



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, paranaiple centre, 137 Rooke Street, Devonport on Monday 23 August 2021, commencing at 5:30 PM.

The meeting will be open to limited members of the public and live streamed from 5:30 PM on Council's [YouTube channel](#).

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

18 08 2021

September 2021

Meeting	Date	Commencement Time
Ordinary Council	27 September 2021	5:30pm

**AGENDA FOR AN ORDINARY COUNCIL MEETING OF DEVONPORT CITY COUNCIL
HELD ON MONDAY 23 AUGUST 2021, IN THE ABERDEEN ROOM, LEVEL 2, paranaple centre,
137 ROOKE STREET, DEVONPORT AT 5:30 PM**

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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. The meeting will also be live streamed on Council's YouTube channel.

1 APOLOGIES

The following apologies have been received for the meeting:

Cr G Enniss	Leave
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2 DECLARATIONS OF INTEREST

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Council meeting held on 26 July 2021 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 20/90 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 3 questions per person are permitted.
6. A maximum period of 5 minutes will be allowed per person.
7. Questions are to be succinct and not contain lengthy preamble.
8. To allow opportunity, where necessary to research answers and limit questions taken on notice, a copy of any questions without notice, where possible, are to be provided by email or in person to Council by 12 noon on the day of the meeting.
9. A question by any member of the public and an answer to that question are not to be debated.
10. Questions without notice and their answers will be recorded in the minutes.
11. 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.
12. 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.
13. 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**

RECOMMENDATION

That the responses to questions from Mr Russell, Mr Smith, Mr Janney, Mr Vellacott, Mr Mills and Mr Gardam at the July 2021 Council meeting be noted.

ATTACHMENTS

1. Response to Question Without Notice - 26 July 2021 - T Smith [**3.2.1.1** - 2 pages]
2. Response to Questions Without Notice - 26 July 2021 - C Mills [**3.2.1.2** - 1 page]
3. Response to Question Without Notice - 26 July 2021 - M Gardam [**3.2.1.3** - 1 page]
4. Response to Question Without Notice - 26 July 2021 - R Russell [**3.2.1.4** - 1 page]
5. Response to Question Without Notice - 26 July 2021 - D Janney [**3.2.1.5** - 1 page]
6. Response to Question Without Notice - 26 July 2021 - B Vellacott [**3.2.1.6** - 1 page]

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

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

RECOMMENDATION

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

Mr Christopher Mills – 52 Caroline Street, East Devonport

A letter containing questions on notice received from Mr Chris Mills on 11 August 2021, is **reproduced as attachment 1**.

Q1 Let us consider the fact that this current Administration pays a retainer fee to a Tree Cutting Contractor for services, at a cost in excess of \$80,000 per annum. In effect this means that at least \$80,000 worth of tree cutting per annum must be provided by Council to this particular contractor.

How many trees were tasked by this Council to be felled by this Contractor, around the City of Devonport during the financial year 2020 -2021?

Response

Council does not keep this information.

Q2 At the Council Meeting of 26 July at item 6.8 one Councillor expressed a personal view that:

"The process (of the Code of Conduct Panel) was flawed.....and not much different from a Kangaroo Court."

Given that Councillors swear an oath to uphold the Model Code of Conduct, does that Councillor intend to retract those remarks?

Response

It is not for Council to make any response on the intention of an individual Councillor regarding remarks they made during a meeting discussion.

Mr Trevor Smith – 7 Glen Court, Devonport

An email containing questions on notice received from Mr Trevor Smith on 13 August 2021, is **reproduced as attachment 2**.

Q1 What is the name of the weedkiller that your contractor uses, for spraying weeds in and around the Devonport Municipality?

Response

Council utilise a range of products as part of the weed management activities undertaken directly by our operational staff, and via contracted service providers. All products utilised are approved for use by the Australian Pesticides and Veterinary Medicines Authority (APVMA). The products utilised by Council include:

- Weedmaster Duo (glyphosate based)
- Crucial (glyphosate based)
- Kamba M (MCPA dimethylamine salt)

Q2 What was the number of full time and casual employees, that you employed in the 2019-2020 and the 2020-2021 financial years?

Response

Employee numbers are reported annually in Council's Annual Report.

Q3 What was the CPI wage increase, that was given to your employees in the 2019-2020 and the 2020-2021 financial years?

Response

2.5% and 0% respectively

Q4 What is the CPI wage increase for your employees, in the coming financial year 2021-2022?

Response

2.3%

Q5 What was the yearly wages bill for your casual and permanent employee's, excluding managerial staff, for the financial years 2018-19, 2019-20 and 2020-2021?

Response

The publicly available information relating to salaries and wages is outlined in the annual plan and budget information accessible through Council's website.

Mr Bob Vellacott – 11 Cocker Place, Devonport

A letter containing questions on notice received from Mr Bob Vellacott on 15 August 2021, is **reproduced as attachment 3**.

Q1 Mayor I refer to the council meeting 26th July 2021 Agenda item 6.8 CODE OF CONDUCT DETERMINATION REPORT- NEVIN V ROCKLIFF, LAYCOCK & PERRY, and in particular Councillor Peter Hollister's comments that he made whilst the motion, "That Council notes The Code of Conduct Panel Determination Report", was being debated.

I and others who were at the meeting, including some who have informed me that they listened to the audio, opine that Cr Hollister's description of the Panel's process was, at best disrespectful but in fact was, derogatory; his words being, as per the audio of the meeting (Ref I hour:15m), were clearly:

"The process is flawed it's not much different than a kangaroo court."

This is not the first time Cr Hollister has displayed his contempt towards the Code of Conduct Panel, and by his voting against the motion reinforces that.

It could be argued that his words were, yet again, another breach of Council's Code of Conduct. Incidentally, in the recent past, others too at council have also displayed their contempt about that Panel.

Noted was your failure, at the meeting, to call Councillor Hollister to order and or require him to retract his offensive remark about the legally constituted Local Government panel, and I ask will you do so at the August 23rd Council meeting?

Response

No. Individual councillors, within reason, are entitled to express their opinions during discussion. Cr Hollister's comments are not dissimilar to the views expressed by other elected members across the state through the media and other forums.

Q2 Subject: Public Question time request for information.

Mayor, please inform if you will permit ratepayers, provided they seek your permission, to direct a question without notice to a councillor and or senior staff member at:

2a) ordinary council meetings

2b) annual general meetings

Response

This question was asked by you at Council's meeting on 25 January 2021 and a written response was provided on 28 January 2021.

Q3 If you will not, as per above Q2, permit ratepayers to direct a question to either a councillor or senior staff member at an ordinary council meeting or an annual general meeting will you give the reason why you will not permit ratepayers to do so?

Response

Refer Q2 above.

Mr Malcolm Gardam – 4 Beaumont Drive, Miandetta

A letter containing questions on notice received from Mr Malcolm Gardam on 15 August 2021, is **reproduced as attachment 4**.

Code of Conduct complaints upheld against DCC councillors

Q1 It has previously been asked about Council's receipt of costs associated with Code of Conduct complaints upheld by the Code of Conduct Panel; namely Ms Jennie Claire vs Cr. Peter Hollister (October 2019), Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020) and now Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021); accordingly, as it is my understanding that costs have been received for the first two will Council confirm the separate costs for each of the following upheld complaints:

a) Ms Jennie Claire vs Cr. Peter Hollister (October 2019);

b) Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020); and

c) Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021)

Response

Cost to date are as follows:

a) \$0

b) \$4,076

c) \$0

Q2 In the Code of Conduct Panel Determination Report (Mr Malcolm Gardam vs Cr Annette Rockliff (August 2020)) it was noted that Cr Rockliff had offered to undertake

additional training, to improve her performance in managing meetings such as the AGM, but in response to a question at the last meeting did not confirm she had done so; however, in the recent Code of Conduct findings (Mr Graeme Nevin vs Cr Annette Rockliff, Cr Lynn Laycock and Cr Leon Perry (July 2021) the Panel instructed all three councillors to ".....undertake training in recognising and dealing with conflict of interest in the local government context."; accordingly, as this training has been directed by the Code of Conduct Panel subsequent to an upheld complaint, who pays for it, the individual councillors or the ratepayers?

Response

Council makes an annual budget allocation to cover the cost of any training or professional development Councillors may undertake.

- Q3** Considering that three of our most experienced councillors and the General Manager apparently failed to recognise a conflict of interest at the 2020 AGM, despite it having been clearly pointed out, including at the AGM, prior to those councillors breaching the Code; will Council consider arranging for all councillors to ".....undertake training in recognising and dealing with conflict of interest in the local government context." as well as the General Manager whose role I understand/believe is to advise on such matters?
- Q4** Will Council confirm the name of the person that shall be delivering the training directed by the Code of Conduct Panel, in recognising and dealing with conflict of interest in the local government context, and the cost per participant?

Q3 & 4 Response

Details regarding the training to which you refer have not yet been finalised.

Julie Burgess berthing facilities – East Devonport

- Q5** In the July Agenda, in relation to maintenance works being undertaken on the Julie Burgess berthing pontoon and associated infrastructure, I asked "Is Council fully or in part funding these works?" to which Council responded "Council continue to own and maintain the pontoon."; accordingly, as council is funding these works will council advise as to the estimated value of the current works?

Response

The refurbishment works to the pontoon are not yet fully completed and are estimated to cost up to \$45,000.

- Q6** Is the current work on the Julie Burgess berthing infrastructure the same maintenance work that Council deferred and transferred some \$20,000 from a previous budget to fund earlier maintenance on the Julie Burgess; predominantly for mast and plank replacements at the time?

Response

No, the pontoon maintenance has been identified for some years as an upcoming major maintenance activity.

- Q7** As Council continues to own and maintain the Julie Burgess berthing infrastructure, will Council confirm that it is charging Julie Burgess Inc. a commercial rate for an annual licence or rental, and if so what is the amount?

Response

Arrangements for the use of the pontoon are as per the publicly available agreement between JB Incorporated and Council.

2021-22 Annual Budget Question

Q8 In the July Agenda, in relation to a question as to the total ratepayer costs to funding Providore Place events, including but not limited to staff time, advertising, entertainment, utilities usage and consumables, Council advised "...in the order of \$14,000 per annum", but nothing for the weekly Don Market or fortnightly showgrounds Farmers Market; accordingly, will council advise why it funds Providore Place events including a monthly market but does not contribute to the other two markets?

Response

As previously advised the other markets are operated external to Council.

ATTACHMENTS

1. Questions on Notice - C Mills - August 2021 [**3.2.2.1** - 1 page]
2. Questions on Notice - T Smith - August 2021 [**3.2.2.2** - 1 page]
3. Questions on Notice - B Vellacott - August 2021 [**3.2.2.3** - 1 page]
4. Questions on Notice - M Gardam - August 2021 [**3.2.2.4** - 2 pages]

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 NOTICE OF MOTION - STORAGE SPACES FOR COMMUNITY SERVICE CLUBS

Author: **Councillor Leon Perry**

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 Leon Perry.

MOTION

That this Council workshop the merits of identifying and providing defined outdoor storage space(s) for community service clubs with a history of undertaking projects that benefit our city, to house their equipment, tools and general works assets.

SUPPORT

Several service clubs in our community regularly undertake projects that provide considerable benefits to our citizens and add to the aesthetics of our city. Some of these projects would otherwise need to be undertaken by Council at Council's expense or would not be considered at all.

There have been requests from clubs in recent times for Council to consider providing an outdoor storage area to store their equipment, tools and general works assets. For security, the assets would need to be enclosed in a shipping container or similar and be provided by the club.

Council has several outdoor sporting and other facilities with pockets of vacant space that would seemingly be appropriate for the intention of this motion.

OFFICER'S COMMENTS

From time-to-time Council do receive requests from service clubs, sporting organisations and the like to store equipment. There are a number of factors that need to be considered and investigated to assist Council in determining what level (if any) of support is appropriate and this would form part of the workshop discussion.

ATTACHMENTS

Nil

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 COUNCIL POLICIES - BIENNIAL REVIEW

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council adopt the revised Council policies as attached to this report with immediate effect.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.1 Review and amend structures, policies and procedures to adapt to changing circumstances

SUMMARY

To review Council policies to ensure they are current, up to date and relevant.

BACKGROUND

Council policies are in place to facilitate and ensure effective and consistent administration of operations, legislation and practices.

To guarantee the relevance, practicality and currency of Council policies (including uniformity in content and format), documents are regularly reviewed. Council is committed to a two-yearly review of its policies.

To streamline the process, the majority of Council policies will have the same review date (irrespective of when they are/were originally adopted). This assists in ensuring that policies are reviewed within a designated timeframe and ensures that review timeframes do not lapse, which may be the case with various individual dates of review.

A small number of Council policies are not included in the review process however, as they require review in line with external factors, such as local government elections or other legislative requirements. This includes the Code of Conduct Policy and Payment of Councillor's Allowances, Expenses and Provision of Facilities Policy, the Dog Management Policy and Public Interest Disclosure Policy. Any policies endorsed or reviewed in the last two months are also not included but will be included in the next biennial review.

If there are significant changes to legislation, processes or scope relating to a policy within the two-year review cycle, changes to policies may be made as required – the date of next review will, however, remain in line with all other Council policies.

The Street Trading Policy has been reviewed as part of this process however it will be presented to Council via a separate report at a later date.

STATUTORY REQUIREMENTS

There are no specific statutory requirements which relate to this report. Some policies are based on best practice provisions, whilst some are mandated under legislation.

DISCUSSION

A review of Council policies has been undertaken and revised policies are attached. Each policy has been reviewed by the document controller, the responsible manager, other staff members as appropriate, and the Management Team.

Any proposed changes to the policies have been highlighted in the attached and changes have been summarised in the table below. One significant change that has been recommended this year, is to remove procedures as attachments to policies. Procedures outline operational processes that are subject to change frequently. Rather than be attached as an appendix to a policy, a procedure will instead be listed as a related document; the procedure can then be updated by Management as required and the policy remains the high level document that it is intended to be.

Policy	Changes
Asset Management Policy	<p>Removal of clause 1.2 – not a requirement to include this in the policy.</p> <p>Clause 1.4 – added <i>Local Government Act 1993</i> requirements.</p> <p>Clause 3 – principles updated to ensure best practice.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Boundary Fencing Policy	<p>Addition of Clause 9 – property owners must seek advice from Council to determine if a planning permit is required, prior to commencing works.</p> <p>Addition of Clause 10 – property owners must seek appropriate permit/s before commencing construction – they should contact a building surveyor for advice.</p> <p>Clause 11 – changes regarding height of boundary fences on street corners.</p> <p>Clause 12 – information regarding liability for locating property boundary.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Code for Tenders and Contracts	<p>Several changes throughout the document to clarify clauses.</p> <p>Section 3 split into two, making Section 4 'Tenders'.</p> <p>Section 5 Exemptions – information added regarding non-use of the public tender process.</p> <p>New section added - Section 6 – Engaging a Third Party to Manage a procurement process.</p>
Commemorative Seat Policy	<p>Included the words and/or plaque throughout document to acknowledge that plaques may be applied to existing seats.</p> <p>Definitions section added.</p>

	<p>Clause 1 Objective – removed as covered in the Purpose.</p> <p>Clause 1 Applications – updated to include the need to gain consent from landowner if necessary. And removed the sentence that said applications would not be accepted if a person event or place is already memorialised.</p> <p>Clause 2 – included reference to Commemorative Seat Procedure.</p> <p>Added Clause 5 – Other memorials, to recognise that requests other than commemorative seat and/or plaques may be received.</p> <p>Removal of the procedure as an attachment, because this relates to operational processes. Instead, added to the Legislation and Related Documents.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Commercial Lease Policy	Administrative changes only.
Community and Childcare Lease Policy	<p>Clauses 1, 2 & 3 moved to Definitions.</p> <p>Clause 2 – updated to include licence agreements.</p> <p>Clause 4 – added provisions for BMS review.</p> <p>Added Clause 7.3 – Incremental rent increases</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Community Engagement Policy	Minor changes – no impact to the intent of the policy.
Complaint Handling Policy	Minor changes – no impact to the intent of the policy.
Credit Card Policy	<p>Scope – removal of unnecessary content.</p> <p>Minor changes – no impact to the intent of the policy.</p>
Customer Service Charter	<p>Minor changes – no impact to the intent of the policy.</p> <p>Clause 5 – Added sentence about the ability to book appointments on Council's website.</p> <p>Clause 9 – Minor changes made to customer service standards to reflect current practices.</p>
Dealing with Difficult People Policy	<p>Purpose – moved reference to rude, abusive or aggressive customers to the first dot point.</p> <p>Clause 1 – Customers who are Rude, Abusive or Aggressive (previously Clause 4) – final paragraph changed to include the option of banning people who engage in violence, damage to property or threatening behaviour from Council sites.</p>
Devonport Regional Gallery Acquisition and Collection Policy	Scope – added 'or outward loan for exhibition purposes'.

	<p>Definitions – administrative changes + addition of definitions from Clause 2.1.</p> <p>Clause 1.4 – simplification of process and removal of reference to subcommittee.</p> <p>Clause 2.1 – removal of definitions.</p> <p>Clause 3.5 – minor addition to the numbering system.</p> <p>Clause 3.6 – added requirement for maintenance workers to be accompanied by nominated staff.</p>
Digital Recording Policy	<p>Scope refined</p> <p>Clause 1.2 updated to include reference to live streaming.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Dilapidated Building Policy	<p>Purpose – definition of dilapidated building moved to the Definitions section.</p> <p>Scope – minor administrative changes.</p> <p>Significant changes throughout the policy to clarify policy and process, but nothing that changes the intent of the policy.</p> <p>Attachments – removal of Show Cause Notice – Dilapidated Building Notice.</p>
Driveway Policy	<p>Addition of Clauses 1.4 and 2.4 regarding debris transferred from driveway to road being responsibility of property owner.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Electoral Signage Policy	<p>Definitions moved from Policy to Definitions section and added definition of apolitical.</p> <p>Clause 1.5 – clarified policy regarding removal of signage.</p> <p>Clause 3 – clarified policy regarding signage on trailers.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Equal Employment Opportunity (EEO) and Diversity Policy	<p>Purpose updated to include definitions consistent with Council's Enterprise Agreement.</p> <p>Clause 2 renamed as Roles and Responsibilities.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Financial Assistance Policy	<p>Scope updated to clarify the intent of the policy.</p> <p>Clause 1 Objective – deleted as covered by purpose.</p>

	Other minor changes that do not impact the intent of the policy.
Financial Hardship Assistance Policy	Policy - Clause 5.2 – removal of sentence re-late payment penalties or interest for late payments due to COVID.
Commercial Addendum to Financial Hardship Assistance Policy	Other minor changes that do not impact the intent of the policy. Addendum – 'model' removed from title. Scope – changed to be applicable to 2021/22. Principles – Clause 1 updated to remove exclusion of landlord and clause 2 subsequently deleted. Clause 1.2.4 – Approval of rates remission – removed descriptive content as approval of rates remission is in accordance with the Financial Hardship Assistance Policy. Other minor changes that do not impact the intent of the addendum.
Fitness for Work Policy	Minor changes that do not impact the intent of the policy. Removal of the procedure as an attachment, because this relates to operational processes. Instead, added to the Legislation and Related Documents.
Fraud & Corruption Control Policy	Definitions moved from Policy to Definitions. Minor changes that do not impact the intent of the policy.
Harassment, Bullying and Anti-Discrimination Policy	Change to policy only, however the content of the procedure has been incorporated into the policy as it is all high-level information. Minor changes that do not impact the intent of the policy.
Gifts and Donations Policy	A number of changes have been made to this policy, but none that change the intent. The purpose has been refined so that it is more relevant, and some of the content moved to the scope and the definitions. Definitions have been moved from within the policy to a separate section. Clauses 3 and 7 – repetitive information removed. Clause 10 – streamlined. Clause 11 – deleted – this policy is reviewed every two years. Attachments – form and sample register removed as these are now electronic documents.

Governance Policy	Minor changes that do not impact the intent of the policy.
Health & Safety Policy	Minor changes that do not impact the intent of the policy.
Information Disclosure & Right to Information Policy	<p>Clause 8 – Charges – added provision to waive fee for journalist acting in connection with their professional duties (legislative requirement).</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Investment Policy	Minor changes that do not impact the intent of the policy.
Personal Information Protection Policy	Minor changes that do not impact the intent of the policy.
Planning Authority Committee Meeting	<p>Clause 2 – removal of items that are not responsibilities of the Planning Authority Committee.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Public Question Time Policy	<p>Purpose & scope – removal of reference to Section 23 meetings.</p> <p>Clause 3 – added section re - a copy of the questions, if not provided to Council prior to the meeting, be provided during or at the conclusion of public question time.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Purchasing Policy	<p>Definitions moved from Policy to Definitions.</p> <p>Clause 1.4 – remove reference to complying with Gifts & Benefits policy as the previous point says procurement is undertaken in accordance with Council policies.</p> <p>Clause 2 – Purchases between \$100,000 and \$249,000 – remove reference to quotes.</p> <p>Clause 2 – added sentence re - the ability to request additional quotes at any time.</p> <p>Clause 5 – Evaluating Offers – removed first dot point as covered in Clause 1 (Purchasing Principles).</p> <p>Clause 7.6 – additional information added regarding the provision of specialist goods and services.</p> <p>Clause 9 – additional information regarding financial delegation instruments and removal of table.</p> <p>Other minor changes that do not impact the intent of the policy.</p>
Recruitment & Selection Policy	Minor changes to definitions & policy.

	Removal of procedure as an attachment and added to Legislation and Related documents instead. The procedure is an operational document that is approved by the Management Team.
Related Party Disclosure Policy	Moved definition of related party from Policy to Definitions. Minor changes that do not impact the intent of the policy. Removal of attached form (now an electronic form).
Retaining Wall Policy	Change in title from Retaining Wall Maintenance Policy to Retaining Wall Policy. Scope – added 'This policy does not specifically apply to retaining walls between privately owned properties; however, it may be used as a guide'. Minor changes throughout policy that do not impact the intent of the policy. Addition of Clause 6 – Council projects that affect retaining walls.
Rooke Street Mall and Market Square Policy	Minor changes – no impact to the intent of the policy.
Sponsorship Policy	Minor changes – no impact to the intent of the policy.
Sport & Recreation Groups Lease Policy	Purpose & scope – added reference to licences. Added Definitions. Clause 2 updated to include licence agreements. Added Clause 7.3 regarding incremental rent increases. Other minor changes that do not impact the intent of the policy.
Stormwater Connection Policy	Scope moved to correct position. Clause 5 – removal of reference to contractors. Attachments – Urban Drainage Boundary image updated.
Subdivision Maintenance Bond Policy	Minor changes – no impact to the intent of the policy.
Subdivision Outstanding Works Bond Policy	Added Clause 4.3 regarding additional works that may be required by the developer. Other minor changes that do not impact the intent of the policy.
Tree Policy	Minor update to scope. Clause 1 – addition of sentence that states the policy proposes to increase the tree coverage in Devonport, and an additional benefit included.

	<p>Clause 2.9 – updated to include service level documents.</p> <p>Clause 3.2 – removal of reference to <i>Roads and Jetties Act 1935 Section 51</i>.</p>
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COMMUNITY ENGAGEMENT

There has been no community engagement undertaken as a result of this report. Community engagement may be undertaken as part of the policy's original development if required.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

Without policies in place, Council is exposed to the risk of inconsistent and ineffective management and operations and may fail to comply with legislation or standards that subsequently affect operations, service provision and compliance. Likewise, out of date or defunct policies pose a risk to Council's performance, direction and operations, particularly if they are no longer aligned with legislative or best practice requirements or that do not support community expectation.

CONCLUSION

Council policies required to be reviewed as part of the biennial review cycle are presented for re-adoption. Changes to the policy template and formatting of the policies may be required post-adoption.

ATTACHMENTS

1. Asset Management Policy [5.1.1 - 5 pages]
2. Boundary Fencing Policy [5.1.2 - 3 pages]
3. Code for Tenders and Contracts [5.1.3 - 18 pages]
4. Commemorative Seat Policy [5.1.4 - 7 pages]
5. Commercial Lease Policy [5.1.5 - 9 pages]
6. Community and Childcare Lease Policy [5.1.6 - 5 pages]
7. Community Engagement Policy [5.1.7 - 4 pages]
8. Complaint Handling Policy [5.1.8 - 5 pages]
9. Credit Card Policy [5.1.9 - 14 pages]
10. Customer Service Charter Policy [5.1.10 - 4 pages]
11. Dealing with Difficult Customers Policy [5.1.11 - 4 pages]
12. Devonport Regional Gallery Acquisition and Collection Policy [5.1.12 - 10 pages]
13. Digital Recording Policy [5.1.13 - 4 pages]
14. Dilapidated Buildings Policy [5.1.14 - 7 pages]
15. Driveway Policy [5.1.15 - 4 pages]
16. Electoral Signage Policy [5.1.16 - 2 pages]
17. Equal Employment Opportunity (EEO) and Diversity Policy [5.1.17 - 3 pages]
18. Financial Assistance Policy [5.1.18 - 4 pages]
19. Financial Hardship Assistance Policy [5.1.19 - 6 pages]
20. Commercial Hardship Addendum Policy [5.1.20 - 5 pages]
21. Fitness for Work Policy [5.1.21 - 15 pages]
22. Fraud and Corruption Control Policy [5.1.22 - 7 pages]
23. Gifts and Donations Policy [5.1.23 - 11 pages]
24. Governance Policy [5.1.24 - 3 pages]
25. Harassment Bullying Anti- Discrimination Policy [5.1.25 - 12 pages]

26. Health & Safety Policy [**5.1.26** - 3 pages]
27. Information Disclosure & Right to Information Policy [**5.1.27** - 8 pages]
28. Investment Policy [**5.1.28** - 4 pages]
29. Personal Information Protection Policy [**5.1.29** - 7 pages]
30. Planning Authority Committee Policy [**5.1.30** - 3 pages]
31. Public Question Time Policy [**5.1.31** - 3 pages]
32. Purchasing Policy [**5.1.32** - 10 pages]
33. Recruitment & Selection Policy [**5.1.33** - 8 pages]
34. Related Party Disclosures Policy [**5.1.34** - 9 pages]
35. Retaining Wall Policy [**5.1.35** - 4 pages]
36. Rooke Street Mall & Market Square Policy [**5.1.36** - 3 pages]
37. Sponsorship Policy [**5.1.37** - 4 pages]
38. Sport and Recreation Groups Lease Policy [**5.1.38** - 4 pages]
39. Stormwater Connection Policy [**5.1.39** - 7 pages]
40. Subdivision Maintenance Bond Policy [**5.1.40** - 2 pages]
41. Subdivision Outstanding Works Bond Policy [**5.1.41** - 3 pages]
42. Tree Policy [**5.1.42** - 2 pages]

5.2 CORPORATE CLIMATE CHANGE ADAPTATION PLAN - YEAR THREE STATUS

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

RECOMMENDATION

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

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 adopted 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 third 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; four are in progress; thirteen are ongoing; two have not commenced; and one did not require any action. Key progress includes:

1. Rainfall

Revegetation of the east bank of the Don River at the Gun Club 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

Initial planning with \$100,00 allocated towards restoration works at Coles Beach and Don Heads in 2021/22 to avoid further environmental degradation and loss of capital values due to extreme storm tide events.

3. Heat

Shade sails installed over the new inclusive equipment at the Mersey Bluff Playground. Sails also to be installed in the Waterfront Park and at the Bluff skate park 2021/22 to address sunburn and heat stress risks for users of council's public open space.

4. Bushfire

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

5. Other

Improving our capacity to respond in an emergency when SES resources are stretched, by working with Volunteering Tasmania with their newly 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 third year of the Plan's implementation.

ATTACHMENTS

1. Corporate Climate Change Adaptation Plan Year Three Status 2021 [**5.2.1** - 6 pages]

5.3 REVIEW OF SPECIAL INTEREST AND WORKING GROUPS

Author: **Karen Hampton, Community Services Manager and Geoff Dobson, Convention and Art Centre Director**

Endorser: **Jeffrey Griffith, Deputy General Manager and Kym Peebles, Executive Manager People and Finance**

RECOMMENDATION

That Council:

- Discontinue the parnaple arts centre Special Advisory Committee and form two separate committees by calling for nominations of the Devonport Regional Gallery Advisory Committee and Public Art Committee;
- Disband the Maritime and Heritage Special Interest Group and review as part of annual plan actions to examine Devonport's tourism requirements;
- Develop Terms of Reference for the Access and Inclusion Working Group for consideration by Council at its September meeting;
- Change the East Devonport Special Interest Group to East Devonport Working Group;
- Disband the Liveable Communities Special Interest Group and the Active City Special Interest Groups; and
- Call for expressions of interest for Devonport Food and Wine Working Group.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.3.4 Ensure effective administration and operation of Council's committees

SUMMARY

To review the structure and membership of Council's Special Interest Groups and Working Groups.

BACKGROUND

In June 2017, Council determined that its Special Interest and Working Groups be reviewed every two years. The last review was held July 2019 and therefore in accordance with Council's determination, a review is required to be undertaken.

STATUTORY REQUIREMENTS

Section 23 and 24 of the *Local Government Act 1993* outlines the statutory requirements relating to the appointment and functions of Committees as follows:

24. Special Committees

- (1) *A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) *A special committee consists of such persons appointed by the council as the council thinks appropriate.*
- (3) *The council is to determine the procedures relating to meetings of a special committee.*

All Council Special Interest Groups have Terms of References which will be reviewed based on outcomes of this report.

DISCUSSION

Council currently has the following Special Interest/Working Groups:

- East Devonport Special Interest Group
- Liveable Communities Special Interest Group
- Active City Special Interest Group
- Devonport Food and Wine Working Group
- paranple arts centre Special Advisory Committee
- Devonport Maritime and Heritage Special Interest Group

The Liveable Communities Special Interest Group and the Active City Special Interest Groups were changed in 2019 to be strategic groups, for the purpose of calling them together for any projects that require input. They have not met during the past two years, however a separate group was formed to provide input into the Sports Infrastructure Master Plan. It is proposed these two Groups be disbanded.

Council established the paranple arts centre Special Advisory Committee in 2019. The committee was devised to assist in amalgamating the functions of the Devonport Regional Gallery Advisory Board and the Public Art Committee during the development of the paranple arts centre. The committee also included representation for performing arts programming.

As the paranple arts centre is now established, it is proposed Council revert to two separate committees; being the Devonport Regional Gallery Advisory Committee, and a Public Art Committee to concentrate on the key functions of Gallery programming and the review of the public art policy and development of a new public art strategy. Performing arts programming and community engagement with the Town Hall Theatre will continue through informal channels.

Maritime and Heritage Special Interest Group

The key function of the Maritime and Heritage Special Interest Group as defined in the terms of reference, is to provide strategic direction on cultural heritage matters related to Devonport. Whilst cultural heritage remains a key focus of Council's Strategic Plan, this function can be achieved utilising resources within Council. In practice, the focus of the Group has shifted from cultural heritage strategy to heritage tourism. This has been an understandable shift, considering the membership of the Group is mostly comprised of independent cultural heritage tourism operators, namely Julie Burgess Inc., Don River Railway and Home Hill. The remaining membership is comprised of the Bass Strait Maritime Centre and a community representative. Two of the three tourism operators, Julie Burgess Inc. and Home Hill, report activities to Council annually, and have existing partnership agreements that detail the support Council is committed to provide to their operations. The Bass Strait Maritime Centre reports bimonthly to Council.

In addition, the Maritime and Heritage Special Interest Group previously served a reporting function for the Julie Burgess Operations Committee. As Council has recently divested its interest in operating the Julie Burgess, this function is no longer required.

The proposal is to discontinue the Maritime and Heritage Special Interest Group and consider cultural and heritage tourism through the annual plan action: *Review existing Council tourism and marketing strategies and develop a consistent or new approach for promoting the city of Devonport.*

East Devonport Special Interest Group

The East Devonport Special Interest Group's main focus has been the East Devonport Community Plan. A workshop was held with members on the 2nd March 2021 to brainstorm:

- What are the priority issues/trends facing East Devonport (social, economic, environmental) currently and in the next 5-10 years? (Have these changed over the past 5-10 years?)
- Vision for future of East Devonport – what are the key elements of a transformed community?
- What approaches/activities are happening now that meet the Vision (& address the priority issues)?
- What new approaches/activities could we pursue in short term (next 2 years) to meet our new Vision (& address the priority issues)?
- Next Steps – action plan development including prioritising/resourcing proposed actions

Based on the outcomes of the workshop, it was suggested to the Group that they be transformed into an action-based working group with meetings focussed on strategic planning and projects. Sub-groups may be established to focus on themes, that may require additional people to be brought in for meetings with relevant skills/expertise applicable to desired outcome.

This approach was supported by members at that time. The formation of the Working Group would be undertaken should Council approve the change from Special Interest Group to Working Group status.

Access and Inclusion Working Group

With the adoption of Council's Disability Inclusion Plan, it is recommended that an Access and Inclusion Working Group be formed to drive the implementation of the Plan. The formation of this Group was placed on hold due to COVID-19, but it is now an appropriate time to develop Terms of Reference and seek expressions of interest for membership.

A separate report providing the Terms of Reference for Council approval will be submitted to the September Council meeting.

COMMUNITY ENGAGEMENT

No community engagement has been undertaken in the development of this report. Consultation will be undertaken with current members of Committees following Council's consideration of this report.

At a workshop held with the East Devonport Special Interest Group around future priorities/actions, it was suggested that the group be altered to be an Action Group focussing on specific priorities which was supported by members at that time.

FINANCIAL IMPLICATIONS

There is no financial impact as a result of this report. Administrative costs in relation to the coordination and facilitation of meetings are absorbed into Council's operational budget.

RISK IMPLICATIONS

- Workplace Health and Safety
To minimise any potential workplace health and safety risks, all endorsed members will complete Council's volunteer induction to ensure they understand their obligations under the *Workplace Health and Safety Act 2012*.

- Consultation and/or Communication
Special Interest and Working Groups assist in providing a mechanism by which Council can communicate effectively on special interest matters.

CONCLUSION

The proposed changes outlined in the report will lead to better outcomes for the Special Interest/Working Groups.

ATTACHMENTS

Nil

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

Author: **Jacqui Surtees, Executive Coordinator**

Endorser: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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
9 August 2021	RANT	Update from RANT Arts
	Bass Strait Maritime Centre Counter	Discussion regarding possible changes to the customer service counter at the BSMC
	Review of Special Interest Groups	Special Interest Groups are reviewed every two years
	Residential Strategy	An overview of the current residential land supply capacity within the municipality
	Local Government Reform	Discussion regarding potential future reform

6.2 MAYOR'S MONTHLY REPORT

RECOMMENDATION

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

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 21 July 2021 to 17 August 2021:

- Council meeting
- Regular meetings with General Manager
- Catch ups with staff members and councillors as required
- Met with community members on a range of topics
- Media as requested: Darren Kerwin (7AD), Mike O'Loughlin (Tasmania Talks 7AD), The Advocate Newspaper (x3), ABC Drive, Lee Dixon (7AD), Jess Bennett (Sea FM)
- Attended Premier's Local Government Council meeting in Launceston
- Attended Devonport Jazz events
- With the General Manager, met with Hon. Catherine King MP (Shadow Minister for Infrastructure, Transport and Regional Development)
- With members of Devon Netball Association Inc. met with Deputy Premier Rockliff
- With the General Manager, attended a breakfast meeting with the Board of Action Against Homelessness Inc at Eveline House
- Attended the opening of the NW Art Circle's Annual Exhibition at the Gallery
- Attended the 3rd Birthday celebrations of International Café
- Attended the launch of the new Brand Tasmania brand
- Attended the General Meeting of the Maidstone Park Controlling Authority
- Attended the LGAT Annual Conference and General Meeting
- Attended the finals of the City of Devonport Tasmanian Open Squash Championships and presentation of trophies
- Hosted a morning tea for City of Devonport Lions Club
- Attended Catholic Education Awards presentation
- Attended induction of new Anglican Minister for Devonport Parish
- Attended Cradle Coast Authority Board meeting
- Attended the official opening of the new Kindergarten buildings at Spreyton Primary School
- Attended Melrose Hall Committee's Annual General Meeting

- Attended Reconciliation Tasmania breakfast
- Hosted a lunchtime forum with Professor Marcia Langton AO regarding reconciliation
- Met with the Manager of the East Devonport Neighbourhood House

ATTACHMENTS

Nil

6.3 GENERAL MANAGER'S REPORT - AUGUST 2021

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

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

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 21 July and 17 August 2021. 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 and Council Meetings as required.
- 1.3. Attended Council's audit panel meeting.
- 1.4. Met with the General Manager of Meander Valley Council to share some of the initiatives being undertaken by Devonport City Council. The visit also involved Meander Valley governance and IT staff meeting with relevant persons within our organisation to gain an understanding of recently implemented initiatives such as Doc's on Tap and our corporate documents register.
- 1.5. Met with representatives from the Cradle Coast Authority and Central Coast Council regarding an update on the coastal pathway project. Tenders for construction of the Don to Leith section are expected to be called next month.

2. COMMUNITY ENGAGEMENT (RESIDENTS & COMMUNITY GROUPS)

- 2.1. Met with a couple from Forthside regarding concerns about increases to their 2021/22 rates for primary production land.

- 2.2. Met a representative of the prospective purchaser of Council owned land at 116-122 Stony Rise Road with a view of finalising negotiations.
- 2.3. Met with representatives of the National Trust and the Home Hill Committee to discuss potential expansion plans for the site including consideration of the recent interest being shown by the State and Federal Governments.
- 2.4. Met with a local commercial business owner regarding concerns about his property rates and his subsequent request for a discount.
- 2.5. With Cr Laycock, met with a resident in Tatiana Close regarding an issue relating to ground levels at the rear of their property, adjacent to a Council reserve.
- 2.6. Along with the Mayor, attended a breakfast and tour at Eveline House, hosted by local organisation Action Against Homelessness Inc.
- 2.7. Met with two separate developers regarding potential commercial developments, including the provision of advice in relation to planning considerations.
- 2.8. Attended a morning tea to recognise a donation of \$50,000 by the City of Devonport Lions Club towards a component within the Waterfront Park to recognise 62 years of service by the Club. Unfortunately, the Club has recently decided to wind up.

3. NATIONAL, REGIONAL AND STATE BASED LOCAL GOVERNMENT

- 3.1. Attended a luncheon during the LG Professionals Digital Special Interest Group (SIG) meeting. The SIG was hosted by Devonport City Council (DCC) and was attended by over 50 Practitioners working within IT across Tasmanian Councils. DCC's Jeff Griffith and Lisa Smith provided keynote presentations outlining the digital transformation being undertaken at Devonport.
- 3.2. Attended TasWater Owners Representatives quarterly briefing for Northwest councils.
- 3.3. Attended the Local Government Association of Tasmania (LGAT) General Meeting and 107th Annual Conference. Devonport City Council was successful in winning the MAV Award for Excellence – Large Councils, for its digital transformation initiatives.
- 3.4. As a Director attended the State Board meeting of LG Professionals.

4. STATE AND FEDERAL GOVERNMENT PROGRAMS

- 4.1. Along with the Mayor, met via video with Federal Shadow Minister for Regional Development, Catherine King MP regarding matters of interest for the Devonport region.
- 4.2. Attended a West x Northwest forum regarding the State Government's Agritourism Accelerator Program which aims to support and develop both new and established agritourism ventures in the region.

5. OTHER

- 5.1. Attended the funeral of former Deputy Mayor, Spirit of the City Award recipient and long serving community volunteer, Steve Daley OAM.

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. Current and Previous Minutes Resolutions - August 2021 [**6.3.1** - 2 pages]

6.4 CODE OF CONDUCT DETERMINATION REPORT - MILLS V JARMAN

Author: **Matthew Atkins, General Manager**

RECOMMENDATION

That Council notes the Code of Conduct Panel Determination Report made on 30 July 2021, in relation to a complaint by Mr Chris Mills against Councillor Alison Jarman.

RELEVANCE TO COUNCIL'S PLANS & POLICIES

Council's Strategic Plan 2009-2030:

Strategy 5.6.5 Ensure compliance with all relevant legislative requirements, standards, policies and procedures

SUMMARY

To present the Determination Report of the Local Government Code of Conduct Panel, received by the General Manager on 2 August 2021.

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 1 March 2021 by Mr Chris Mills against Cr Alison Jarman.

STATUTORY REQUIREMENTS

In accordance with section 28ZK(4) of the Act, the General Manager 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 complaint alleged that Cr Jarman used her office as a councillor to influence Mr Mills against bringing a complaint against a Council employee, in return for assisting Mr Mills to resolve a long-standing issue he had with the General Manager of the Council.

The complaint also alleged that Cr Jarman had been 'agitated and disrespectful' in dealing with Mr Mills, and that she had bullied Mr Mills in her phone call to him on 1 March 2021. Finally, the complaint alleged that Cr Jarman failed to represent Council in accordance with Part 8 of the Code.

In accordance with section 28ZE of the Act, the Code of Conduct panel conducted an investigation into the complaint and the complaint has been dismissed.

COMMUNITY ENGAGEMENT

No community engagement was required in preparing this report.

FINANCIAL IMPLICATIONS

Council is required to pay for the costs associated with code of conduct complaints, the actual costs are unknown at this point.

RISK IMPLICATIONS

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

CONCLUSION

It is recommended that Council note the Determination Report.

ATTACHMENTS

1. DETERMINATION REPORT - DCC - Mills v Jarman - redacted [6.4.1 - 6 pages]

6.5 INFRASTRUCTURE AND WORKS REPORT

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

RECOMMENDATION

That Council receive and note the Infrastructure and Works report.

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.

BACKGROUND

This report is provided to update the Councillors and the community on matters of interest relating to Council's Infrastructure and Works Department. 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

There are no statutory requirements relevant to this report.

DISCUSSION

1. Capital Works Program

- 1.1. Substantial progress has been made on the capital works program throughout the 2020/21 financial year. Over \$2.5M of additional external funding was secured for projects through the year from a range of sources. Some of these projects are underway, with others yet to be commenced, which will be carried forward to the 2021/22 capital works program. From July, work has commenced on projects identified as a priority in the 2021/22 program in parallel with projects already underway from the previous years' budget allocation.
- 1.2. A tender has been advertised for the construction of a public toilet and RV dump point at Horsehead Creek. The budget for this project includes \$95,000 from the 2020/21 capital works program, \$39,000 secured from the State Government's Recreational Fishing and Camping Facilities Program, with a further \$30,000 from the Federal Governments Local Roads and Community Infrastructure Program - Phase two. This \$30,000 was previously unallocated but is required to complete this project.
- 1.3. New footpath links were completed on Forbes Street and Best Street as part of a package of work funded by the State Government's *Safer Roads: Vulnerable Road User Program* to improve footpath connections near bus stops. Further work will be completed in Steele Street, Nixon Street and Don Road.



- 1.4. Work on the Don Reserve playground renewal has commenced, with site work and off-site manufacturing underway. The design for the cable rider (aka flying fox) includes an impression of the swift parrot, which inhabits the area.



- 1.5. The construction of a BBQ shelter at Highfield Park has been delayed by wet weather as Council's building team and contractors have been unable to access the site due to wet ground. It is expected work will recommence in September.

- 1.6. Safety improvements on Forth Road are nearing completion. Work has included widening of the road and replacement of stormwater headwalls with those suitable for the speed environment. The road shoulders will be sealed with edge lines and guide posts to be installed to improve delineation of the road formation.



- 1.7. A new path has been constructed on Thomas Street between Wright Street and Pioneer Park. Access to the park has also been improved by the provision of two accessible parking bays.



- 1.8. Pedestrian improvements on Forbes Street are nearing completion. A wider path and raised crossings on three terminating streets will improve safety and accessibility for pedestrians.



- 1.9. Improvements at Maidstone Park have been completed with the seating around the boundary fence being renewed, and inefficient heating in the Spreyton Hall being replaced with energy efficient heat humps.



1.10. Work to commence in August and September includes:

- Installation of public place recycling bins
- Coastal pathway – River Road
- Coastal pathway – Don River bridge
- Kelcey Tier Road renewal

2. Management

2.1. Measures implemented to comply with COVID-19 pandemic restrictions on physical contact and proximity remain in place as part of Council's COVID safe work plan. Measures include social distancing in office spaces and break rooms.

Hygiene measures, such as the provision of hand sanitiser and more frequent cleaning remain in place.

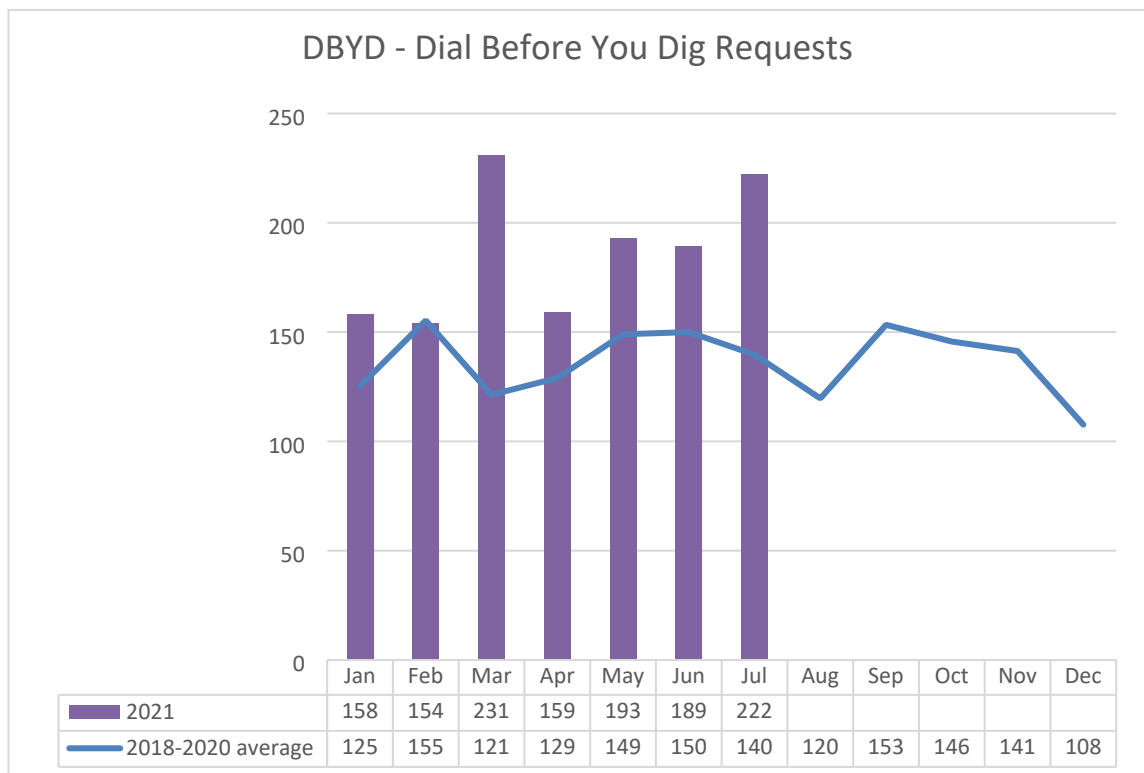


2.2. Council's engineering team are providing input to the Department of State Growth Project to construct paths on two sections of Stony Rise Road. The section between Friend Street and Tugrah Road is close to completion and the section from Middle Road to Durkins Road is being designed. Council will become the asset owners of both sections.

- 2.3. Council has been advised of a \$1,013,466 allocation in the Federal Government's Local Roads and Community Infrastructure (LRCI) Phase 3. This funding is available from January 2022 until June 2023. Candidate projects will be presented to Council for consideration prior to January 2022.
- 2.4. The Infrastructure and Works Department have commenced work on review of Council's Road Network Strategy and Council's Bike Riding Strategy. Public consultation is planned to occur in coming months, seeking input to the strategies which will guide Council's approach to this infrastructure over the next 5 years.

3. Assessments and Approvals

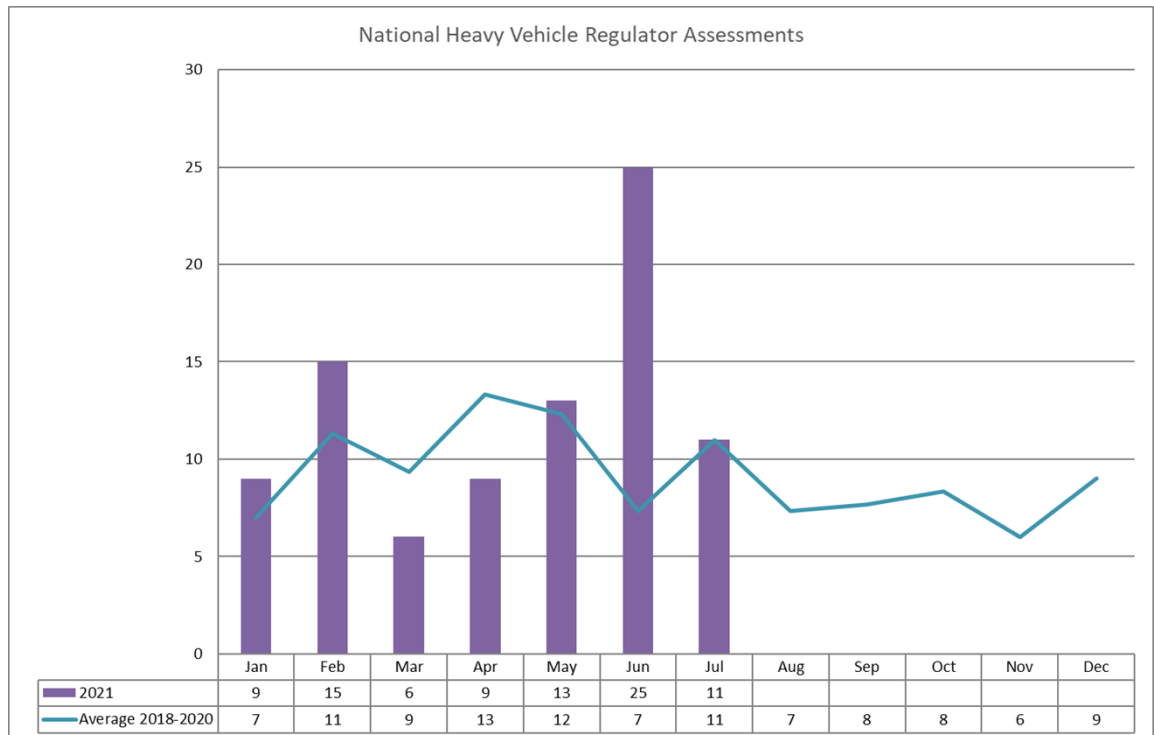
- 3.1. The following graph details the Dial Before You Dig Requests that have been assessed by the Infrastructure and Works Department this year compared to previous years:



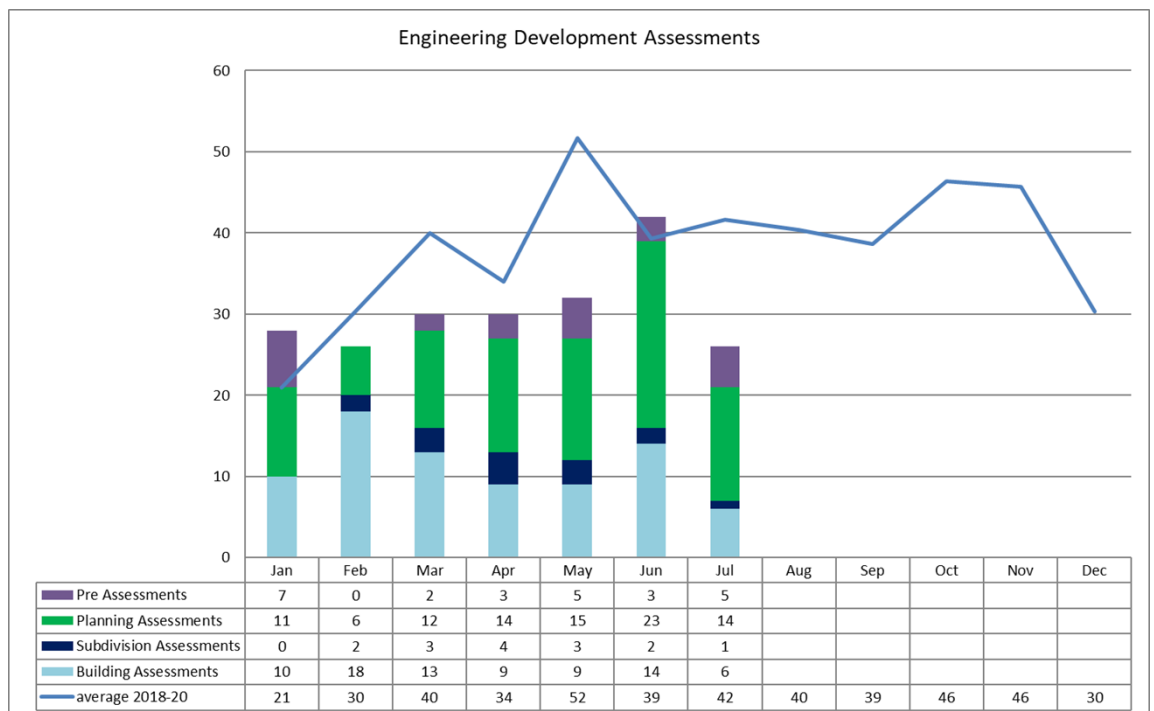
- 3.2. The following is a summary of the projects capitalised in the period since the last report:

Number of projects capitalised in period	18
Total value of capitalisations in period	\$2.19M
Total value of Works in Progress (WIP) as at 31 July	\$14.72M
Donated Asset Capitalised (Subdivisions) in period	0
Number of projects awaiting capitalisation next period	16

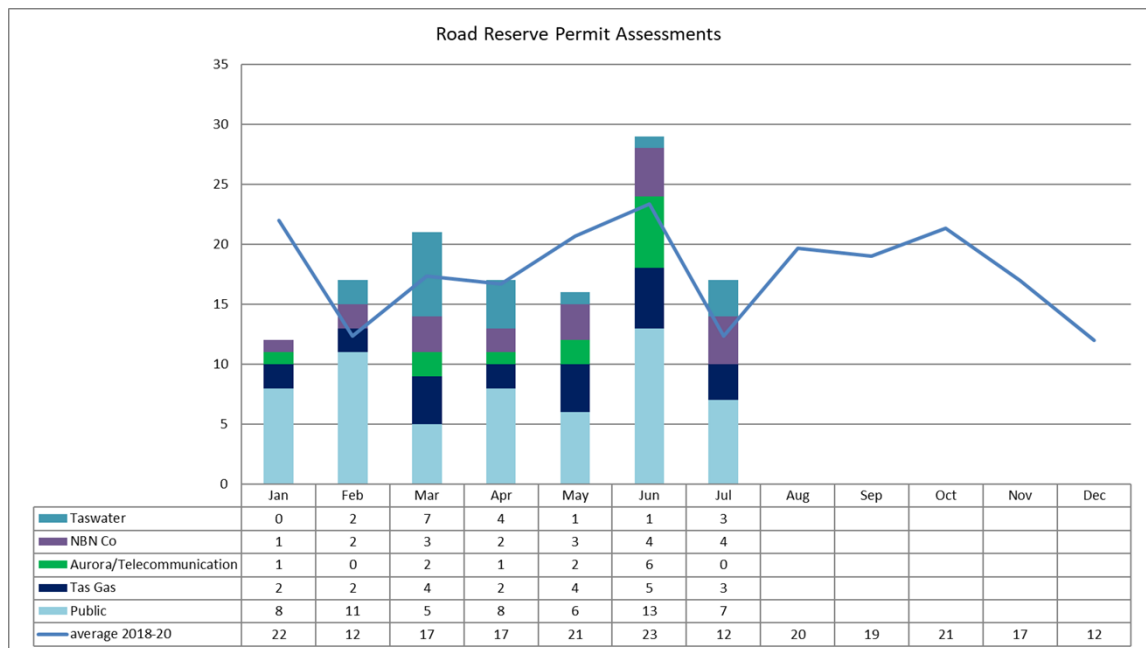
3.3. The following graph details the National Heavy Vehicle Regulator Assessments that have been issued this year compared to previous years:



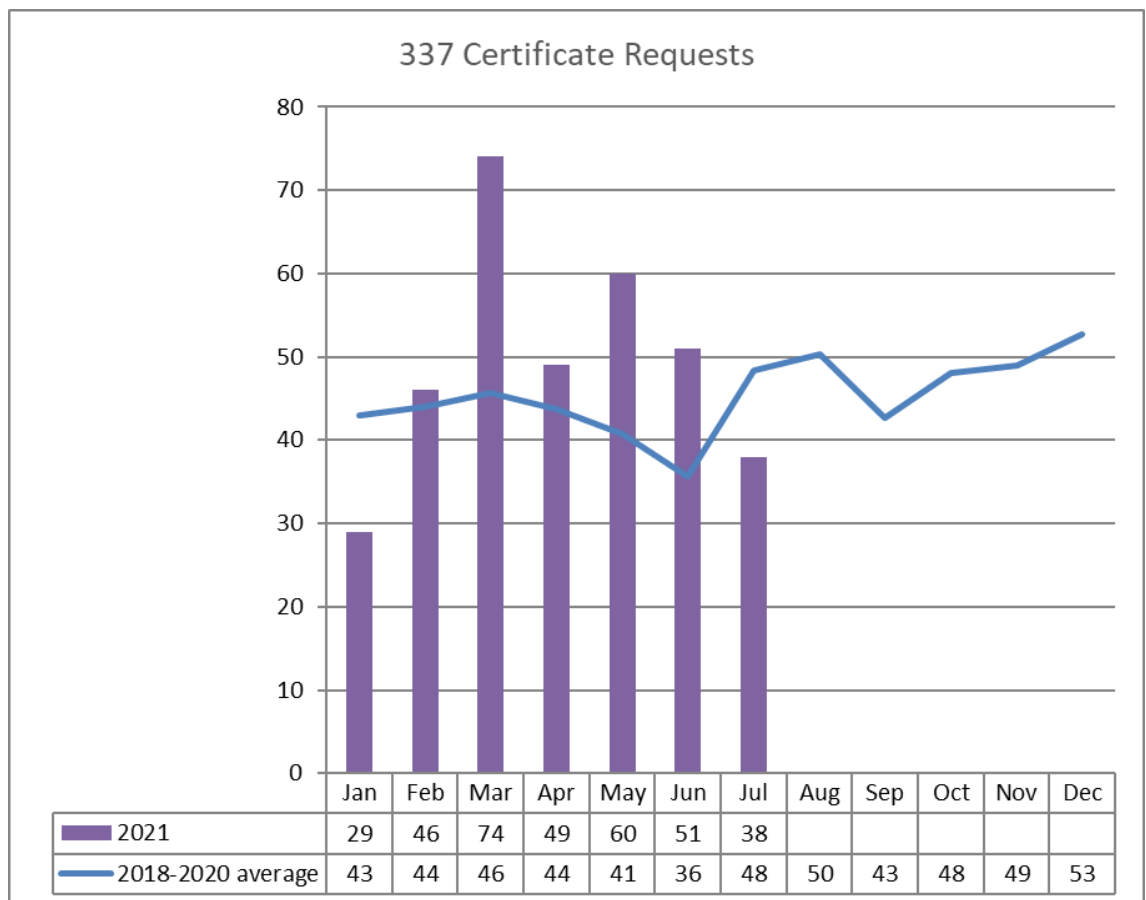
3.4. The following graph details the Engineering Assessments for Development Applications that were completed this year compared to previous years.



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



3.6. 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
None this period.				

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
None this period.				

5. Civil Works and Stormwater Maintenance

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

- Completion of the of the gravel road maintenance program, with work completed in Jarmans Lane, Jowetts Lane and Durkins Road
- Footpath repairs on Janes Street, Wheeler Street and James Street
- Open drain clearing in Tugrah Road and Stony Rise Road
- Stormwater pipe clearing in College Court and Chichester Drive



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

- Road patching Tarleton Street and Best Street
- Road patching and shouldering on Forthside Road
- Crack sealing and patching

6. Parks and Reserves Maintenance

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

- Installation of new sign at the Don Congregational Cemetery
- Tree trimming and removal at the Devonport General Cemetery and the Don Congregational Cemetery
- Annual rose pruning and replanting Home Hill rose bed with 'David Austin' Roses
- Old Devonport library garden maintenance, with weeds removed and overhanging shrubs trimmed off footpaths and kerb
- Maintenance and replanting of the 'bowl' in Don Reserve, including removing weeds, grass trimming around the rock wall and tree planting.

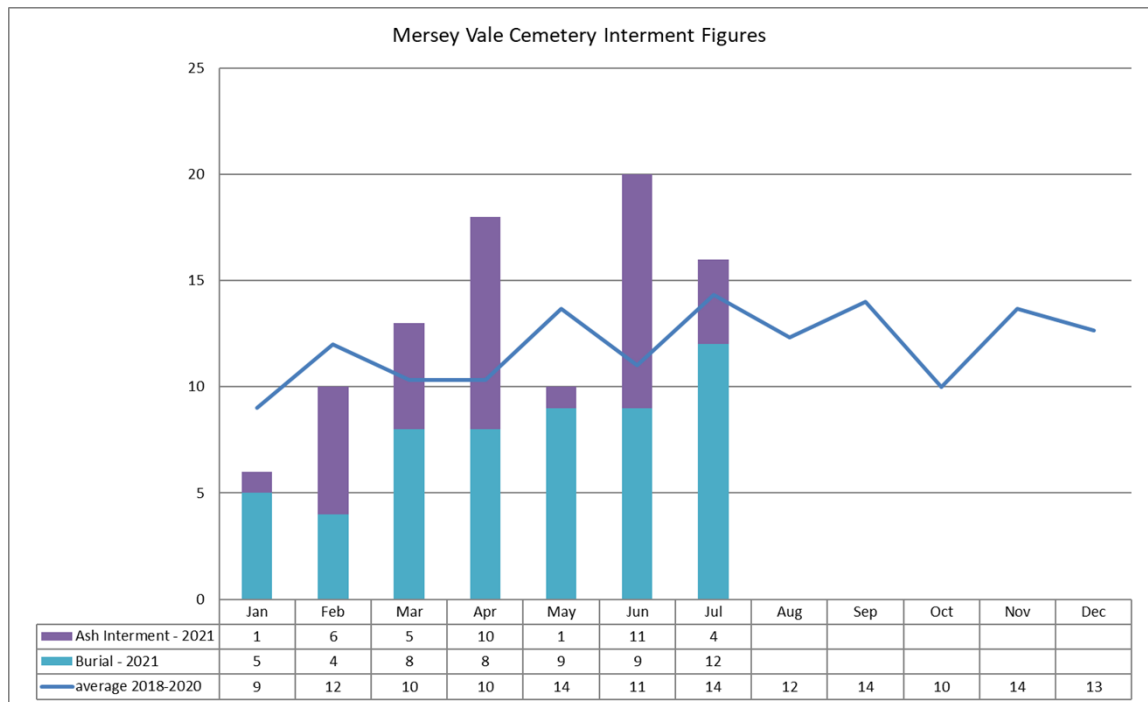


6.2. In August and September planned parks and reserves maintenance works will include:

- Maintenance of the Formby Road median planting, near Steele Street
- Tree trimming in Nicholls Street and Ronald Street
- Replanting of flower beds for spring

- Preparation of sports fields for finals and preparation for changeover to summer sports

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:

- Staining the barbecue shelter at Pioneer Park
- Internal painting at the Spreyton Waste Transfer Station
- Staining the Eastside Village street furniture

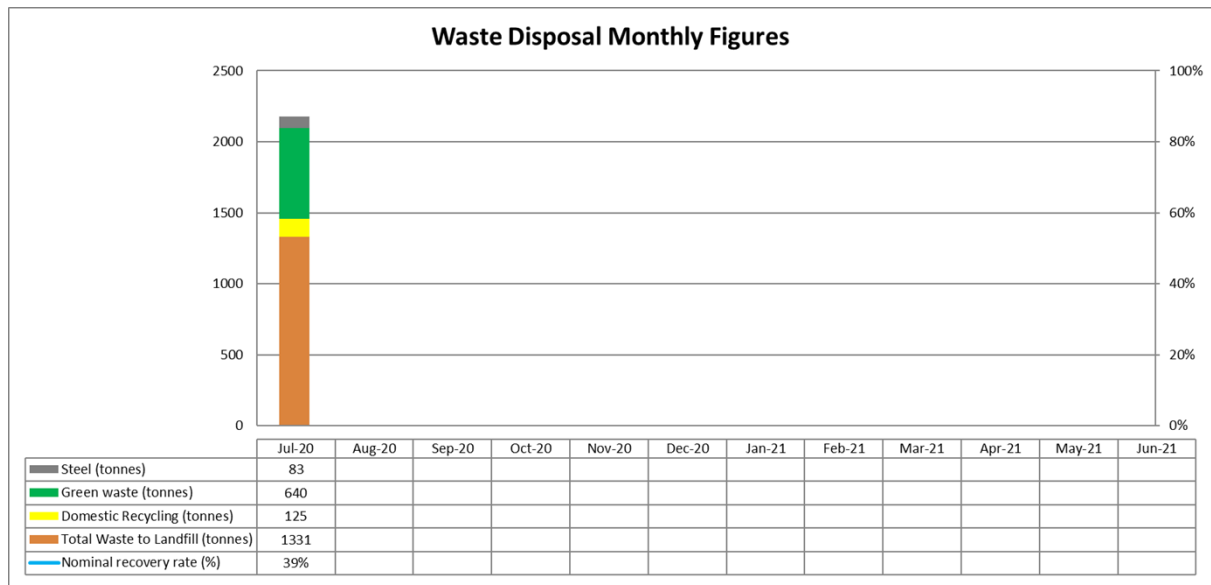


7.2. In August and September, planned building and facilities maintenance works will include:

- Structural repairs to the Home Hill sleeper wall
- Installation of toilet signage

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 risks that result in an issue to Council will be the subject of a separate report.

CONCLUSION

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

ATTACHMENTS

Nil

6.6 DEVELOPMENT AND HEALTH SERVICES REPORT

Author: **Kylie Lunson, Development Services Manager**

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

RECOMMENDATION

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

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 2021.

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:

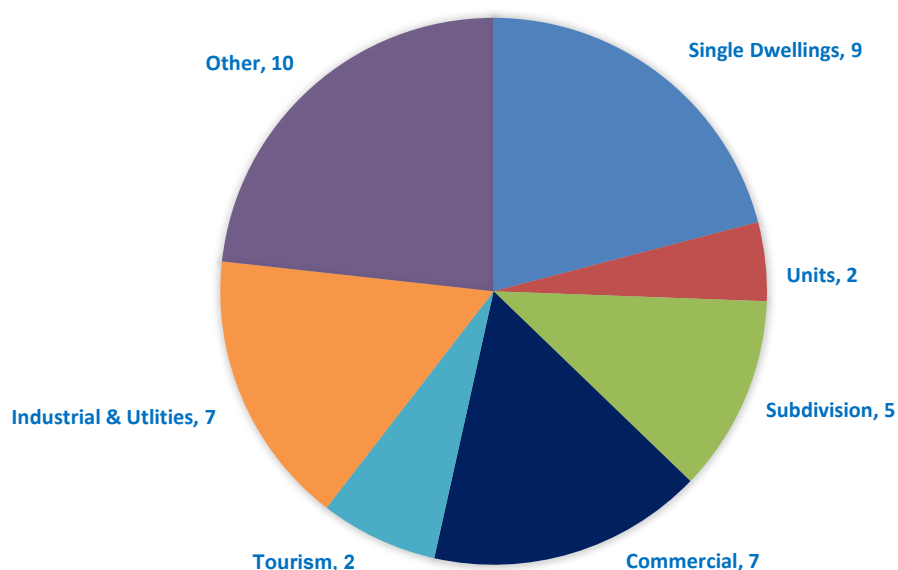
- *Local Government Act 1993*
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Building Regulations 2016*
- *Public Health Act 1997*
- *Food Act 2003*
- *Environmental Management and Pollution Control Act 1994*
- *Dog Control Act 2000*
- *Tasmanian Planning Scheme – Devonport 2020*
- *Work Health and Safety Act 2012*

DISCUSSION

1. Planning

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

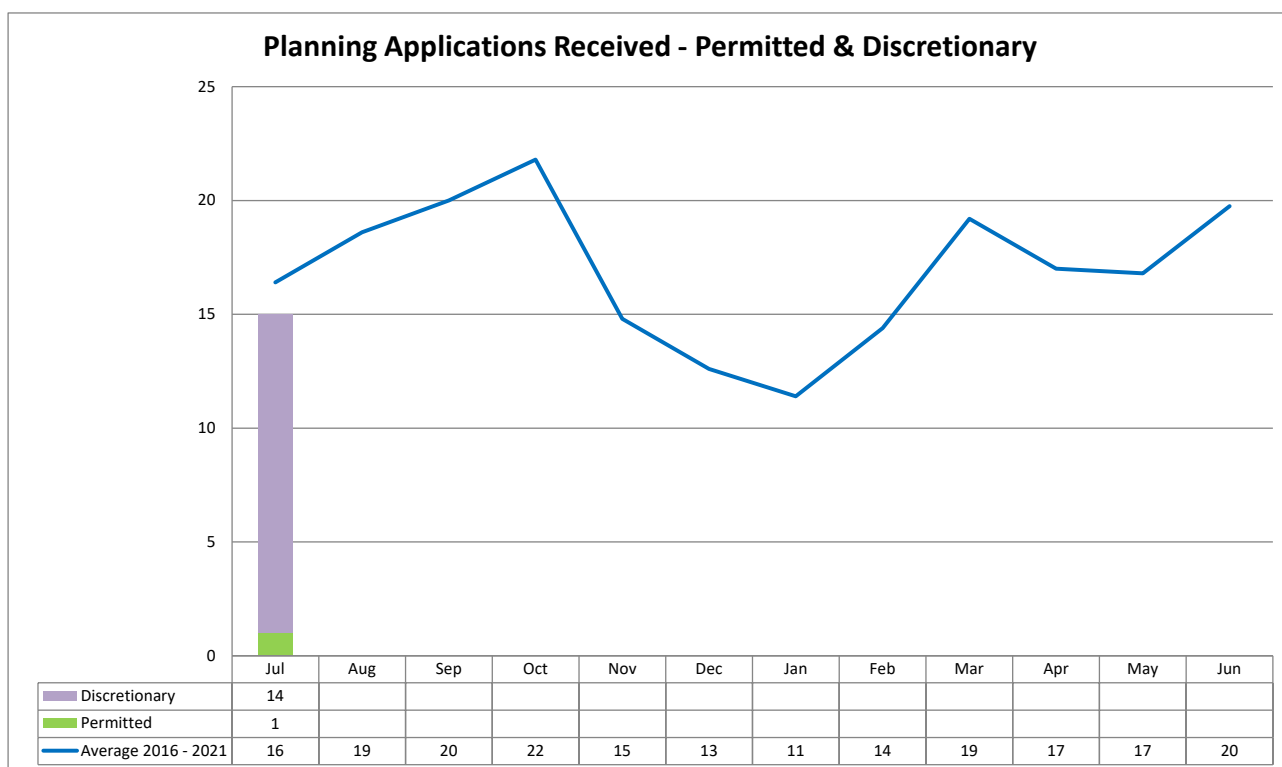
PLANNING APPLICATIONS RECEIVED BI-MONTHLY BREAKDOWN



Note:

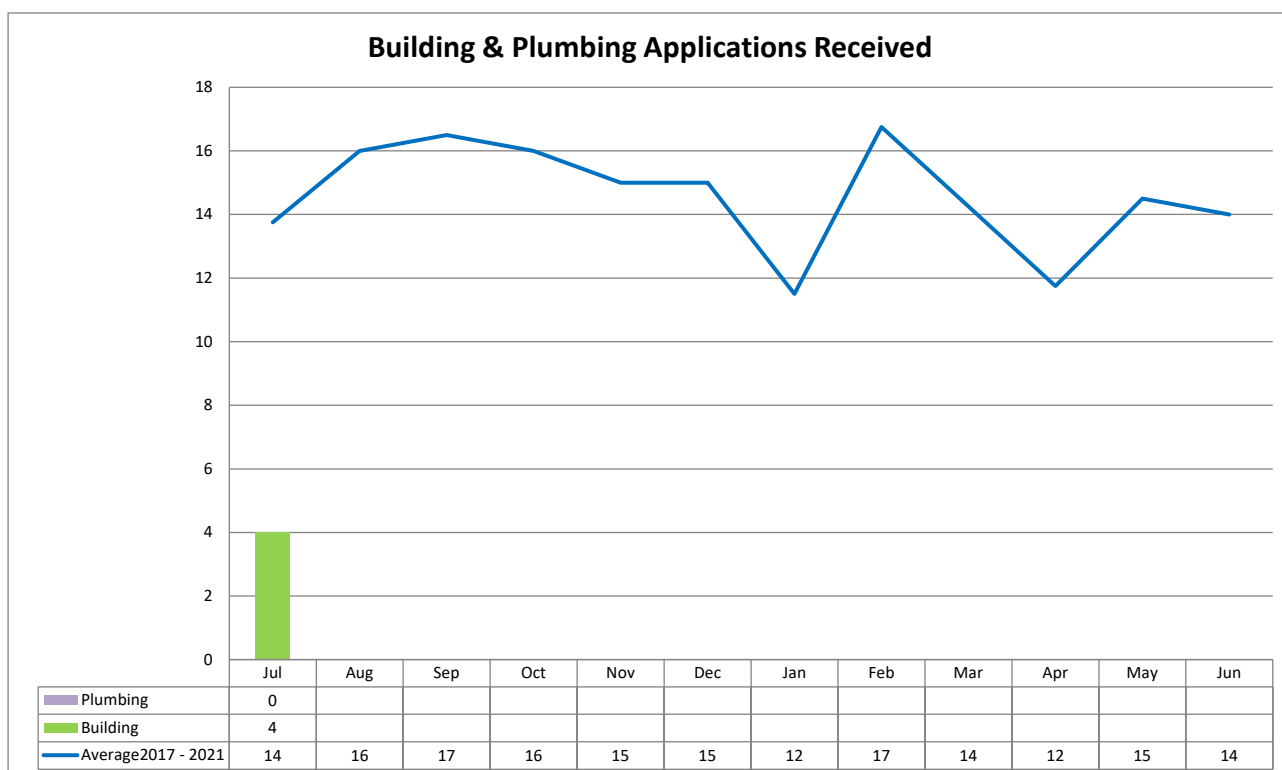
- Single Dwellings – means single residential dwelling on a single lot.
- Units – means two or more dwellings on a site.
- Subdivision – means the division of a single lot into multiple lots giving separate rights of occupation, excluding boundary adjustments.
- Commercial – means bulky goods sales,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

1.2. 34 Discretionary Planning Applications and 9 Permitted Planning Applications were received in June and July. The following graph details the number of Planning Applications received compared to previous years:

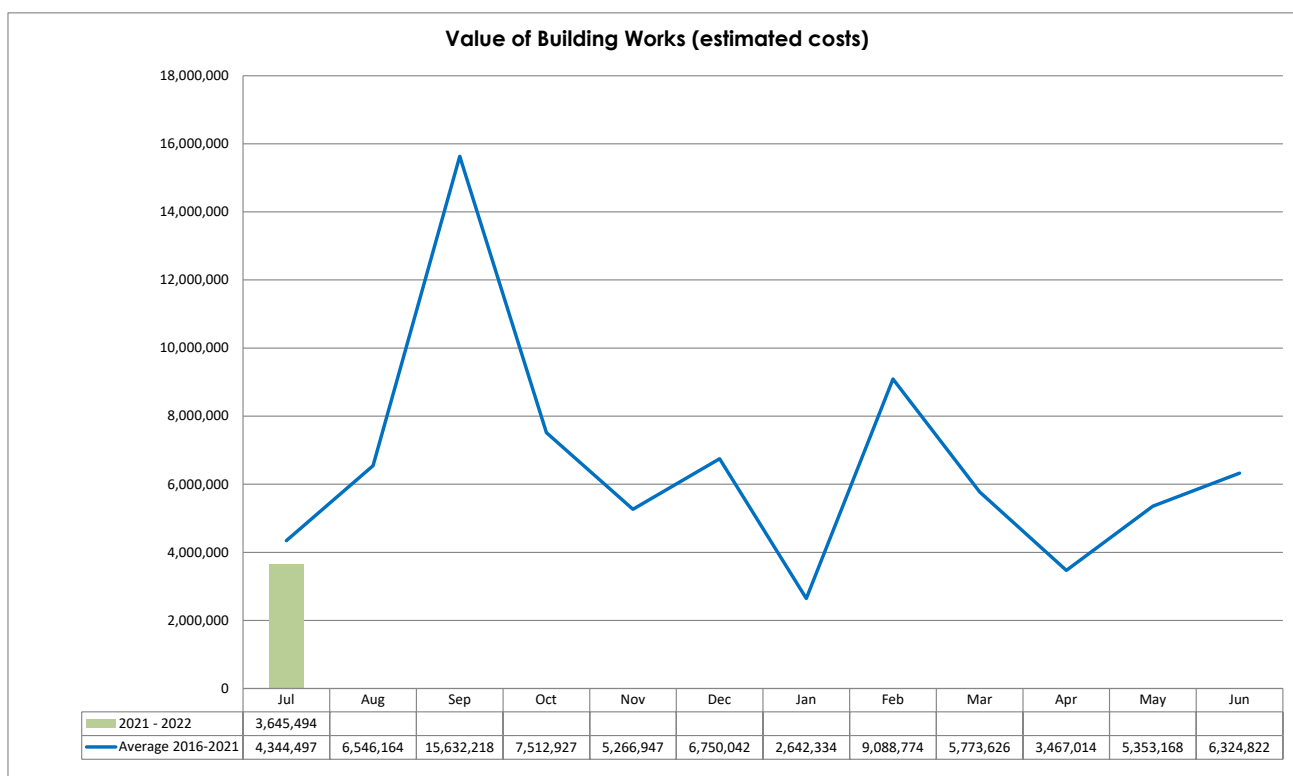


2. Building/Plumbing

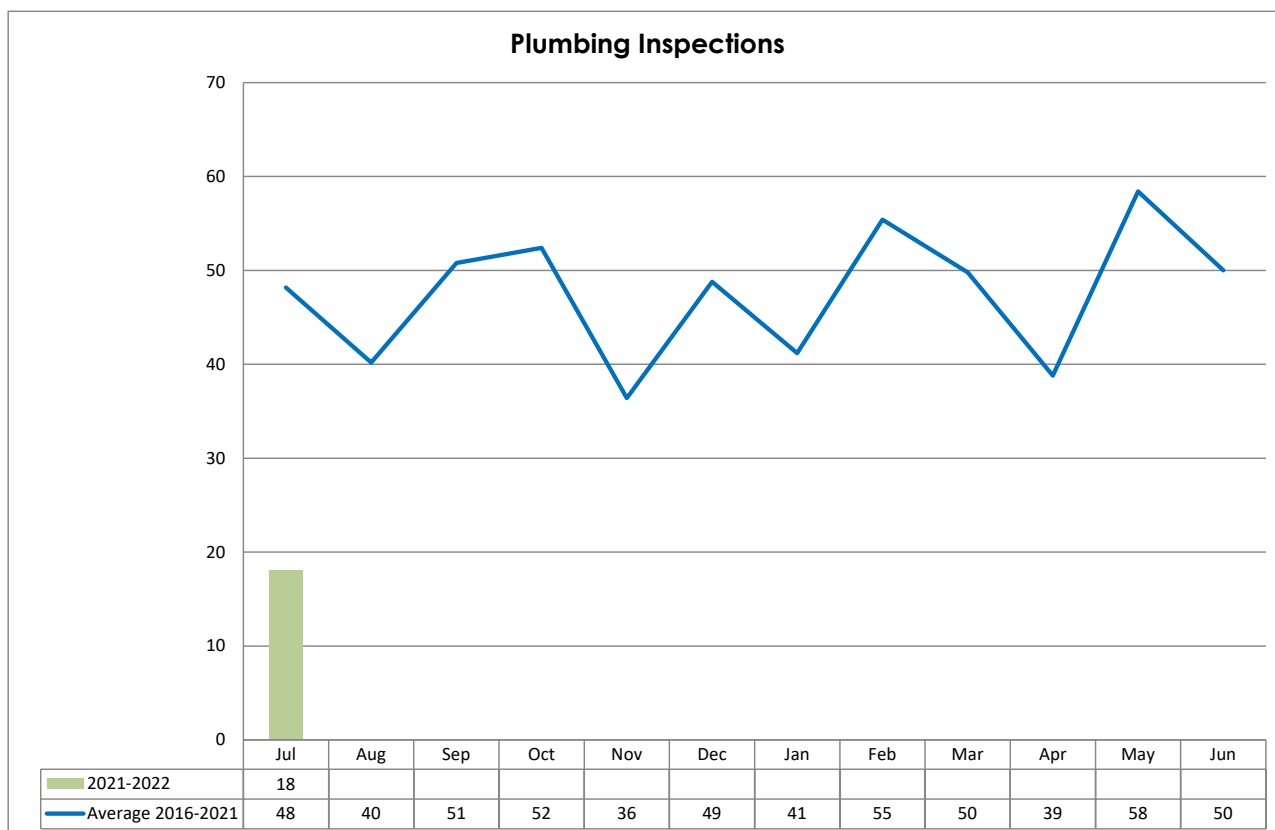
2.1. 5 Building Applications and 3 Plumbing Applications were received in June and July. The following graph details the Building and Plumbing Applications compared to the previous year:



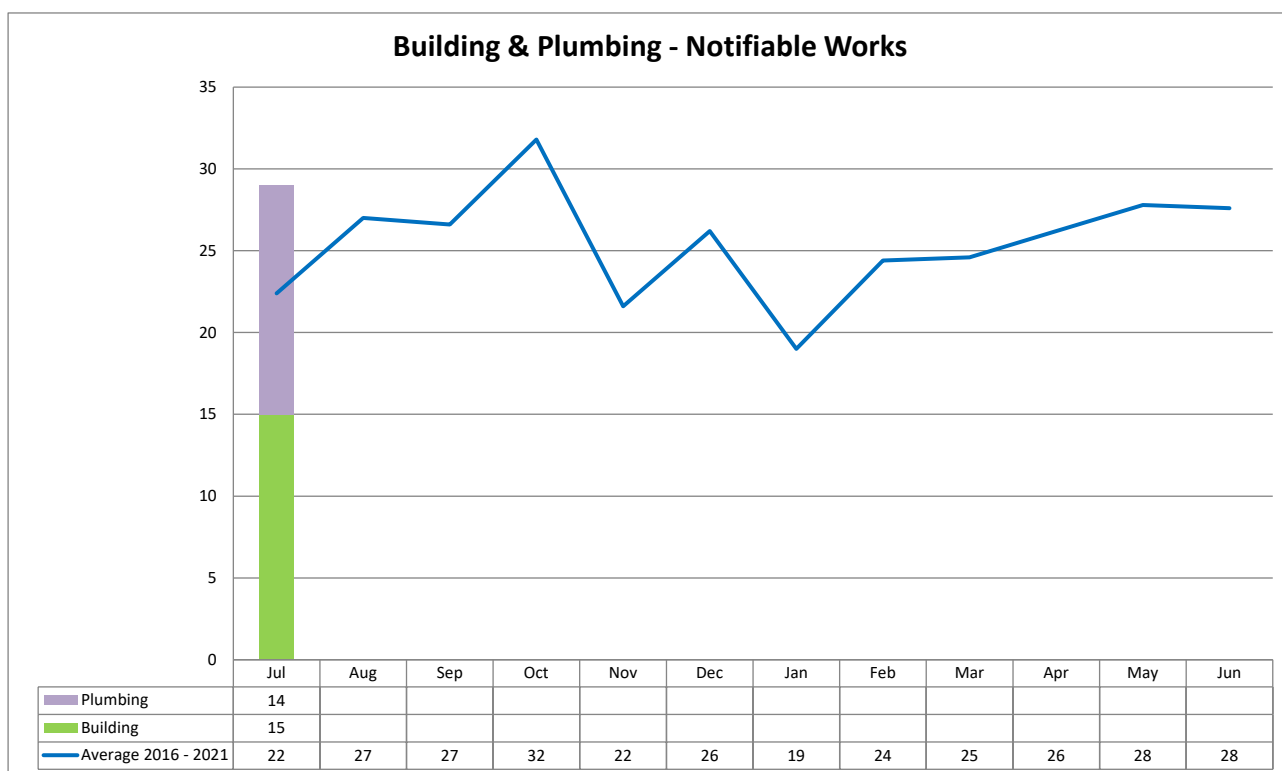
2.2. Building Applications for \$22,795,158 worth of building works were received in June and \$3,645,494 in July. The following graph details the value of building works received compared to previous years:



- 2.3. 45 plumbing inspections were carried out in June and 18 in July. The following graph details the number of plumbing inspections carried out this financial year compared to previous years:

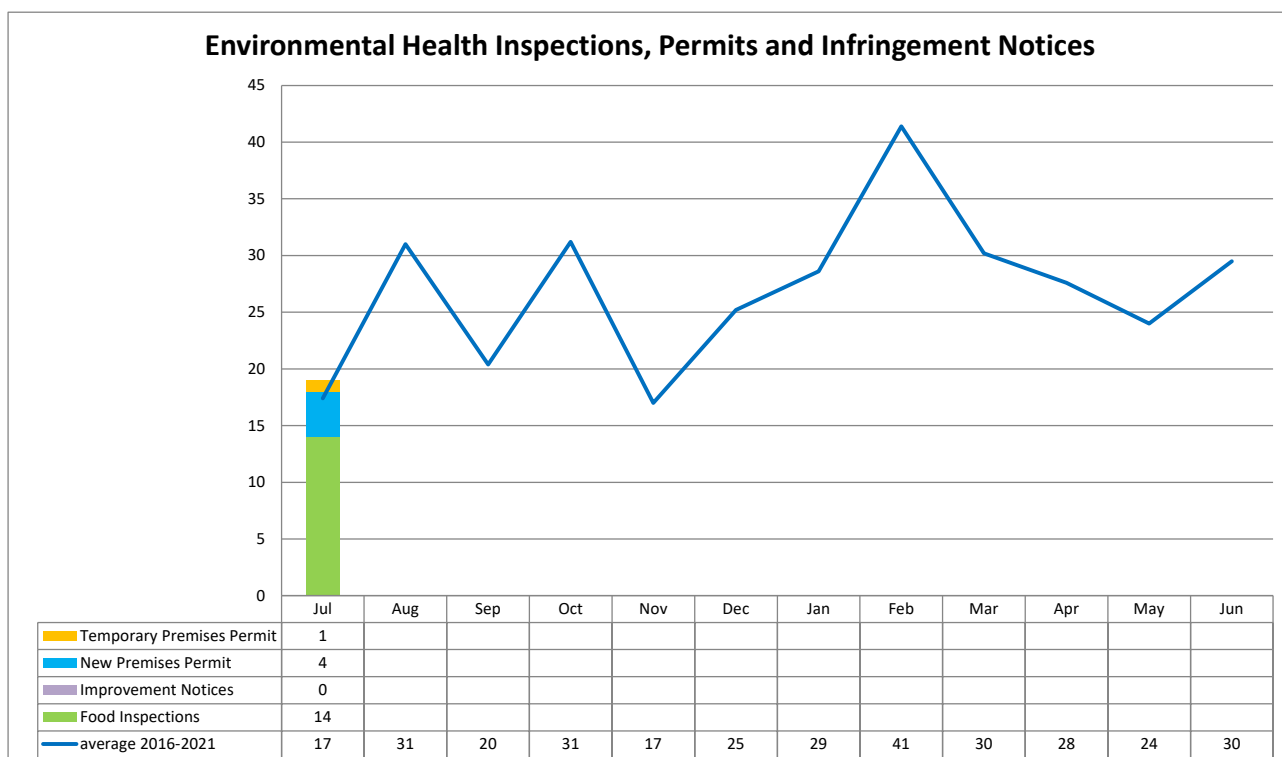


- 2.4. The following graph details the notifiable works received for building and plumbing that have been issued this year compared to previous years:



3. Environmental Health

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



4. Animal Control

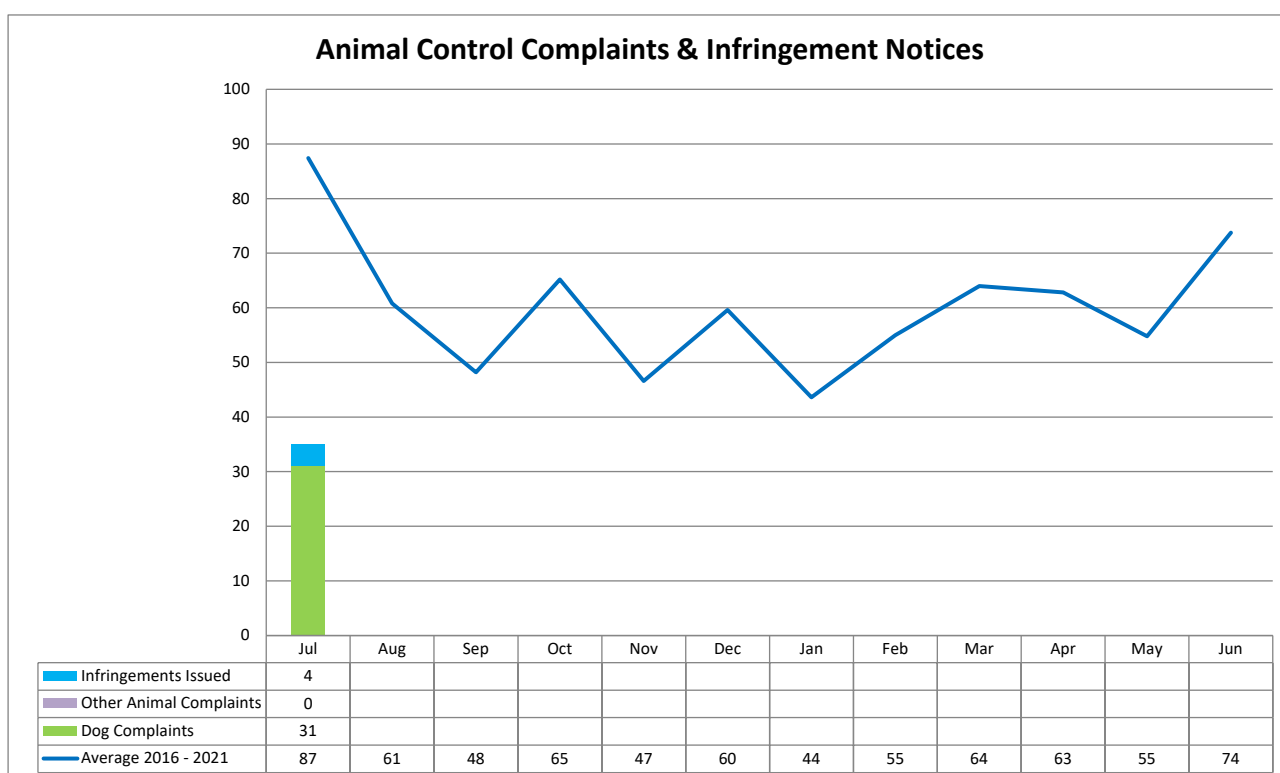
4.1. The *Dog Control Regulations 2021* (the Regulations) supercede the *Dog Control Regulations 2010* which expired on 9 June 2021. The Regulations were originally set to expire on 9 June 2020, but their expiry was extended 12 months by the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

Most provisions in the Regulations remained without change, with the exception of the following minor changes consequent to the December 2019 amendments to the *Dog Control Act 2000* (the *Act*):

- Authorised officers will be able to issue an infringement notice for the new offence under section 19AC(10) of the *Act*, for two penalty units, when a person obstructs, hinders, impedes or threatens, or disobeys a direction given by, a person taking a sample from a dog suspected of committing an offence under section 19AB. This offence is part of the new provisions in the *Act* aimed at protecting sensitive wildlife, including penguins, from dog attacks.
- The infringement penalty for the offence under section 22(2) of the *Act*, which applies when a person fails to ensure their dog does not enter a prohibited area, will be increased from two to four penalty units. This change is required because the maximum penalty for the offence under section 22(2) has been increased in the *Act* from 10 to 20 penalty units. In most cases, for the infringement system to work effectively, it is appropriate to set the infringement notice penalty at 20-25 per cent of the maximum penalty of the offence.
- The infringement penalty for section 19(3), which applies when a dog attacks a person and causes serious injury, will be increased from four to six penalty units. This change is required because the maximum penalty for the offence under section 19(3) has been increased in the *Act* from 20 to 30 penalty units.

The Regulations took effect from the date of their gazettal, which was 9 June 2021.

- 4.2. In June and July, a total of 58 animal complaints were received. These complaints predominately related to dogs at large and barking dogs. All complaints were responded to within two working days.
- 4.3. The following graph details the number of animal complaints for this financial year compared to the same period last year:



5. Risk and Compliance

5.1. COVID-Safe Evacuation Planning Guide – the State Government released a revised draft COVID-Safe Evacuation Planning Guide (Guide) to key stakeholders for a five week consultation period.

The revised draft Guide supports evacuation planning and the activation considerations are *'the primacy of life, and therefore the need to focus on public safety, is the primary consideration in management of emergencies.'*

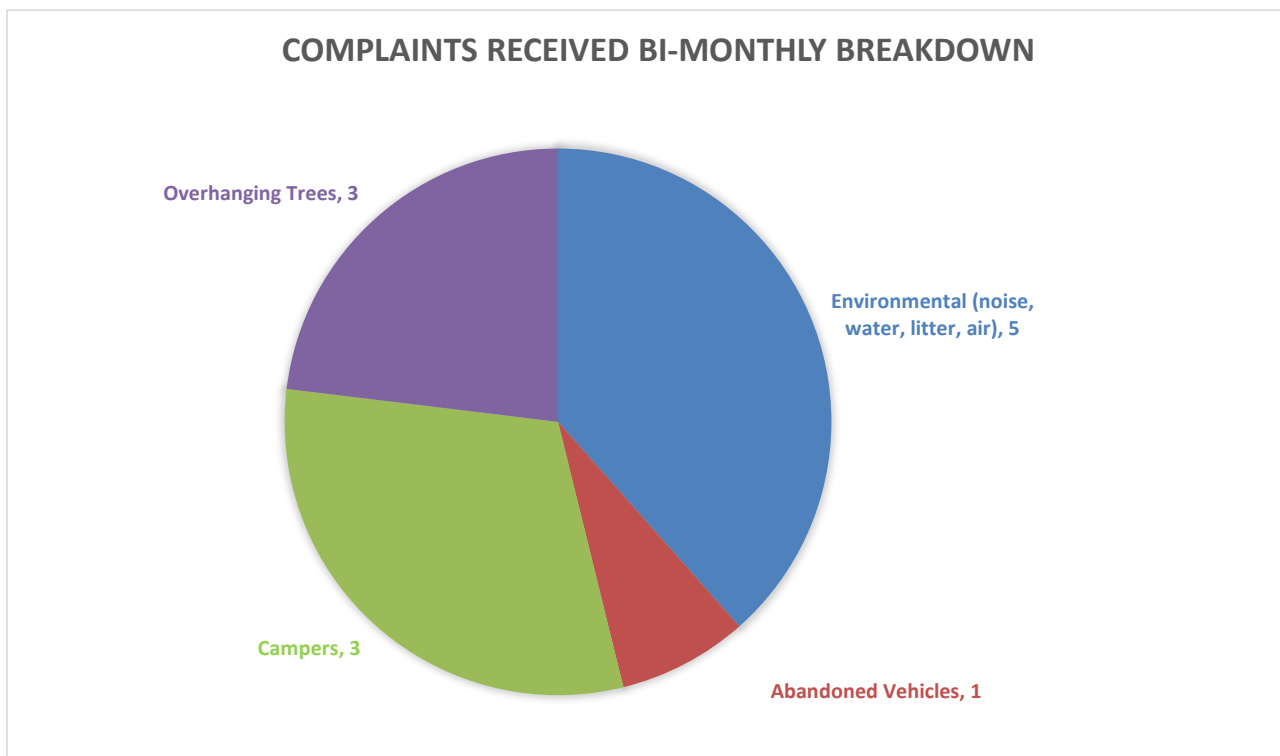
The primary changes to the current draft have been necessary to reflect the contemporary public health approach to COVID community case/s management and to highlight the relevant provisions of COVID-related Directions under the *Emergency Management Act 2006* and the *Public Health Act 1997*. The Guide is now predicated on just two scenarios:

- EVACUATION WHEN NO ACTIVE CASES OF COVID-19 IN THE TASMANIAN COMMUNITY - Evacuation from an area may be necessary while COVID-19 monitoring, response readiness and/or recovery is ongoing. If emergency evacuation is required, the COVID-safe behavioural guidelines and practices in place at the time of evacuation will apply.
- EVACUATION WHEN THERE ARE PEOPLE WITHIN THE COMMUNITY THAT ARE SUBJECT TO DIRECTIONS - A situation may arise in which there are people in the community that are subject to Directions in an emergency-impacted area either in a government-managed facility or other suitable premises.

If evacuation is required from an area in which there are people subject to Directions, escalated arrangements, resources and oversight will be required particularly by the Department of Health (DoH), Department of Communities (DCT) and TasPol, to mitigate the risk of person-to-person COVID transmission in the prevailing circumstances.

There is no change in relation to the role and responsibilities of municipal councils and the management of evacuation centres/facilities to which councils' COVID Safety Plans apply.

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



- 5.3. 44 incidents were reported during June and July. The following table details the types of incidents:

Council	32
General Public	4
Attempted illegal entry into building	1
Public altercation	1
Verbal abuse	1
Verbal abuse from public	1
Hazard	1
Youths riding bikes erratically	1
Motor Vehicle	7
Clipped bollard	1
Minor damage to retaining wall	1
Minor damage to vehicle	1
Minor vehicle damage	2
near hit in traffic	1
Vehicle damage	1
Near Hit	2
Equipment fell off truck	1
Near hit between pedestrian and motor vehicle	1
Personal Injury	8
Back strain	1

Hamstring strain	1
Hit knee on table	1
Insect bite	1
Jarred back	1
Shoulder strain	2
Trip & fall down stairs causing bruising	1
Property Damage	10
Blood found on windows	1
Coles Beach toilets vandalised	1
Damage to car park gates	1
Damage to pontoon	1
Dislodged Telstra cable	1
Interference with grave site	1
Vandalism/Damage to Bluff toilets	1
Vandalism/Damage to Coles beach toilets	1
Vandalism/Damage to Formby Rd toilets	1
Vehicle driving on soccer ground	1
Public	12
Hazard	3
Illegal parking on Council reserve	1
Smoking in toilets	1
Trip & fall	1
Motor Vehicle	2
Vehicle damage	1
Vehicle damaged caused by pothole	1
Personal Injury	2
Laceration	1
Trip & fall	1
Property Damage	3
Council tree fell onto fence	1
Minor damage to Telstra cable	1
Private tree fell on private property	1
Property Theft	2
Potential property theft	1
Wood hooking on Council land	1
Grand Total	44

5.4. The following details the breakdown of claims costs:

Total costs - \$3500
Council incidents costs - \$2750
Public incidents costs - \$750

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 2021.

ATTACHMENTS

Nil

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 in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, 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 – 26 July 2021	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential attachments	15(2)(g)
5.1	Unconfirmed Minutes – Joint Authorities	15(2)(g)

9 CLOSURE