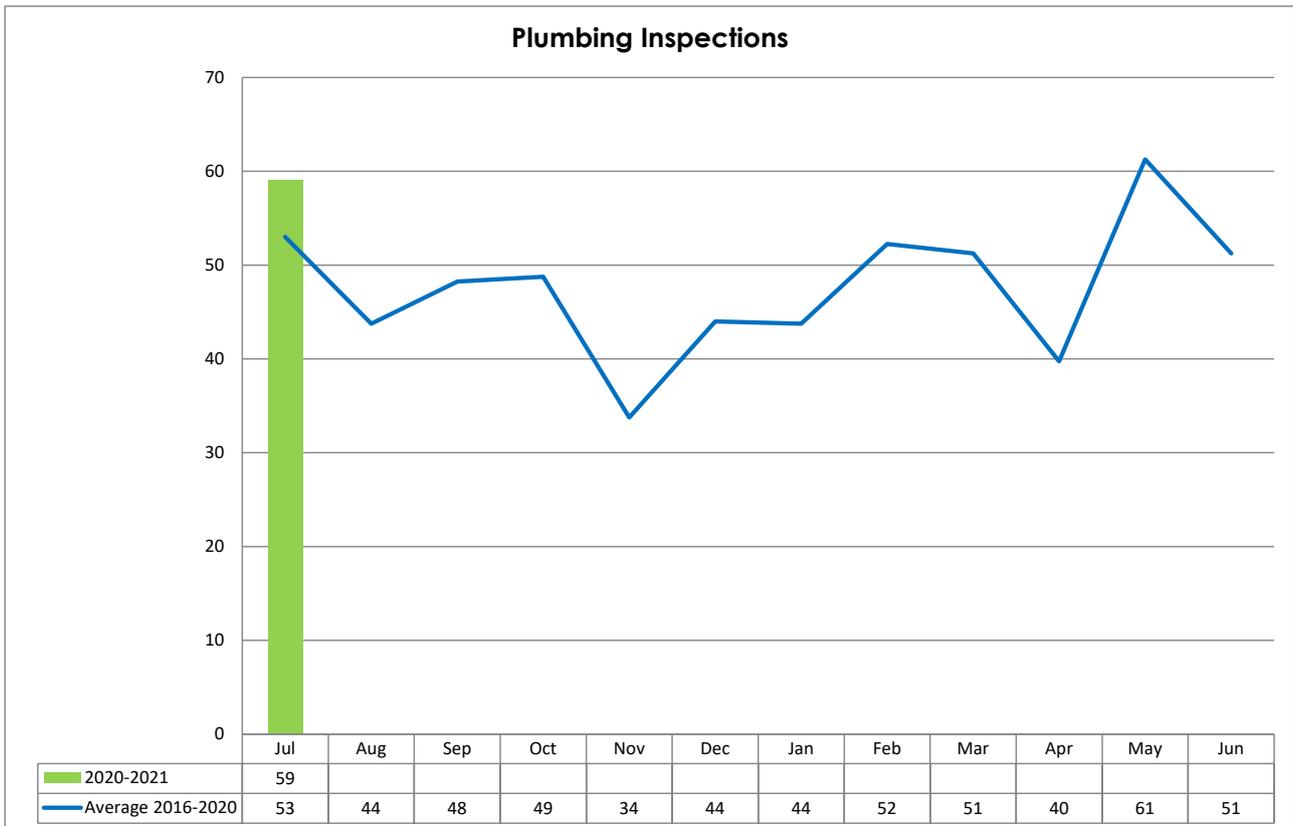
4.1. 25 Building Applications and 9 Plumbing Applications were received in June and July. The following graph details the Building and Plumbing Applications compared to the previous year:



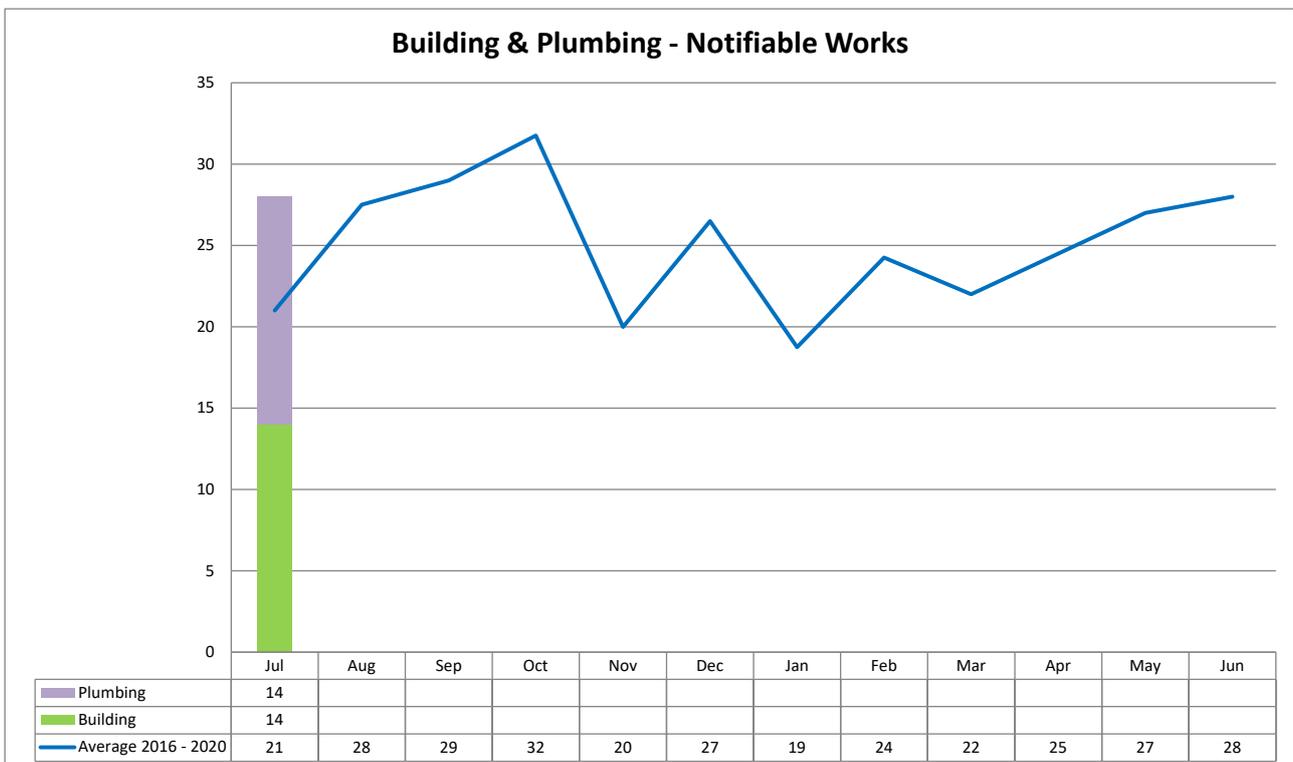
4.2. Building Applications for \$14,677,320 worth of building works was received in June and \$8,317,205 in July. The following graph details the value of buildings works received compared to previous years:



4.3. 46 plumbing inspections were carried out in June and 59 in July. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:



4.4. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:

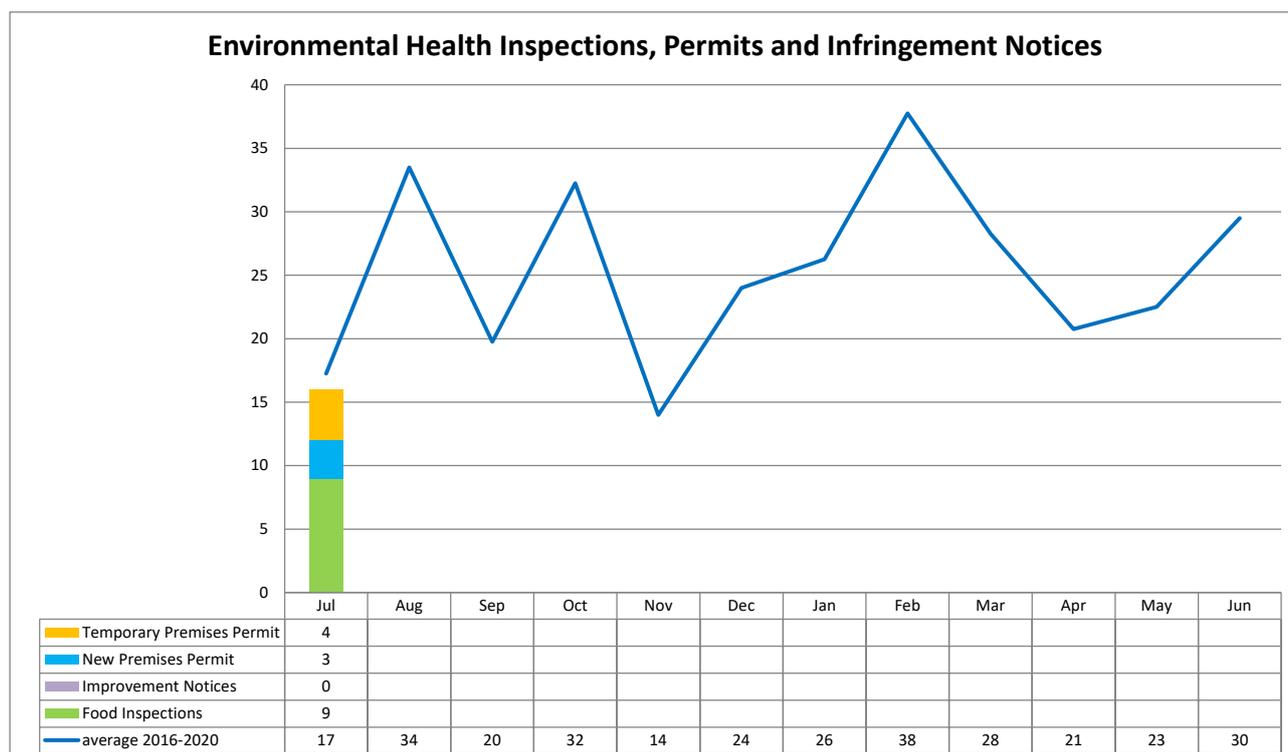


5. Environmental Health

5.1. In accordance with Section 35(1) of the *Tasmanian Drinking Water Quality Guidelines*, Council is required to submit an Annual Report of registered private water suppliers and water carriers by 30 September each year.

An exemption has been given to all Councils for the 2019/2020 Annual Report which means Council will only need to provide a list of registered water carriers and a list of registered water suppliers. The exemption is only granted for the 2019/2020 year.

5.2. The following graph details the inspections, permits and infringement notices that have been issued by the Environmental Health Officers this year compared to previous years:

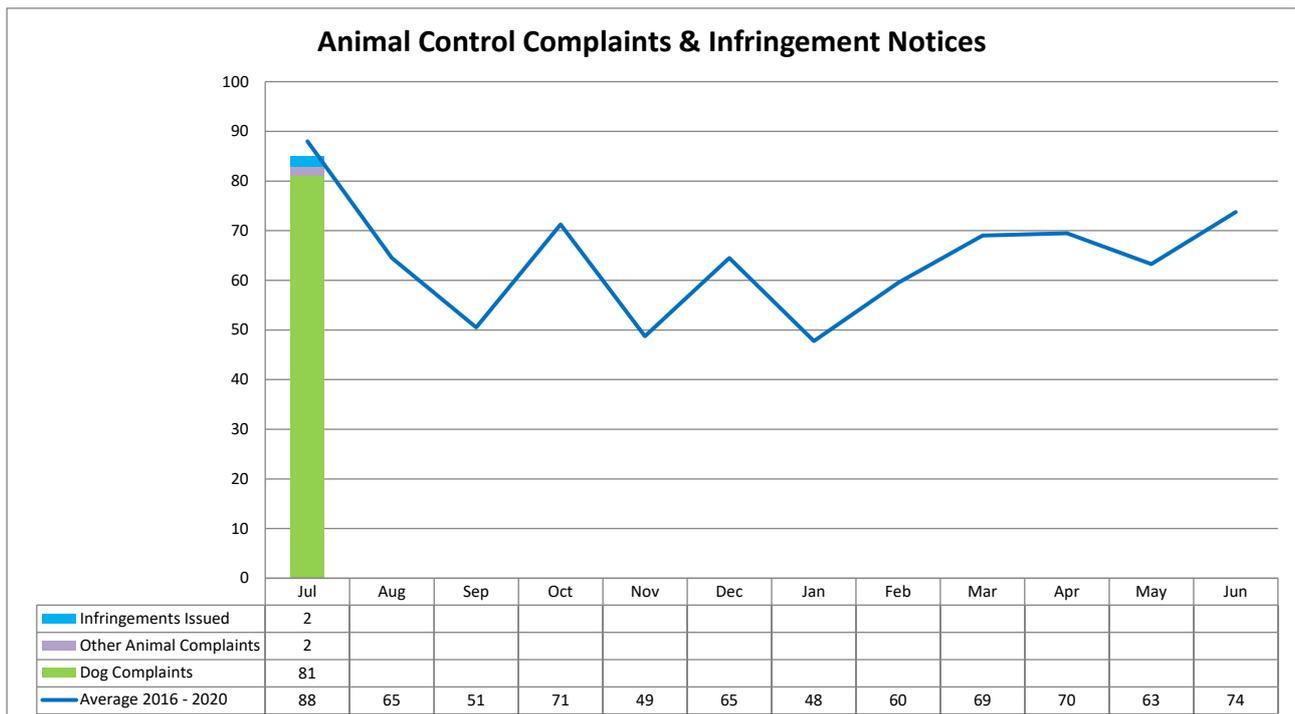


6. Animal Control

6.1. At the end of July, there were 3013 dogs registered in Devonport.

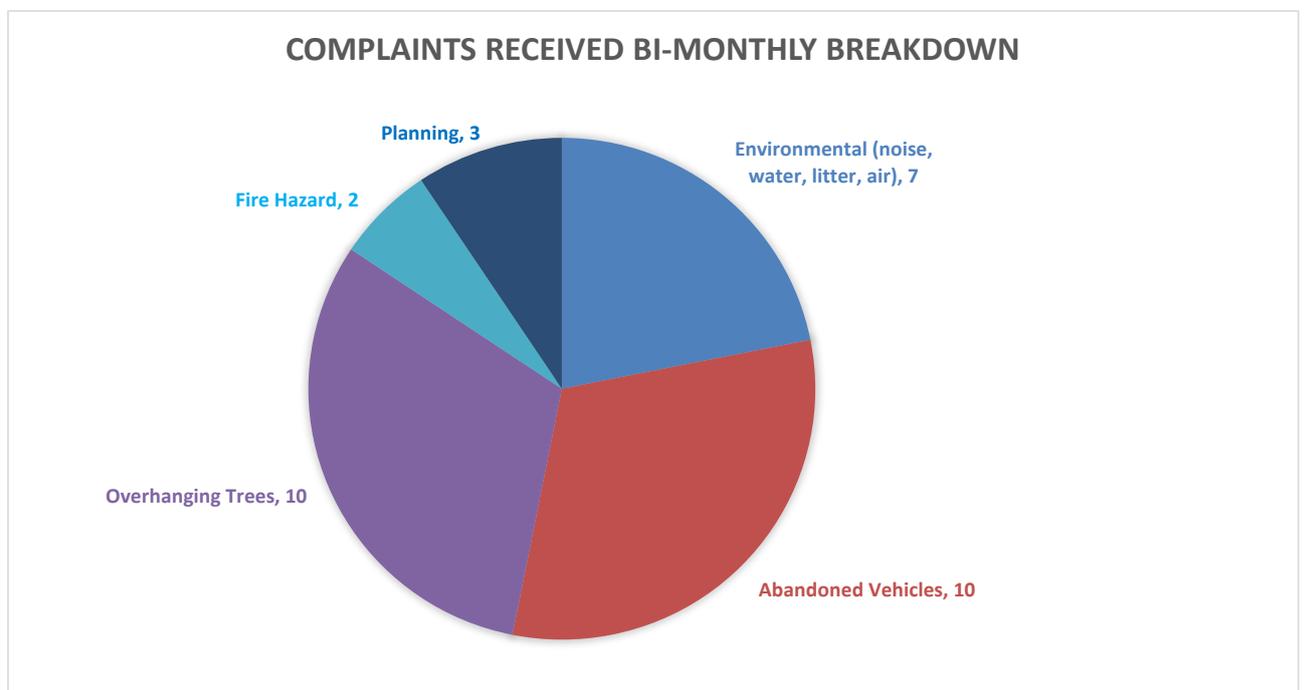
6.2. In June and July, a total of 130 animal complaints were received. These complaints predominately related to dog attacks, dogs at large and barking dogs. All complaints were responded to within two working days.

6.3. The following graph details the number of animal complaints for this financial year compared to the same period last year:



7. Risk and Compliance

7.1. The following graph details the breakdown of the complaints received by the Risk Department during June and July:



7.2. 23 internal incidents and three external incidents were reported during June and July. The following table details the types of incidents:

Internal Incident Type	No. of Reports	Description
Property Damage	11	<ul style="list-style-type: none"> • Break in - Transfer Station (multiple times) • Break in – Works Depot • Break in – Devonport Rec centre • Break in – Cemetery • Vandalism - Miandetta Toilet Block • Vandalism - Reg Hope Park toilet block • Boom gate damaged Multi level car park
Motor Vehicle	1	<ul style="list-style-type: none"> • Damage to front bumper
Hazard	4	<ul style="list-style-type: none"> • Trip hazard • Asbestos detected
Personal Injury	4	<ul style="list-style-type: none"> • Body strain • Cut finger
Near hit	3	<ul style="list-style-type: none"> • Various hazards identified
External Incident Type	No. of Reports	Description
Personal Injury	2	<ul style="list-style-type: none"> • Medical episode • Trip & fall
Motor Vehicle	1	<ul style="list-style-type: none"> • Damage to tyre

7.3. The following table details the breakdown of actual claims:

	Internal Incidents	External Incidents
Actual Claims	4 (all relate to vandalism & stolen property)	1
Actual Claim Costs	\$10,300	\$50

COMMUNITY ENGAGEMENT

The information provided above details any issues relating to community engagement.

FINANCIAL IMPLICATIONS

Any financial implications arising out of this report will be reported separately to Council.

RISK IMPLICATIONS

There are no specific risk implications as a result of this report.

CONCLUSION

This report is provided for information purposes only as it relates to the activities of the Development Services Department in June and July 2020.

ATTACHMENTS

1. Fact Sheet - COVI D 19 - Extending permit expiry dates [6.5.1 - 2 pages]
2. Fact- Sheet- Expired- Permits-1 [6.5.2 - 2 pages]

RECOMMENDATION

That Council receive and note the Development and Health Services Report.

7 SECTION 23 COMMITTEES

No Section 23 Committee meetings have been held since the last Council meeting.

8 CLOSED SESSION

The General Manager advises that in his opinion, the agenda items listed below are prescribed items in accordance with Clause 15 of the *Local Government (Meeting Procedures) Regulations 2015* (ie confidential matters), and therefore Council may by absolute majority determine to close the meeting to the general public.

RECOMMENDATION

That Council by absolute majority, in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, resolve the following be dealt with in Closed Session.

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
3.1	Confirmation of Closed Minutes – Council Meeting – 27 July 2020	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
8.1	General Manager's Performance Review	15(2)(a)
8.2	Lease Agreement - Tenancy One Providore Place	15(2)(b)
8.3	Unconfirmed Minutes – Joint Authorities	15(2)(g)

9 CLOSURE