

**COUNCIL MEETING
AGENDA
MONDAY, 27 JULY 2020**



GLENORCHY CITY COUNCIL

QUALIFIED PERSON CERTIFICATION

The General Manager certifies that, in accordance with section 65 of the *Local Government Act 1993*, any advice, information and recommendations contained in the reports related to this agenda have been prepared by persons who have the qualifications or experience necessary to give such advice, information and recommendations.

A blue ink signature of Tony McMullen.

Tony McMullen
General Manager

22 July 2020

Hour: 6.00 p.m.

Present (in Chambers):

In attendance (in Chambers):

In attendance (by video link):

Leave of Absence:

**Workshops held since last
Council Meeting**

Date: Monday, 22 June 2020

Purpose: To discuss:

- Customer Service Strategy and Open for Business Review

Date: Monday, 6 July 2020

Purpose: To discuss:

- President Christina Holmdahl and CEO Katrena Stephenson from LGAT presented
- Gifts and Benefits Policy – Review

Date: Monday, 13 July 2020

Purpose: To discuss:

- Land sales update

Date: Monday, 20 July 2020

Purpose: To discuss:

- Identity and precinct planning
- Statement of Housing commitment
- Arts and Culture Strategy

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1. APOLOGIES

2. CONFIRMATION OF MINUTES (OPEN MEETING)

That the minutes of the Council meeting held on 29 June 2020 be confirmed.

3. ANNOUNCEMENTS BY THE CHAIR

4. PECUNIARY INTEREST NOTIFICATION

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

6. PUBLIC QUESTION TIME (15 MINUTES)

Please note:

- the Council Meeting is a formal meeting of the Aldermen elected by the Glenorchy community. It is chaired by the Mayor
- public question time is an opportunity in the formal meeting for the public to ask questions of their elected Council representatives about the matters that affect ratepayers and citizens
- question time is for asking questions and not making statements (brief explanations of the background to questions may be given for context but comments or statements about Council's activities are otherwise not permitted)
- the Chair may permit follow-up questions at the Chair's discretion, however answers to questions are not to be debated with Council
- the Chair may refuse to answer a question, or may direct a person to stop speaking if the Chair decides that the question is not appropriate or not in accordance with the above rules
- the Chair has the discretion to extend public question time if necessary.

**Questions taken on Notice: Bob Holderness-Rodddam, Austins Ferry
(received 21 July 2020)**

Q. What are the roles/duties of staff attached to the Environmental Health section of Council?

A. The roles and duties of the staff working in the Environmental Health Section are, broadly, to deliver the public and environmental health programs in the community to ensure that Council's statutory obligations are satisfactorily met. Priority is given to minimising the incidence of preventable disease through the *Public Health Act 1997* and the *Food Act 2003*.

Q. How many staff (FTE) are attached to the Environmental Health section?

A. There are currently five (5) full-time equivalent (FTE) positions attached to Council's Environmental Health section.

Q. What legislation/regulations/by laws are Environmental Health Officers responsible for overseeing?

A. The Environmental Health Services section is responsible for undertaking compliance, assessments, inspections etc with the following legislation, regulations, guidelines and by-laws:

- *Food Act 2003* and the *Food Regulations 2012*
- *Public Health Act 1997*, and the 2 sets of Regulations and 7 Guidelines that sit under this Act
- *Burial and Cremation Act 2002*
- *Environmental Management and Pollution Control Act 1994* and 6 sets of Regulations that sit under this Act
- *Local Government Act 1993*
- *Litter Act 2007*
- *Glenorchy City Council Environmental Amenity By-Law 2017*
- *Land Use Planning and Approvals Act 1993*, and
- *Building Act 2016*

Q. Are Environmental Health officers considered to be responsible for local law enforcement and community safety services, as per section 13.1 (e) (viii) of the *Local Government Industry Award 2020*?

A. Glenorchy City Council employees are not employed under the *Local Government Industry Award 2020*. The provisions of that award therefore do not apply to the employment of Glenorchy City Council officers. The majority of Council employees, including all Environmental Health Officers, are employed under the *Glenorchy City Council Enterprise Agreement 2016*.

7. PETITIONS/DEPUTATIONS

COMMUNITY

Community Goal: “Making Lives Better”

8. ANNOUNCEMENTS BY THE MAYOR

Author: Mayor (Ald. Kristie Johnston)
Qualified Person: General Manager (Tony McMullen)
ECM File Reference: Mayoral Announcements

Community Plan Reference:

Under the City of *Glenorchy Community Plan 2015 – 2040*, the Community has prioritised ‘transparent and accountable government’.

Strategic or Annual Plan Reference:

Objective 4.1 Govern in the best interests of the community
Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency.

Reporting Brief:

To receive an update on the recent activities undertaken by the Mayor.

Proposal in Detail:

The following is a list of events and external meetings the Mayor has attended during the period Tuesday 23 June 2020 to Monday 20 July 2020.

Tuesday 23 June 2020

- Chaired General Manager’s Performance Review Committee workshop
- Attended meeting with business representatives
- Chaired a Council workshop

Wednesday 24 June 2020

- Attended meeting with a resident

Thursday 25 June 2020

- Attended a meeting with business representatives
- Filmed an Activity City video for social media
- Attended a meeting with The20

Monday 29 June 2020

- Attended a meeting with the YMCA CEO
- Chaired the Council Meeting

Wednesday 1 July 2020

- Hosted Online Citizenship Ceremonies

Friday 3 July 2020

- Attended a meeting a resident
- Attended a meeting with Mayor of Kingborough, Dean Winter
- Attended a meeting with The20

Monday 6 July 2020

- Attended a meeting with a resident
- Attended a meeting with Minister for Local Government, Mark Shelton and the Local Government Association of Tasmania
- Chaired a Council workshop

Tuesday 7 July 2020

- Attended a meeting with the Salvation Army
- Attended a meeting with a representative of the Tasmania Transport Museum Society

Wednesday 8 July 2020

- Attended a meeting with Colony 47

Monday 13 July 2020

- Chaired a Council workshop
- Chaired the Glenorchy Planning Authority meeting

Tuesday 14 July 2020

- Attended the official opening of Korongee
- Attended a meeting with Andrew Wilkie MP
- Attended a meeting with representatives of the Collinsvale Community Association

Wednesday 15 July 2020

- Hosted Online Citizenship Ceremonies

Thursday 16 July 2020

- Attended an interview with the Hobart Magazine
- Attended a meeting with Minister for Local Government, Mark Shelton and aldermen

Monday 20 July 2020

- Attended a meeting with The20
- Chaired the Council workshop

Due to COVID-19 many community commitments and engagements were cancelled during this period. In addition to the regular internal meetings held in the normal course of council business and mayoral responsibilities, I also attended weekly Economic Recovery Committee meetings. I also regularly liaised with other greater Hobart Mayors (often daily) and Members of Parliament in relation to the COVID-19 situation.

Consultations:

Nil.

Human Resource / Financial and Risk Management Implications:

Nil.

Community Consultation and Public Relations Implications:

Nil.

Recommendation:

RECEIVE the announcements about the activities of the Mayor during the period of Tuesday 23 June 2020 to Monday 20 July 2020.

Attachments/Annexures

Nil.

9. COVID-19 RESPONSE: CAN-DO COMMUNITY GRANTS AND SMALL BUSINESS ECOMMERCE BUSINESS GRANTS

Author: Manager Community (Marina Campbell)
Director Strategy and Development (Sam Fox)

Qualified Person: Director Community and Customer Services (David Ronaldson)

ECM File Reference: Can-Do Community Grant

Community Plan Reference:

Leading our Community

We will be a progressive, positive community with strong Council leadership, strive to make our Community's Vision a reality.

Making Lives Better

There will be community services and programs for people of all ages and abilities to connect, support and make lives better.

Open for Business

We will create a strong economy and jobs for the future. We will encourage business diversity, innovation and new technologies to stimulate jobs, creativity and collaboration. We will be a place where business can establish, continue and flourish.

Strategic or Annual Plan Reference:

Making Lives Better

- Objective 1.1 Know our communities and what they value
- Strategy 1.1.2 Encourage diversity in our community by facilitating opportunities and connections
- Objective 1.3 Facilitate and/or deliver services to our communities
- Strategy 1.3.1 Deliver defined service levels to our communities

Open for Business

- Objective 2.1 Stimulate a positive economy
- Strategy 2.1.1 Foster an environment that encourages investment and jobs
- Strategy 2.1.2 Build relationships with government and the private sector that create job opportunities for our communities

Leading our community

- Objective 4.2 Prioritise resources to achieve our communities' goals
- Strategy 4.2.1 Deploy the Council's resources to deliver value

Reporting Brief:

To report to Council on the grants provided by Council to community groups and small businesses in response to COVID-19, under the 'Can-Do Community Grants' and the 'Small Business eCommerce Grants' schemes.

Proposal in Detail:**Background**

At a special Council meeting on 18 May 2020, Council approved its COVID-19 Community Assistance Package for the 2020/21 financial year, to respond to the significant social and economic impact of the COVID-19 pandemic on our communities.

Two (2) grant programs were included as part of this response. The Can-Do Community Grants and Small Business eCommerce Grants. Both grant programs were offered late in the 2019/20 financial year. Council will monitor the success of the first round of funding and may consider offering similar grant programs during the current financial year as part of its budget review due in August 2020.

The programs were opened on Monday, 1 June 2020 and closed on Friday, 19 June 2020. Administration of the grant application and decision processes was managed using the Smartygrants online grant management program.

Can-Do Community Grants

The \$20,000 Can-Do Community Grants program was established from redeployed 2019/20 funds, including the Mayoral sporting funds and other funds that were unspent due to the cancellation of events due to COVID-19 (ANZAC Day, the annual GCC Volunteer Awards and the Glenorchy volunteer program).

The program provided funding of up to \$1,000 to assist Glenorchy community groups and organisations to implement community-delivered projects aimed at helping connect people during the COVID-19 restrictions.

All applications were assessed against the following eligibility criteria:

- *is an incorporated not-for-profit or auspiced by an incorporated organisation*
- *is a Glenorchy-based community group and operates within the Glenorchy municipality*
- *is a financially viable organisation and able to demonstrate the capacity to successfully manage and administer the proposed project on time and within budget*
- *promotes community connection and social inclusion within the current COVID-19 pandemic restrictions*
- *is able to show how the community would be involved, both directly and indirectly, in the project*
- *builds capacity, strength, creativity and resilience in our community*

- *has the appropriate type and level of insurance for the activities that are the subject of this grant*
- *is not a Government organisation, for-profit organisation or a political party, and*
- *does not duplicate existing programs, services or activities in the locality.*

There was a limit of one (1) application per community group. Two (2) community groups were able to apply to deliver a combined project, provided each was able to demonstrate the benefits to both groups.

A selection panel was formed. Selection panel members were:

- Duncan Spender - Chief Executive Officer, Multicultural Council of Tasmania and
- Jeff Milkins - (Captain) Glenorchy City Corps Officer Tasmania Division, The Salvation Army,
- Council's Manager Community, Marina Campbell
- Coordinator Community Development, Jill Sleifers

Grants were awarded to twelve community groups, with each group receiving \$1,000. Groups have until 30 November to deliver their programs, with final reporting due in mid-December 2020.

The recipients of the Can-do Community Grants were:

Community group	Project
City of Glenorchy Golden Years Club	Post COVID-19 Membership Drive
You Good Forums about Mental Health	You Good Forums about Mental Health
Colony 47 Inc (Eureka Clubhouse)	Community Mental Health Supports
West Moonah Community Action Group Inc	Drive-in Movie Night
The Salvation Army (TAS) Social Work	Card Buddies project
Springfield Gardens Primary School – auspiced by West Moonah Community Action Group Inc	Community Connections
Bucaan Community House Inc	Drive-in Movie Night
Golden Wattle Cafe Inc	Golden Wattle Cafe Revival
Friends of Zafira – auspiced by Multicultural Council of Tasmania	Play, chat, laugh! - weekly community social nights
Association of Ukrainians in Tasmania	Connecting through Culture
Child Health Association Tasmania	Multicultural Picnic and Play
Multicultural Economic Participation Forum – auspiced by Multicultural Council of Tasmania	Multicultural Economic Participation Forum

Two grant applications were unsuccessful due to either not meeting the eligibility criteria or not providing adequate information to allow a proper assessment. Both applicants were contacted to assist with their applications, however were unfortunately unable to meet the relevant criteria.

The Can-Do Community Grants are aimed at helping to restore the sense of being 'back in control' for the community. It is well known that significant emergencies and events such as the COVID-19 pandemic typically result in many people feeling powerless, isolated and disconnected.

We know that trauma experiences such as the pandemic, where people haven't been able to see friends and family, may have lost loved ones, lost employment or no longer have access to the usual support networks and activities, leaves long-term consequences. The first few weeks and months of Council's response to the pandemic have revolved around information-sharing, communication and other short-term recovery actions. It is very important that the community re-connects, recognises their strengths and works work on positive projects and initiatives that aid and promote a healthy and long-term recovery. The Can-do Community Grant program is an ideal platform for this community-led, empowering approach.

Small Business eCommerce Grants

The Small Business eCommerce Grants are intended to provide funding to cover fees for small businesses in Glenorchy to develop online eCommerce platforms.

These grants will assist businesses affected by COVID-19 as they move to doing more of their trade online. Funding of \$300 was offered to help cover the costs associated with setting up an e-commerce platform and help small businesses to keep operating business during the COVID-19 period.

The following criteria were used to assess eligibility for the grants:

- *must be a small business operating in the Glenorchy municipality*
- *must be a business with an existing physical storefront, changing fully or in-part to an online digital marketplace. If a business does not have a physical store front, they may still be eligible to apply by providing Council with details of their business model*
- *must employ less than 20 full-time employees*
- *must have an ABN*
- *must be using or investigating the use of an eCommerce platform that allows the sale of goods including payment, inventory control and general point of sale functions.*

The selection panel was comprised of:

- Manager City Strategy and Economic Development, Erin McGoldrick
- Coordinator Economic Development, Sheena Hannan
- DEC Venue Manager, Renee Brown

Grants were awarded to the following 8 small businesses:

- Straight Up Roasters
- Wild Pepper Isle
- Nexta Party
- Oceanic Spa
- Seoul Korean BBQ
- Kings Massage
- Best Bite Foods Pty Ltd
- Mirror Image Mobile Detailing.

Four (4) grant recipients were unsuccessful due to either not meeting the above eligibility criteria, or not providing the correct information. Each of these businesses was contacted to reconsider their application to see whether it could be made to comply with the eligibility criteria, however they did not respond or resubmit their applications.

Consultations:

Mayor
Executive Leadership Team
Manager Finance and ICT
Coordinator Community Development
Manager City Strategy and Economic Development
Economic Development Coordinator
Greater Hobart and Regional LGA's

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

The grant programs were funded from unspent funds from the 2019/20 financial year.

Human resources

There are no material human resources implications.

The grant programs have been facilitated within the Community Department and Economic and City Strategy Department as part of officers' normal duties.

Risk management

This report is for noting by Council only. There are no material risks to assess or consider.

Community Consultation and Public Relations Implications:

A multi-pronged communications strategy was implemented to maximise community and business awareness of the grant programs. This included grants being promoted through the Council website and Facebook page, as well as by targeted emails to Council's business and community networks.

The grants were intended to provide opportunities for community organisations and groups to assist the community in the recovery from the COVID 19 pandemic, and to help small businesses operate online. Council's response to COVID-19 and the provision of these grants has been generally well received.

Recommendation:

That Council:

RECEIVE and NOTE the report on Can-Do Community grants and Small Business eCommerce grants.

Attachments/Annexures

Nil.

ENVIRONMENT

Community Goal: “Valuing Our Environment”

10. BUSHFIRE MITIGATION POLICY

Author: Coordinator Bushfire Management (Rob Whittle)

Qualified Person: Director Infrastructure and Works (Ted Ross)

ECM File Reference: Council Policies by Directorate

Community Plan Reference:

Leading our Community

We will be a progressive, positive community with strong Council leadership, striving to make Our Community's Vision a reality.

The communities of Glenorchy will be confident that Council manages the community's assets soundly for the long-term benefit of the community.

Strategic or Annual Plan Reference:

Valuing our environment

Objective 3.2 Manage our natural environments now and for the future.

Strategy 3.2.1 Identify and protect areas of high natural values.

Leading our Community

4.1 Govern in the best interests of our community

4.1.1 Manage Council for maximum efficiency, accountability and transparency

Reporting Brief:

To present an updated Bushfire Mitigation Policy to Council for adoption.

Proposal in Detail:

Council's policies are all set on a recurring review cycle and are also subject to out of cycle reviews where particular circumstances require.

Council's Bushfire Mitigation Policy is on an annual review cycle and is now due for to be reviewed again and updated by Council.

Attachment 1 is a copy of the proposed updated Bushfire Mitigation Policy, which has been prepared by Council's Coordinator Bushfire Management.

Attachment 2 is a copy of the existing version of the policy which is being updated.

The Bushfire Mitigation Policy has been developed to delineate Council's perceived bushfire risks to human settlements and loss of life against the actual high risks that Council is responsible for managing. It is reflective of Council's commitment to actively and adaptively mitigate bushfire risks to Glenorchy and the Greater Hobart area.

The policy provides direction for Council to prescribe mitigation treatments for low probability but high impact bushfire events impacting the Greater Hobart community. It also emphasises the critical role that Council plays in bushfire mitigation.

The readoption of the policy will demonstrate Council's commitment to mitigating the risks associated with bushfire in the municipality and Greater Hobart region, and will instil confidence in external stakeholders of Council's involvement in bushfire mitigation.

Amendments in updated policy

The recommended amendments to the policy are only minor and are to update terminology and used to reflect current practice.

The marked-up version of the Policy in [Attachment 2](#) shows the extent of the changes made.

Consultations:

Manager Works

Director Infrastructure and Works

Human Resource / Financial and Risk Management Implications:

There are no material financial or human resources implications.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation No material risks have been identified, given the minor nature of the amendments to the policy				
Do not adopt the recommendation The Policy will be less optimal due to the presence of outdated terminology and lost opportunity to better define its focus.	Minor (C2)	Possible (L3)	Medium	Council officers are instructed to review the policies and implement any changes requested by Council as soon as practicable.

Community Consultation and Public Relations Implications:

Community consultation was not required or undertaken. The report recommends a minor change to an existing policy only.

There are not expected to be any material public relations impacts.

Recommendation:

That Council:

ADOPT the revised Bushfire Mitigation Policy in the form of Attachment 1.

Attachments/Annexures

1 Bushfire Mitigation Policy - Updated



2 Bushfire Mitigation Policy - Marked-up



GOVERNANCE

Community Goal: “Leading our Community”

11. GIFTS AND BENEFITS POLICY

Author: Senior Legal Counsel (Michael Jacques)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Governance

Community Plan Reference:

Leading our Community – We will be a progressive, positive community with strong Council leadership, striving to make Our Community’s Vision a reality.

Strategic or Annual Plan Reference:

Open for Business

Objective 2.1 Stimulate a prosperous economy

Strategy 2.1.1 Foster an environment that encourages investment and jobs.

Valuing our environment

Objective 3.2.1 Identify and protect areas of high natural values.

Strategy 4.1.2 Manage the City’s assets soundly for the long-term benefit of the Community.

Reporting Brief:

To present a revised Receipt of Gifts and Benefits Policy to Council and recommend it for adoption.

Proposal in Detail:

The Tasmanian Government’s policy in relation to the receipt of gifts and benefits, particularly in relation to contract management staff, has changed.

This has triggered an early review of Council’s Gifts and Benefits Policy. The current version of the policy was adopted in January 2018 and was due to be reviewed in 2022.

A draft revised Gifts and Benefits Policy is Attachment 1.

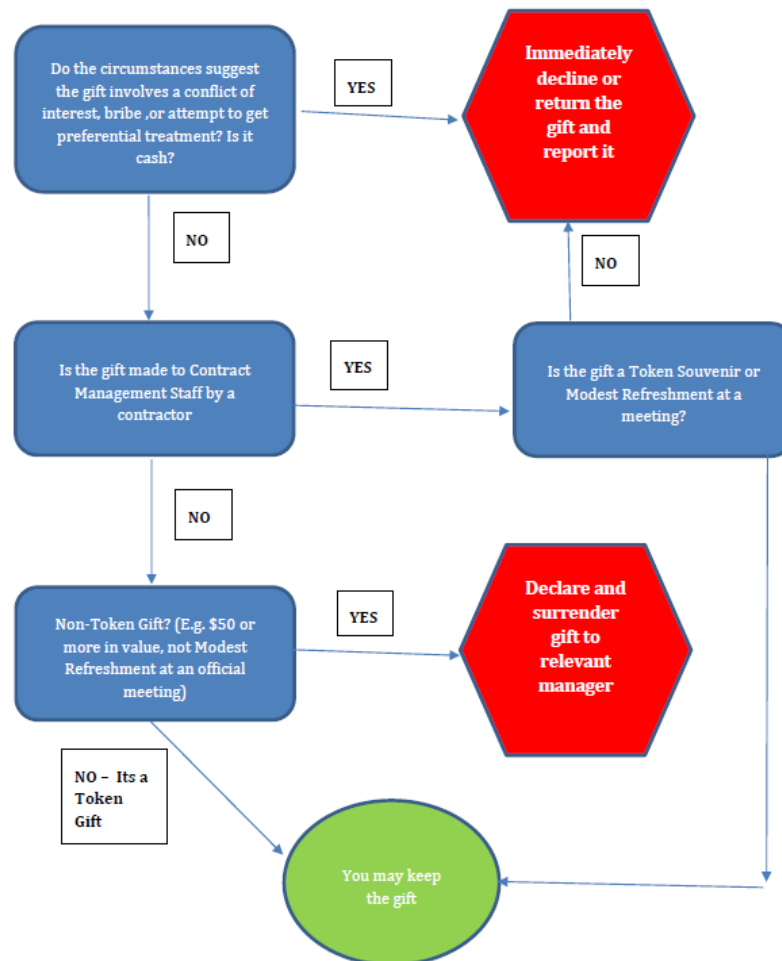
The existing policy is Attachment 2, for comparison purposes.

The proposed revised policy prohibits contract management personnel from accepting gifts from contractors. Modest hospitality, such as a sandwich at an inexpensive eatery, and advertising material (such as branded pens or cups) are not viewed as a ‘gift’ under State policy guidance, and this has also been recognised in Council’s revised policy.

The other changes to the revised policy were relatively minor changes of emphasis. The changes were reflective of the Integrity Commission’s “Three Questions for Good Decision Making”, which asks:

- Is it legal?
- Is it informed?
- Is it fair?

This process is illustrated by a new flowchart included within the revised policy, as follows:



Consultations:

Aldermen
Executive Leadership Team

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

Human resources

There are no material human resources implications.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation	Major (C4)	Rare (L1)	Low	Training would be provided regarding the revised policy.
The process for declaring gifts and benefits is not followed.				
Do not adopt the recommendation	Major (C4)	Possible (L1)	Medium	The existing policy would continue to be utilised in declaring gifts and benefits.
Council's policy would not align to State best practice and Integrity Commission guidance.				

Community Consultation and Public Relations Implications:Community consultation

Community consultation was not appropriate, given that the Policy closely follows a similar State Government policy and is in-line with community expectations around the integrity of Council staff and adopts a strict approach.

Public relations

There are no material public relations implications.

Recommendation:

That Council:

APPROVE the updated Gifts and Benefits Policy in the form of Attachment 1.

Attachments/Annexures

- 1 Draft Updated Gifts and Benefits Policy



- 2 Receipt of Gifts and Benefits Policy



12. INTENTION TO MAKE THE PUBLIC SPACES AND INFRASTRUCTURE BY-LAW

Author: Senior Legal Counsel (Michael Jacques)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: 20: Laws and Enforcement

Community Plan Reference:

Building Image and Pride

We will show our pride as a city and others will see it.

Making lives better

We continue to be a safe, inclusive, active, healthy and vibrant community.

Valuing Our Environment

We will value and enhance our natural and built environment.

Strategic or Annual Plan Reference:

Open for Business

Objective 2.1 Stimulate a prosperous economy.

Strategy 2.1.1 Foster an environment that encourages investment and jobs.

Valuing our Environment

Objective 3.2 Manage our natural environments now and for the future

Strategy 3.2.1 Identify and protect areas of high natural values.

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.2 Manage the City's assets soundly for the long-term benefit of the Community.

Reporting Brief:

To recommend that Council commences the process for making the proposed *Public Spaces and Infrastructure By-law*, by:

- (a) resolving its intention to make the proposed by-law, as required under section 156 of the *Local Government Act 1993*, and
- (b) approving the recommended Regulatory Impact Statement for the proposed by-law.

Proposal in Detail:

A number of Council By-laws have expired in relation to the management of roads, parks and hydraulic infrastructure. Since their expiry, Council officers have requested that by-laws be reinstated in relation to roads, parks and watercourses to allow Council to effectively regulate these areas and address current and ongoing management issues.

These ongoing internal discussions, as well as consultation with Council's Aldermen and other stakeholders, has resulted in the preparation draft *Public Spaces and Infrastructure By-law (draft By-law)*, which, together with its accompanying Regulatory Impact Statement forms Attachment 1 to this report.

Attachment 2 is a copy of the Explanatory Notes to the draft By-law, which, among other things, provides details of the various regulatory and management issues that the provisions of the draft By-law are intended to address.

In accordance with the State government policy goals to reduce 'red tape', the draft By-law amalgamates three of Council's former by-laws into a single by-law. The amalgamated draft By-law has also been significantly reduced in size. The overall effect is to reduce the number of restrictions and offences that would have otherwise been created. The types of restrictions included in draft By-law are commonly employed by many other land managers and councils in Tasmania.

The draft By-law also creates opportunities for mobile and footpath dining experiences, to enhance the cultural and social life of the municipality. These activities have been restricted in key areas since the previous by-law expired. The content of the planning scheme allows for these restrictions to be overridden by a by-law that allows for permits to be issued for the activities. This is expected to have positive economic and social benefits for the municipality.

The draft By-Law has undergone extensive preliminary consultation (both internal and external) during its development. This has included:

- internal discussions with officers from all relevant departments within Council
- reviews by Council's Senior Legal Counsel and external legal services providers
- workshops with Council Aldermen on 5 December 2019 (at which a preliminary draft was reviewed and considered) and 4 May 2020 (at which a more advanced draft was reviewed)
- invitations to key stakeholders (such as Tasmania Police and TasNetworks) to provide preliminary feedback on the draft By-law. Details of the submissions and feedback received are contained in Attachment 3.

Further details of consultation that has and will be undertaken are set out below.

If the recommendations in this report are adopted, members of the public and any other stakeholders will have the opportunity to make submissions on the draft By-law as part of the compulsory consultation required as part of the process of making by-laws.

Process for making by-laws

Under section 156 of the *Local Government Act 1993*, a Council which intends to make a by-law is first required to pass a resolution by an absolute majority to that effect.

If adopted by absolute majority, the recommendations in this report would satisfy that requirement.

It is important to note that all stakeholders, including members of the public, will have the opportunity to make submissions about the draft By-law, which will then be open for public consultation.

However, Council is not able to commence public consultation until the Director of Local Government has approved the Regulatory Impact Statement for the By-law (discussed below).

Once public consultation closes, Council is required to consider every submission that is received and may make alterations to the proposed By-law at a future meeting (however any alterations to the proposed by-law must also be made by an absolute majority of Council).

Regulatory Impact Statement

Under section 156A of the Act, a Council that intends to make a by-law must also prepare a Regulatory Impact Statement in respect of it.

The recommended Regulatory Impact Statement (**RIS**) for the draft By-law is included as part of Attachment 1.

If approved by Council, the RIS will be submitted to the Director of Local Government, who is required to issue a certificate stating that the RIS is satisfactory and authorising Council to commence the public consultation process. The RIS is required to be made available for public inspection with the draft By-law as part of the consultation process.

Public Consultation Process

If approved for release for public consultation, Council would be required to publish a notice in the Mercury notifying that the draft By-law is available for public inspection and comment for at least 21 days. The notice would also be published on Council's website and in a conspicuous place in Council's chambers.

Council would also make the draft By-law and RIS available on its website and for inspection and purchase at its chambers.

Full public consultation would occur in accordance with the State Government's "Good Practice Guidelines - Making By-laws (2)". As noted above, all submissions received during public consultation would be presented to the Council at a future meeting, to further consider whether any alterations are required.

Consultations:

Aldermen (Council workshops on 5 December 2019 and 4 May 2020)
Executive Leadership Team
Management

Coordinators
 Internal Council officers
 Tasmania Police
 TasNetworks
 TasWater
 TasGas
 NBN Corporation

Human Resource / Financial and Risk Management Implications:

Financial

At this stage in the by-law making process, the exact financial impacts (on both revenue and expenditure) of implementing the draft By-law are not known, although there would be minor expenses involved in advertising and public consultation.

If Council adopts the recommendations in this report, investigations into the financial implications will be carried out and presented to Council at a future date.

Human resources

There are no material human resources implications of this decision at this stage, given that it is only the first step in the process and officers are managing the process of developing and making the draft By-law as part of their normal duties. Future human resources implications will be investigated and reported to Council at a future meeting.

Risk management

Risk Identification	Consequence	Likelihood	Rating	Risk Mitigation Treatment
Adopt the recommendation				
Dissatisfaction by the Director of Local Government with the draft By-law or RIS, or public concern about the By-law's provisions and impacts, leading to suspension of by-law process or significant revisions.	Minor (C2)	Unlikely (L2)	Low	Risk has been treated through extensive internal consultation during development. Public expectations and any concerns will be managed through the consultation process, with emphasis on the fact that the draft By-law is not final and may be amended before being adopted.
Do not adopt the recommendation				
Management of Council's parks, watercourses and roads would continue to be addressed in an ad-hoc manner with a lack of clarity for the community.	Minor (C2)	likely (L4)	Medium	Mobile food vans would need to be authorised by a lengthy amendment to the planning scheme. Council staff would continue to experience uncertainty as to the extent of their powers.

Community Consultation and Public Relations Implications:Details of Results of Community consultation

Key stakeholders have been consulted on the draft by-law in the following manner:

Request for Submissions	Date Sent	Response
Tasmania Police	14 May 2020	12 June 2020
TasNetworks	27 May 2020	18 June 2010
TasWater	27 May 2020	No reply
TasGas	27 May 2020	No reply
NBN Corporation	27 May 2020	No reply

The submissions are shown at Attachment 3. The Tasmania Police submission made suggestions in relation to the by-law in its previous draft form (Attachment 3). Most of these suggestions have been incorporated into the revised by-law.

The TasNetworks submission (Attachment 3) commented only on their existing powers to do work, which weren't being amended by the by-law.

After recent submission by officers, an offence related to obstruction of landslip inspections has been added. This is to deal with the issues raised by the Hone Road and Casuarina Crescent declared landslip areas that are regularly inspected by Council.

Customer Services also sought additional powers around obstruction, but these draft proposals were later withdrawn in response to Tasmania Police comments there was an overlap with an existing power.

Council would have opportunities to further consider amendments to the by-law before it is finalised.

Public relations

Public announcements about the draft by-law would occur concurrently with certification by the State Government.

Recommendation:

That Council:

1. NOTE the initial consultation submissions made in relation to the recommended By-law (as set out in Attachment 3)
2. RESOLVE, under section 156 of the *Local Government Act 1993* that it intends to make the draft *Public Spaces and Infrastructure By-law* in the form included in of Attachment 1 (draft By-Law)
3. APPROVE the recommended Regulatory Impact Statement (**RIS**) for the draft By-law included in Attachment 1 and authorise the draft By-Law and RIS to be released for public consultation, subject to obtaining the approval of the Director of Local Government as required under section 156A of the Act.

Attachments/Annexures

- 1** Recommended By-Law and Regulatory Impact Statement



- 2** By-Law Explanatory Notes / Issues



- 3** Results of Preliminary Consultation - Recommended By-Law



13. ANNUAL REPORT ON CUSTOMER COMPLAINTS FOR 2019/20 FINANCIAL YEAR

Author: Manager Customer Services (Robbie Shafe)
Qualified Person: Director Community and Customer Services (David Ronaldson)
ECM File Reference: Complaints

Community Plan Reference:

Leading our Community

We will be a progressive, positive community with strong council leadership, striving to make Our Community's Vision a reality.

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Reporting Brief:

To provide the annual report to Council on the number and nature of complaints received against Council for the 2019/20 financial year, as required under section 339F(5) of the *Local Government Act 1993*.

Proposal in Detail:

The *Local Government Act 1993* (**the Act**) requires that the General Manager provides an annual report on customer complaints to Council. Specifically, section 339F(5) of the Act provides:

"The general manager is to provide the council with a report at least once a year of the number and nature of complaints received"

It is important to note that the 'complaints' documented in this report refers to formal complaints that have been made and subsequently investigated. It does not report on every bit of negative feedback that Council receives falling below that threshold, because this is impractical to track and would not provide an accurate measure of overall satisfaction with services. Initially, when a customer contacts Council, a 'service request' is lodged to report an issue with part of Council's infrastructure or services provided (for example, a pothole, damage to playground equipment or a missed kerbside bin collection).

Under Council's Customer Service Charter (**Charter**), a 'complaint' is recorded when a 'service request' has been made but has not been actioned or where there is dissatisfaction with the outcome of the request.

For Council to monitor its performance against the Charter and meet its service level requirements, Council has established, and maintains, a complaints register. The information in this report is extracted from the register.

From 1 July 2019 to 30 June 2020, there were 23 items identified as 'complaints' recorded on the register.

A summary is provided in the tables below. It should be noted that changes to Council's organisational structure mean that direct comparisons between Directorates from previous years was not possible. From this year onwards, complaints will be reported against the team in which the relevant function sits, rather than the Directorate. This allows for a more informative report while also allowing for more accurate reporting for future comparisons if functions within the Directorates change.

2019/20 Performance

Total Complaints against Council	Response sent within Service Level
23	19

Summary and Comparison

Financial Year	2019/20	2018/19	2017/18
Total Registered	23	17	17
Response sent within Service Level (10 working days)	19	15	11
Result %	83%	88%	65%
By Source			
Phone	4	0	1
Email	19	15	14
Letter	0	2	1
Visits	0	0	1
Internet	0	0	0
By Directorate (Previous years)			
Corporate Governance	n/a	n/a	9
City Services and Infrastructure	n/a	n/a	8
Community, Economic Development and Business	n/a	n/a	0
Strategy and Development	n/a	3	n/a
Community and Customer Services	n/a	8	n/a

Corporate Services	n/a	0	n/a
Infrastructure and Works	n/a	6	n/a
By Team (From this year)			
Planning	3	n/a	n/a
Building & Plumbing	1	n/a	n/a
Parking	3	n/a	n/a
Animal Management	4	n/a	n/a
Infrastructure, Engineering & Design	2	n/a	n/a
Works Centre	7	n/a	n/a
Property	1	n/a	n/a
Waste	1	n/a	n/a
Landfill	1	n/a	n/a
Current complaints			
There is one complaint currently open for the 2019/20 financial year.			

Discussion

The above data indicates there has been an increase in the number of complaints over the period with consistent levels of service in resolving those complaints.

This increase is most likely a result of administrative changes during year to the way in which 'complaints' were recorded. Council lowered the threshold for what would be considered a 'complaint' when reviewing correspondence, in order to err on the side of caution and ensure that feedback was being received and addressed appropriately. This means that correspondence that may have been classified as a service request in previous years, was instead classified as a complaint this year.

Council's Customer Service Charter will be reviewed as part of the development and implementation the Customer Service Strategy, and it is likely that these terms will be more clearly defined as part of this process.

It is also be worth noting that the number of service requests has significantly increased over the last two years, from 11,658 in 2018/19, to 13,617 in 2019/20, representing a 17% increase.

As noted in the table, there is currently one open complaint item from the 2019/20 financial year. This complaint is still being investigated. Each employee tasked with responding to a complaint is responsible for doing so within the Charter's time frames. The open complaint has exceeded the service level set out in the Charter and is reflected in the data.

Although the report shows Council generally responds to complaints within the time frames specified in the Charter, the data indicates there is scope for Council to improve response times to the community. The open complaint, and those which also

became overdue, resulted from a lack of a robust internal procedure for managing and resolving complaints. This is discussed further below.

Draft Customer Service Strategy and review of complaints procedure

There is one complaint currently open for the 2019/20 financial year.

Council's Customer Service Charter (**the Charter**) as required by section 339F of the Act was first adopted on 1 January 2006 and was most recently reviewed and re-adopted by Council on 25 March 2019.

The updated Customer Service Charter has continued to be promoted across the organisation over the past year. Managers and Coordinators are responsible for overseeing its continued implementation.

Serving the community in the way that the community needs and wants is a key focus for Council's staff and Aldermen. The objective of the draft Customer Service Strategy, which Council endorsed at its last meeting and which is currently undergoing public consultation, is to aid the improvement of Council's Customer Service across our organisation.

It is important to Council that the level and type of services it provides meets the community's expectations and are tailored to suit the community's needs. The draft Strategy aims to identify those needs, assess where Council is currently situated in relation to where Council needs to be, and then plan a route to get there.

The draft Strategy has been released for community comment for a period of six weeks and will be brought back to Council later this year, incorporating any changes received as a result of public feedback. One of the recommended actions identified in the draft Strategy is to refine the administrative procedure for complaints received. This is likely to directly impact on this report in the future.

Consultations:

Director Community and Customer Services
Manager Customer Services
Coordinator Customer Service

Human Resource / Financial and Risk Management Implications:

Financial

There are no material financial implications.

Human resources

There are no material human resources implications.

Risk management

The report is for information only. There are no material risk management implications associated with its adoption.

Community Consultation and Public Relations Implications:Community consultation

There was no community consultation undertaken in relation to this report. However, as noted, extensive community consultation is currently being undertaken on Council's draft Customer Service Strategy, which will have a considerable impact on the way we deliver services in the future and will potentially result in considerable improvements.

Public relations

There are no material public relations implications. However, the data from this report may create some discussion within the community, as it has in previous years, due to confusion around what is recorded as a 'complaint'. Council welcomes this type of feedback and debate, however some effort has been made to address this interpretation in the body of this report.

Recommendation:

That Council:

RECEIVE and NOTE the annual report on customer complaints for the 2019/20 financial year.

Attachments/Annexures

- 1 GCC Customer Service Charter



- 2 GCC Service Levels



14. QUARTERLY REPORT - Q4 2019/20

Author: Executive Officer (Bryn Hannan)
Reporting Officer (Allan Wise)

Qualified Person: General Manager (Tony McMullen)

ECM File Reference: Corporate Reporting

Community Plan Reference:

Leading Our Community

We will be a progressive, positive community with strong council leadership, striving to make Our Community's Vision a reality.

Strategic or Annual Plan Reference:

Leading Our Community

Objective 4.1	Govern in the best interests of our community
Strategy 4.1.1	Manage Council for maximum efficiency, accountability and transparency
Action 4.1.1.01	Monitor Council expenditure and drive efficiency across the organisation
Action 4.1.1.02	Develop and monitor Council's Budget, Long Term Financial Plan, Annual Plan and Annual Report

Reporting Brief:

To provide Council with the Quarterly Report for the quarter ending 30 June 2020.

Proposal in Detail:

The Quarterly Report for the period ending 30 June 2020 provides detail on Council's key strategic projects, core business activities, financial performance and forecasting and monitoring of Council's Annual Plan.

The Quarterly Report comprises the following:

- Glenorchy City Council Quarterly Report ([Attachment 1](#)), and
- Quarterly Annual Plan Progress Report ([Attachment 2](#)).

The purpose of the report is to assist Council in its strategic oversight of Council operations and of progress on implementation of the Council's Annual (Operational) Plan.

A further benefit of this reporting is that it helps to make Council's operations more transparent to the community.

Quarterly Report

The Quarterly Report contains the General Manager's summary of strategic and operational highlights during the quarter, and Council's Quarterly Financial Performance Report.

The report includes quarterly KPI's for both quarter 4 and quarter 3 (which was not available in the last report due to the disruptions from COVID-19.)

Annual Plan Progress

The Annual Plan Progress Report currently records the status of the 20 priority items, 11 are complete are on track while the remaining 9 have not been met. Of the nine (9) priority goals that were not met, 6 were delayed or cancelled due to the COVID-19 disruption, while others are close to complete and being actively progressed or are pending a Council or external decision.

Naturally, Council's overall annual plan performance was impacted considerably as COVID-19 took hold and organisational priorities were refocussed on the response.

Financial Performance

The Financial Performance Report included in the Quarterly Report provides a detailed update on Council's financial position at 30 June 2020 (**Quarter 4**). The following is a summary of that information.

Summary

At the end of Quarter 4, Council's operating result was \$1.308 million (\$502,000 ahead of the budgeted position of \$806,000). This is a decrease on the \$2.395 million positive year to date result that was reported at 31 March 2020 (**Quarter 3**).

The \$502,000 improvement on the budgeted position is the net result of \$1.476m less in revenue, which is offset by \$1.978 million less in expenditure.

Overall, for the year ending 30 June 2020, there is currently a surplus of \$1.308 million, compared to the budgeted surplus of \$806,000. It must be noted, however, that this is an interim management accounting result that will change once end of year adjustments are carried out during the collation of Council's final, audited, financial reports.

The current forecast is for a \$948,000 deficit instead of the budgeted \$806,000 surplus.

A summary of the key financial indicators detailed in Attachment 1 are as follows:

Revenue

Revenue at the end of Quarter 4 was \$61.365 million (which was \$1.476 million (2.3%) behind the budgeted position of \$62.841 million). The comparative result for Quarter 3 was \$611,000 (or 1.1%) above budget.

Council's revenue stream has been substantially impacted by COVID-19 over the past three months. The main contributor has been the suspension of dividend payments from TasWater of \$1.086 million. Rates revenue is also lower due to an increase in

charitable exemptions granted by Council and supplementary growth of 0.50% not being achieved.

The COVID-19 Community Assistance Package, adopted by Council in May, has resulted in no interest and penalties being recovered on overdue rates, as well as the suspension of the collection processes for unpaid amounts. Finally, there is a waiver on facility rentals for grassroots community and sporting groups as well as a partial waiver for commercial tenants, which has also had an impact.

These variances are predominately caused by external factors and are not the result of any action or inaction of by Council management

Further information on noteworthy revenue variances are detailed in the Quarterly Report.

Expenditure

Expenditure at the end of Quarter 4 was \$60.056 million (which was \$1.978 million (3.2%) below the budgeted figure of \$62.035 million). The comparative result for Quarter 3 was \$1.784 million (or 4.0%) below budget.

As has been the case for the entire 2019/20 year, employee costs remain under budget, with a Quarter 4 result of \$1.400 million or 5.6% below the forecast position. This represents a consistent 7% to 10% positive result across each month of the year to date, and is attributable to ongoing position vacancies early in the year.

Further information on noteworthy expenditure variances is provided in the Quarterly Report.

Capital Works

Capital works expenditure is \$12.230 million against an annual budget of \$14.009 million, delivering approximately 87% of the program. The comparative result for Quarter 3 was \$8.897 million representing 64% of the program.

After accounting for invoices paid in July for works performed prior to 30 June, the adjusted expenditure is \$13.188m thus delivering approximately 94% of the 2019/20 program.

Further information on noteworthy capital works variances is provided in the Quarterly Report.

COVID-19 Response

On 18 May 2020, Council adopted its COVID-19 Community Assistance Package for 2020/21 to assist community members, organisations and businesses adversely affected by COVID-19. In addition, the State Government has introduced additional assistance requirements such as the deferral of fees for food business licences until 31 December 2020 and introducing a Code of Conduct for Commercial Tenancies (which has been adopted by statute in Tasmania).

The above factors have affected Council's revenue to 30 June and will continue to do so throughout the 2020/21 year. Council has also directly spent \$347k on implementing our COVID-19 response.

Further information on noteworthy COVID-19 variances are detailed in Attachment 1.

Consultations:

General Manager
Executive Leadership Team
Officers responsible for Capital and Operational Budget reporting

Human Resource / Financial and Risk Management Implications:

The Quarterly Report assists in Council's active risk management by monitoring and reporting on the progress of Annual Plan actions, major projects, key activities of Council and financial performance.

This enables Council to have oversight of the performance of the organisation, enabling informed decision-making and appropriate risk mitigation.

Given the report is for receiving and noting, there are no material risks in adopting the recommendations.

Community Consultation and Public Relations Implications:

Community consultation

As this is a report on the outputs and outcomes of Council services and activities, no community consultation was undertaken.

Public relations

There are no material public relations implications. Key information from the report has already publicly released, including Council's forecast budget deficit and economic stimulus and community assistance measures.

Recommendation:

That Council:

RECEIVE and NOTE Council's Quarterly Report and Quarterly Annual Plan Progress Report for the quarter ending 30 June 2020.

Attachments/Annexures

1 Quarterly Report - Q4



2 Annual Plan Progress Report - Q4



15. PROCUREMENT AND CONTRACTS - MONTHLY REPORT

Author: Manager Corporate Governance (Tracey Ehrlich)

Qualified Person: Director Corporate Services (Jenny Richardson)

ECM File Reference: Procurement

Community Plan Reference:

Leading our Community

The communities of Glenorchy will be confident that Council manages the community's assets soundly for the long-term benefit of the community.

Strategic or Annual Plan Reference:

Leading our Community

Objective 4.1 Govern in the best interests of our community

Strategy 4.1.1 Manage Council for maximum efficiency, accountability and transparency

Strategy 4.1.3 Maximise regulatory compliance in Council and the community through our systems and processes

Reporting Brief:

To inform Council of exemptions that have been applied to procurements under Council's Code for Tenders and Contracts for the period 17 June 2020 to 13 July 2020 and to provide updates on other relevant procurement matters.

Proposal in Detail:

Exemption Report

Council's Code for Tenders and Contracts (**the Code**) has been made and adopted by Council as required under section 333B of the *Local Government Act 1993*.

Under clause 10.2 of the Code, the General Manager is required to provide a regular report to Council on exemptions that have been authorised to the procurement requirements under the Code. Clause 10.2 relevantly provides:

*In accordance with Regulation 28(j), the General Manager will establish and maintain procedures for reporting to Council **at the first ordinary meeting of Council after the event** in relation to the procurement of goods and/or services **in circumstances where a public tender or quotation process is not used**. Such report will include the following details of each procurement:*

- a) a brief description of the reason for not inviting public tenders or quotations (as applicable);*
- b) a brief description of the goods or services acquired;*

- c) *the approximate value of the goods or services acquired; and*
- d) *the name of the supplier.*

For the period from 17 June 2020 to 13 July 2020 there have been five (5) exemptions to Council's Code for Tenders and Contracts. These exemptions accounted for the sum of \$340,030.12 in budgeted operational expenditure and were granted for specialist software and consultancy purposes as detailed in [Attachment 1](#).

The above amount was accounted for in Council's 2019-20 and current 2020 – 21 budgets.

Expenditure on External Legal Services

For the month of June 2020, there has been no expenditure for external legal services.

Consultations:

Executive Leadership Team
Senior Legal Counsel
Accounts Payable Supervisor

Human Resource / Financial and Risk Management Implications:

Human resources

There are no material human resources implications.

Financial

The report identifies the following budgeted operational expenditure that has been approved during the reporting period:

- \$340,030.12 in budgeted operational expenditure.

Risk management

As this report is recommended for receiving and noting only, no risk management issues arise.

Community Consultation and Public Relations Implications:

Community consultation was not required or undertaken. There are no material public relations implications.

Recommendation:

That Council:

RECEIVE and NOTE the Procurement and Contracts Monthly Report for the period from 17 June 2020 to 13 July 2020.

Attachments/Annexures

- 1 Procurement Exemption Report 17 June 2020 to 13 July 2020



16. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE

Question taken on notice – Alderman Fraser (from 29 June Council meeting)

Q. A member of the public has contacted me with concerns about people walking their dogs in the restricted areas along the Montrose foreshore, boardwalk and other restricted areas around the Derwent foreshore. What is Council doing to manage this practice?

A. Council's Animal Management officers regularly patrol this area to educate people about the regulations that are in place. They also occasionally issue infringement notices if this is appropriate (for example, for people who regularly breach the regulations and have previously been warned). Unfortunately, it is not practical to maintain a constant presence in this area, and there will always be a small proportion of dog owners who breach the regulations (either deliberately or unknowingly).

As the Director Infrastructure and Works noted at the June Council meeting, Council also continues to monitor the rate of people breaching regulations in this area, particularly as plans for the new Montrose Bay Playspace progress. At some point we may need to introduce new regulations to control this practice, or come up with another solution such as creating a dog park.

Question taken on notice – Alderman Fraser (from 29 June Council meeting)

Q. I am advised that some cafes in the Glenorchy CBD are thinking about introducing outdoor seating but are experiencing difficulties in getting Council approval. What is preventing cafés from implementing outdoor dining in the Glenorchy CBD?

A. Under the *Glenorchy Interim Planning Scheme*, outdoor dining facilities in a road reservation, which have been granted a licence under a relevant Council By-Law, are exempt from requiring a planning permit. However, in the absence of a By-Law, a planning permit for 'food service' is required in to operate outdoor dining in a road reservation. We accept that formal development application process required to obtain a permit may be onerous for some businesses. This is one of the reasons for preparing the draft *Public Spaces and Infrastructure By-law*, which is being considered by Council at the current meeting, and which, if adopted, would allow a person to apply for a licence or permit under that by-law to place outdoor seating in a road reserve.

In considering any application for on-street outdoor dining, consideration would need to be given to site specific conditions such as width of footpath and the presence of infrastructure, including bus stops, signage, rubbish bins and any other seating, to ensure the safety of foot traffic.

Food service uses on private land also require a planning permit, particularly those that include seating (indoor and outdoor). In these cases, parking demands are calculated as part of the application (although this does not apply to food service uses that do not have 'walls', such as a food truck).

CLOSED TO MEMBERS OF THE PUBLIC

17. CONFIRMATION OF MINUTES (CLOSED MEETING)

That the minutes of the Council meeting (Closed meeting) held on 29 June 2020 be confirmed.

18. APPLICATIONS FOR LEAVE OF ABSENCE

19. NOTICES OF MOTIONS – QUESTIONS ON NOTICE / WITHOUT NOTICE (CLOSED)
