



CITY OF HOBART

MINUTES

Open Portion

Monday, 12 December 2022

AT 5:00 pm

Council Chamber, Town Hall



City of HOBART

ORDER OF BUSINESS

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PRESENT:

The Lord Mayor Councillor A M Reynolds, the Deputy Lord Mayor Councillor H Burnet, Alderman M Zucco, Councillor W F Harvey, Alderman S Behrakis, Councillors M S C Dutta, Dr Z E Sherlock, J L Kelly, L M Elliot, Alderman L A Bloomfield, Councillors R J Posselt and B Lohberger.

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Councillor Sherlock left the meeting at 5.09pm after declaring an interest in items 12 and 14, returning at 7.00pm.

Alderman Behrakis left the meeting at 6.00pm, returning at 6.02pm.

Councillor Elliot left the meeting at 6.22pm, returning at 6.24pm.

Councillor Dutta left the meeting at 7.23pm, returning at 7.27pm.

Councillor Harvey left the meeting at 7.29pm, returning at 7.30pm.

Alderman Zucco assumed a seat in the public gallery at 8.54pm, returning to the meeting at 9.19pm and was not included for the vote on item 13.

Councillor Elliot left the meeting at 9.01pm, returning at 9.02pm and assumed a seat in the public gallery, returning to the meeting at 9.19pm and was not included for the vote on item 13.

The Deputy Lord Mayor left the meeting at 9.15pm, returning to the meeting at 9.19pm and was not present for the vote on item 13.

Alderman Behrakis left the meeting at 9.20pm, returning at 9.22pm.

Councillor Elliot retired from the meeting at 9.48pm and was not present for items 15 to 20 inclusive.

Councillor Sherlock retired from the meeting at 9.53pm and was not present for items 16 to 20 inclusive.

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson opened the meeting and provided an acknowledgement of country.

2. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 21 November 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Elliot
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Bloomfield	
Posselt	
Lohberger	

The minutes were signed.

3. TRANSFER OF AGENDA ITEMS

Are there any items, which the meeting believes, should be transferred from this agenda to the closed agenda or from the closed agenda to the open agenda, in accordance with the procedures allowed under Section 15 of the *Local Government (Meeting Procedures) Regulations 2015*?

No items were transferred.

BURNET
HARVEY

That items 14 and 12 be taken after item 9.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Harvey
Behrakis
Dutta
Sherlock
Kelly
Elliot
Bloomfield
Posselt
Lohberger

4. COMMUNICATION FROM THE CHAIRMAN

No communication was received.

5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that no Council workshops have been conducted since the last ordinary meeting of the Council.

6. PUBLIC QUESTION TIME

6.1 Public Questions

No public questions were received.

7. PETITIONS

No petitions were received.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*.

RECOMMENDATION

That the Council resolve to deal with any supplementary items not appearing on the agenda, as reported by the Chief Executive Officer in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

No supplementary items were received.

9. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Ref: Part 2, Regulation 8(7) of the *Local Government (Meeting Procedures) Regulations 2015*.

Elected members are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with.

1. Councillor Sherlock - items 12 and 14
2. Councillor Posselt - items 12 and 14 but did not consider the interests to be so material that it required removing himself physically from the Council discussion.

Item 14 was then taken.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

**IN ACCORDANCE WITH REGULATION 16(5) OF THE LOCAL GOVERNMENT
(MEETING PROCEDURES) REGULATIONS 2015**

10. Public Interest Register
File Ref: F22/123758; 13-1-9

Motion

“That a report be provided for the establishment of a compulsory public register for Elected Members Interest. Contained therein shall be:

(1) Registration of Members’ interests

That—

- (a) within 28 days of election to the Hobart City Council, Elected Members shall provide to the CEO or delegated officer, a statement of—
 - (i) the Elected Member’s registrable interests,
 - (ii) the registrable interests of which the Elected Member is aware of their spouse/partner,

(2) Registrable interests:

That the statement of an Elected Member’s registrable interests to be provided by an Elected Member shall include the registrable interests of which the Elected Member is aware and shall cover the following matters:

- (a) shareholdings in public and private companies indicating the name of the company or companies;
- (b) business trusts and nominee companies;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned, in the state of Tasmania, excluding the Elected Member’s primary residence;
- (d) registered directorships of companies;
- (e) liabilities indicating the nature of the liability and the creditor concerned;
- (f) the nature of any other substantial sources of income;
- (g) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (h) membership of any organisation, including community groups and sporting organisations, where a conflict of interest with an Elected Member’s public duties could foreseeably arise or be seen to arise;
- (i) any other interests where a conflict of interest with an Elected Member’s public duties could foreseeably arise or be seen to arise; and
- (j) any election campaign donation

(3) The Registrar of elected Members’ Interests be—

- (a) Published online always and made accessible to the public on request in other forms,
 - (b) Advertised to the public through multiple mediums once every calendar year with the timing of advertising at the discretion of the Chief Executive Officer but not within 3 months preceding an election,
 - (c) As soon as possible, but not exceeding 28 days, after an Elected Member obtains a new registerable interest that interest will be registered with the office of The Chief Executive or delegated officer,
- (4) An Elected Member may be reported to The Director of Local Government if the Elected Member:
- (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
 - (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
 - (c) knowingly provides false or misleading information to the Registrar of Members' Interests.
- (5) That the initial Register be established by 1 March 2023.”

Rationale:

“In recent years there has been an increasing expectation of the public that elected representatives are transparent about conflicts of interest and pecuniary interests that may cloud their decision making. Unsurprisingly, Local Government Officials are particularly vulnerable to conflicts of interest when making decisions about development of public and private facilities, particularly in small communities like Hobart. From deciding which oval gets new lights, when they have family playing a particular sport or are members of a particular club, to deliberating on major planning applications that may be in close proximity to commercial property an elected member owns. Elected Members risk public perception of corruption. This presents unnecessary risk of reputational damage to The City of Hobart and all its elected members. It may also provide opportunity for legal appeal of decisions made by Hobart City Council and place members at risk of civil action or criminal prosecution.

That is why it is essential that Hobart City Council establish a Register of Elected Members Interests. This is not a new or novel concept in the context of Australian Local Government. Registers of Elected Members Interests exist at:

City of Melbourne
City of Sydney
City of Brisbane
City of Adelaide
City of Perth
City of Darwin

This makes The City of Hobart, the only Capital City Council, without a public Register of interests. Furthermore, State Governments in Victoria, NSW and QLD have legislated that Local Governments publish an elected member Register of Interests.

Administration Response to Notice of Motion

Discussion

1. Part 5 of the *Local Government Act 1993* (“the Act”) deals with pecuniary interests. Section 48 of the Act requires elected members to declare any interest that the elected member has in a matter before any discussion on that matter commences and it prohibits the participation by an elected member at any meeting, in any discussion or vote on a matter if the elected member has an interest or is aware or ought to be aware that a close associate has an interest.
2. Additionally, Part 2 of the City of Hobart’s Elected Member Code of Conduct deals with conflicts of interest which are not pecuniary.
3. The motion proposes an approach which is in excess to the existing legislative requirements in Tasmania. There is no legal barrier to adopting such an approach, however it would not remove or replace the legislative requirements and these would continue to operate in conjunction with the proposed approach.
4. The proposed approach would require the adoption of a Policy by the Council and this would be the subject of a further report to Council.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 8 – Governance and Civic Involvement

Outcome: 8.1 – Hobart is a city of best practice, ethical governance and transparent decision-making.

Strategy: 8.1.1 Practise integrity, accountability, strong ethics and transparency in the City’s governance, policymaking and operations.

8.1.2 Practise and communicate good city governance and decision-making.

Legislation and Policy

Legislation: *Local Government Act 1993*

Policy: are no existing policies which deal with this subject matter and this motion would require the adoption of a new policy.

Financial Implications

1. There are no significant financial implications which arise from this motion.

POSSELT
SHERLOCK

That the motion be adopted.

ZUCCO
BLOOMFIELD

That Alderman Behrakis be granted an additional one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Harvey	Kelly
Dutta	Elliot
Sherlock	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

That a report be provided for the establishment of a compulsory public register for Elected Members Interest. Contained therein shall be:

1. Registration of Members' interests:

That:

- (a) within 28 days of election to the Hobart City Council, Elected Members shall provide to the CEO or delegated officer, a statement of;
 - (i) the Elected Member's registrable interests,
 - (ii) the registrable interests of which the Elected Member is aware of their spouse/partner,

2. Registrable interests:

That the statement of an Elected Member's registrable interests to be provided by an Elected Member shall include the registrable interests of which the Elected Member is aware and shall cover the following matters:

- (a) shareholdings in public and private companies indicating the name of the company or companies;
- (b) business trusts and nominee companies;
- (c) real estate, including the location (suburb or area only) and the purpose for which it is owned, in the state of Tasmania, excluding the Elected Member's primary residence;
- (d) registered directorships of companies;
- (e) liabilities indicating the nature of the liability and the creditor concerned;
- (f) the nature of any other substantial sources of income;
- (g) any sponsored travel or hospitality received where the value of the sponsored travel or hospitality exceeds \$300;
- (h) membership of any organisation, including community groups and sporting organisations, where a conflict of interest with an Elected Member's public duties could foreseeably arise or be seen to arise;
- (i) any other interests where a conflict of interest with an Elected Member's public duties could foreseeably arise or be seen to arise;
and
- (j) any election campaign donation.

3. The Register of elected Members' Interests be:

- (a) Published online always and made accessible to the public on request in other forms,
- (b) Advertised to the public through multiple mediums once every calendar year with the timing of advertising at the discretion of the Chief Executive Officer but not within 3 months preceding an election,
- (c) As soon as possible, but not exceeding 28 days, after an Elected

Member obtains a new registerable interest that interest will be registered with the office of The Chief Executive or delegated officer.

4. An Elected Member may be reported to The Director of Local Government if the Elected Member:
 - (a) knowingly fails to provide a statement of registrable interests to the Registrar of Members' Interests by the due date;
 - (b) knowingly fails to notify any alteration of those interests to the Registrar of Members' Interests within 28 days of the change occurring, or
 - (c) knowingly provides false or misleading information to the Registrar of Members' Interests.
5. That the initial Register be established by 1 March 2023.

11. Property Developer Contact Register

File Ref: F22/123760; 13-1-9

Motion

"That:

- (1) Council agrees to establish a register of elected members' communication with property developers.
- (2) Elected members will report their contact with property developers on a monthly basis to a council officer as delegated by the Chief Executive Officer and will include:
 - (a) if there has been any contact with a property developer;
 - (b) who the contact was with;
 - (c) when the contact occurred;
 - (d) the type of contact (eg. text, email, phone call, in person etc);
 - (e) any specific development/property discussed and the nature of that discussion; and
 - (f) Elected member response.
- (3) The Register be:
 - (a) published online always and made accessible to the public on request in other forms,
 - (b) advertised to the public through multiple mediums once every calendar year with the timing of advertising at the discretion of the Chief Executive Officer but not within 3 months preceding an election,
- (4) That further detailed arrangements in establishing and administering the register be delegated to the Chief Executive Officer.
- (5) That the Register be established by 1 March 2023."

Rationale:

“In recent years there has been an increasing expectation of the public that elected representatives are transparent and accountable about conflicts of interest that may cloud their decision making. Unsurprisingly, Local Government Officials are particularly vulnerable to conflicts of interest when making decisions about development of public facilities and private development. When meetings with property developers and Elected Members occur behind closed doors there is a real risk of real or perceived corruption. This presents unnecessary risk of reputational damage to The City of Hobart and its elected members. It also may provide opportunity for legal appeal of planning decisions made by Hobart City Council and place members at risk of civil action or criminal prosecution.

Administration Response to Notice of Motion

Discussion

1. There is currently no legislative or policy requirement for elected members to declare contact or communication that is had with property developers. However, there are requirements should that contact extend to being a pecuniary or non-pecuniary conflict of interest.
2. The approach identified in the motion would require the adoption of a policy. As part of the policy consideration would need to be given as to how to define and categorise who would be a ‘property developer’ and what type of contact ought to be captured through the register.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 8 – Governance and Civic Involvement

Outcome: 8.1 – Hobart is a city of best practice, ethical governance and transparent decision-making.

Strategy: 8.1.1 Practise integrity, accountability, strong ethics and transparency in the City’s governance, policymaking and operations.
8.1.2 Practise and communicate good city governance and decision-making.

Legislation and Policy

Legislation:

Policy: There are no existing policies which deal with this subject matter and this motion would require the adoption of a new policy.

Financial Implications:

There would be officer time involved in developing a policy and administering its implementation on an ongoing basis.

POSSELT
SHERLOCK

That the motion be adopted.

SHERLOCK
DUTTA

That Alderman Behrakis be granted an extra one minute to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Harvey
Behrakis
Dutta
Sherlock
Kelly
Elliot
Bloomfield
Posselt
Lohberger

AMENDMENT

DUTTA
LOHBERGER

That the following words be included after the word *“That”* at the beginning of the motion:

“a report be provided that gives consideration to”

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Harvey	Kelly
Dutta	Elliot
Sherlock	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

That a report be provided that gives consideration to:

1. Council agrees to establish a register of elected members' communication with property developers.
2. Elected members will report their contact with property developers on a monthly basis to a council officer as delegated by the Chief Executive Officer and will include:
 - (a) if there has been any contact with a property developer;
 - (b) who the contact was with;
 - (c) when the contact occurred;
 - (d) the type of contact (eg. text, email, phone call, in person etc);
 - (e) any specific development/property discussed and the nature of that discussion; and
 - (f) Elected member response.

3. The Register be:
 - (a) published online always and made accessible to the public on request in other forms,
 - (b) advertised to the public through multiple mediums once every calendar year with the timing of advertising at the discretion of the Chief Executive Officer but not within 3 months preceding an election,
4. That further detailed arrangements in establishing and administering the register be delegated to the Chief Executive Officer.
5. That the Register be established by 1 March 2023.

Item 13 was then taken.

Councillor Sherlock declared an interest in item 12 and left the meeting.

12. UTas Community Consultation

File Ref: F22/123764; 13-1-9

Motion

“That Council:

1. Notes the overwhelming 74% vote against UTAS Sandy Bay campus relocation in the recent elector poll, and the Council’s obligation to represent and the community and to promote its interests, under the provisions of s.20 and s.28 of the Local Government Act 1993;
2. Acknowledges that in fulfilling its role as the statutory and strategic planner for the municipality of Hobart, Council will carry out its duties professionally, fairly and independently;
3. Supports the proposal on this meeting agenda for Council to commence an in-depth Structure Plan in early 2023 for the suburbs of Sandy Bay and Mt Nelson, which will involve significant community consultation in accordance with the Council’s Community Engagement Framework;
4. Notes that UTAS’ most recent consultation process – branded the ‘Shake Up’ – does not fulfil the Council’s previous requests for UTAS to consult the community, given participation and scope of the process was limited and it did not include the community’s views on the decision to relocate.
5. Calls on the Lord Mayor to write to the UTAS Vice-Chancellor and the University Council:
 - a). Advising that, based on the overwhelming result in the elector poll, their proposed UTAS relocation plan to the CBD does not have a social licence and is not supported by the community in the municipality of Hobart;
 - b). Urging UTAS to respect the wishes of the community that is most

affected by its proposal and calling upon them to reconsider the relocation of the Sandy Bay campus into the CBD;

- c). Advising that the City of Hobart will commence its own strategic planning and public consultation process for Sandy Bay/Mount Nelson precinct in early 2023;
 - d). Advising it is Council's view that the 'Shake Up' consultation process does not fulfil the Council's previous requests for UTAS to consult the community in accordance with the Council's Community Engagement Framework (as requested by Council via letter to Vice Chancellor Rufus Black on 23 March 2022 and 8 September 2022);
 - e). Requesting that UTAS undertake genuine and thorough consultation with the Greater Hobart community, focussing on the reasons for the relocation, the costs and benefits of relocation, and the alternatives to full relocation including refurbishment of the Sandy Bay campus;
 - f). Requesting that UTAS pause all activities pertaining to its proposed campus relocation until it has completed its consultation of the Greater Hobart community (as referred to in 6d and 6e above), and until the City of Hobart Structure Plan for Sandy Bay and Mt Nelson is also completed;
 - g). Requesting that UTAS make available to the public and include in its consultation process all information that was gathered to inform the decision made by the University Council in April 2019 to relocate the campus; and,
 - h). Recommending that UTAS initiate an independent mediation process with the Save UTAS Campus group, the National Tertiary Education Union, the Tasmanian University Students Association, and the State Government, to discuss the best way forward following the community's rejection of the campus relocation proposal.
6. That Council officers prepare a report for Council that describes how and why the UTAS commitment in the Hobart City Deal changed, from relocating STEM faculties to relocating the entire campus after the Deal had been signed and announced in February 2019."

Rationale:

"The Council is obligated to represent and promote the interests of the community and, in doing so, to consult and involve the community (*Local Government Act 1993*, section 20 (1) and (2)).

The recent elector poll has shown that most respondents (74.38%) are not supportive of UTAS' relocation to the CBD.

The elector poll was initiated by the community, not by Council and asked a

simplified closed question. The Council were required to undertake the elector poll to meet its obligations under the *Local Government Act 1993*, section 60 (b).

The Council has never asked the community its views on UTAS' full relocation, beyond facilitating the elector poll that was forced upon it. Despite this, the Council made repeated statements that it would 'support and facilitate' the full UTAS relocation over recent years. The Council has not fulfilled its legislated obligation to consult and involve the community, nor has it complied with its own Community Engagement Framework.

To fulfil our obligations, the Council needs to understand the community's views to a deeper level of detail beyond the elector poll result.

It is intended that Council officers will prepare a consultation program and provide to the Council for consideration. It is expected that the consultation program presented will describe associated timeframe and resource requirements and:

- clearly communicate that the purpose of the consultation is to ensure the Council is fully informed about the community's views so that it can represent the community, promote the community's interests, advocate meaningfully on the community's behalf and fulfil its obligations to consult and involve the community
- limit the scope of consultation to matters that the Council can seek to shape or influence, such as the impact on the CBD and Sandy Bay campus and surrounding areas and that matters such as UTAS' strategic direction, leadership, management, performance, resourcing, and priorities are out of the Council's scope
- clearly communicate that the knowledge obtained through the consultation program will be shared with the community and UTAS and
- clearly state that the Council's consultation activity and the information and knowledge obtained is unrelated to, is not a consideration of, and has no bearing on the Council's role as a Planning Authority.

It is acknowledged that community consultation on the full relocation concept should have occurred much earlier following UTAS' decision to fully relocate in 2019 and prior to any broad statements of support (or otherwise) being made by the Council.

In March and September 2022, the Council asked UTAS to undertake community consultation. The intention was UTAS would consult the community about their decision to relocate and alternatives. The 'Shake Up' consultation activity undertaken by UTAS does not fulfil the Council's request given the scope of consultation was limited to furthering UTAS' intended relocation to the CBD and that participation was restricted.

UTAS VC Rufus Black has stated repeatedly to the media that the 'Shake Up' meets the requirements of the consultation previously requested by the

Council in a letter from the Lord Mayor. It is important that we set the record straight on this claim, as the Lord mayor's most recent letter explicitly stated that the 'Shake Up' does NOT meet the Council's previous consultation requests.

It is acknowledged that UTAS makes its own decisions, and that the Council cannot direct UTAS. That said, the Council has an obligation to represent and promote the interests of the community and the community has expressed clearly that it does not support UTAS' relocation to the CBD.

The Hobart City Deal signed by the Prime Minister of the day and the Lord Mayor in February 2019 provided support for increasing UTAS' STEM presence in the CBD. Only months later statement the evolved to supporting the full relocation of UTAS in a subsequent City Deal Implementation Plan.

An explanation is required that describes why this change occurred, who initiated this change, who was involved in this change, who represented the Hobart City Council in this change, and what approval and consultation process this change went through."

Administration Response to Notice of Motion

Discussion

As outlined in the Officer Report; 'UTAS Elector Poll and Next Steps', Council Officers are recommending the following:

It's important to note the extent of Council's remit in matters such as this. Hence the officer recommendation that Council undertake extensive community engagement to inform the future of Sandy Bay through the development of a structure plan; not specifically undertake consultation regarding the future of UTAS Sandy Bay Campus; but rather look at the whole suburb and associated activity centres. Council can set the direction for future land use and major projects as part of its city shaping role; that will inform the local planning provisions; and therefore set the conditions for future planning and development; in terms of what's appropriate or otherwise.

In relation to the Hobart City Deal, the City Deal encompasses a range of infrastructure projects and activities to progress the ongoing development of Hobart as a smart, liveable and investment ready city.

At the time the Hobart City Deal was first developed, the University were focussed on enhancing STEM facilities in the Hobart CBD.

The University's plans then evolved to incorporate STEM and other facilities into the relocation of its Southern Campus into the CBD. There is no reference to the full relocation of the Sandy Bay campus to the Hobart CBD in the Hobart City Deal Implementation Plan.

The UTAS presence in the CBD is informing the development of the Central Hobart Precinct Plan as highlighted in the City Deal Implementation Plan.

ELLIOT
DUTTA

That the motion be adopted.

AMENDMENT

ZUCCO
BEHRAKIS

That the HCC immediately initiate a meeting with the State Government, Save UTas, the University of Tasmania, the National Tertiary Education Union, Tasmanian University Students Association and the HCC for the purpose of dealing with the elector poll and a mechanism to move forward expediently.

AMENDMENT CARRIED

VOTING RECORD

AYES

Zucco
Behrakis
Dutta
Kelly
Elliot
Bloomfield
Lohberger

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Posselt

LOHBERGER
POSSELT

That each clause be voted on separately.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	
Dutta	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

The Chairperson then put clause 1 of the recommendation.

MOTION CARRIED
(Clause 1)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	Posselt
Dutta	
Kelly	
Elliot	
Bloomfield	
Lohberger	

The Chairperson then put clause 2 of the recommendation.

MOTION CARRIED
(Clause 2)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	
Dutta	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

Clause 3 was not voted on as it was withdrawn from the motion by the mover with the approval of the seconder.

The Chairperson then put clause 4 of the recommendation.

MOTION CARRIED
(Clause 4)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	Posselt
Dutta	
Kelly	
Elliot	
Bloomfield	
Lohberger	

The Chairperson then put clause 5 of the recommendation.

MOTION CARRIED
(Clause 5)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	Posselt
Dutta	
Kelly	
Elliot	
Bloomfield	
Lohberger	

The Chairperson then put clause 6 of the recommendation.

MOTION CARRIED
(Clause 6)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Harvey
Behrakis	Posselt
Dutta	
Kelly	
Elliot	
Bloomfield	
Lohberger	

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES	NOES
Zucco	Lord Mayor Reynolds
Behrakis	Deputy Lord Mayor Burnet
Dutta	Harvey
Kelly	Posselt
Elliot	
Bloomfield	
Lohberger	

COUNCIL RESOLUTION:

That Council:

1. Notes the overwhelming 74% vote against UTAS Sandy Bay campus relocation in the recent elector poll, and the Council's obligation to represent and the community and to promote its interests, under the provisions of s.20 and s.28 of the Local Government Act 1993;
2. Acknowledges that in fulfilling its role as the statutory and strategic planner for the municipality of Hobart, Council will carry out its duties professionally, fairly and independently;
3. Notes that UTAS' most recent consultation process – branded the 'Shake Up' – does not fulfil the Council's previous requests for UTAS to consult the community, given participation and scope of the process was limited and it did not include the community's views on the decision to relocate.
4. Calls on the Lord Mayor to write to the UTAS Vice-Chancellor and the University Council:
 - a). Advising that, based on the overwhelming result in the elector poll, their proposed UTAS relocation plan to the CBD does not have a social licence and is not supported by the community in the municipality of Hobart;
 - b). Urging UTAS to respect the wishes of the community that is most affected by its proposal and calling upon them to reconsider the relocation of the Sandy Bay campus into the CBD;
 - c). Advising that the City of Hobart will commence its own strategic planning and public consultation process for Sandy Bay/Mount Nelson precinct in early 2023;
 - d). Advising it is Council's view that the 'Shake Up' consultation process does not fulfil the Council's previous requests for UTAS to consult the community in accordance with the Council's Community Engagement Framework (as requested by Council via letter to Vice Chancellor Rufus Black on 23 March 2022 and 8 September 2022);
 - e). Requesting that UTAS undertake genuine and thorough consultation with the Greater Hobart community, focussing on the reasons for the relocation, the costs and benefits of relocation, and the alternatives to full relocation including refurbishment of the Sandy Bay campus;
 - f). Requesting that UTAS pause all activities pertaining to its proposed campus relocation until it has completed its consultation of the Greater Hobart community (as referred to in 6d and 6e above), and until the City of Hobart Structure Plan for Sandy Bay and Mt Nelson is also completed;
 - g). Requesting that UTAS make available to the public and include in its consultation process all information that was gathered to inform

the decision made by the University Council in April 2019 to relocate the campus; and,

- h). Recommending that UTAS initiate an independent mediation process with the Save UTAS Campus group, the National Tertiary Education Union, the Tasmanian University Students Association, and the State Government, to discuss the best way forward following the community's rejection of the campus relocation proposal.
5. That Council officers prepare a report for Council that describes how and why the UTAS commitment in the Hobart City Deal changed, from relocating STEM faculties to relocating the entire campus, after the Deal had been signed and announced in February 2019.
6. That the HCC immediately initiate a meeting with the State Government, Save UTAs, the University of Tasmania, the National Tertiary Education Union, Tasmanian University Students Association and the HCC for the purpose of dealing with the elector poll and a mechanism to move forward expediently.

Item 10 was then taken.

13. Council Governance **File Ref: F22/123768; 13-1-9**

Motion

“That Council:

1. Notes elected members attended the comprehensive five day induction program of this new Council to understand our roles, responsibilities and the principles of good governance. This was by far the most thorough induction program to date and benefited greatly those who attended and furthermore commends the CEO and staff for their input;
2. Declares that the induction program provided an opportunity to discuss governance models and ways of organising Council meetings under the provisions of the *Local Government Act 1993*. Furthermore, taking into account practices around the state and options for improving and refreshing Council's governance arrangements.
3. Council acknowledges that:
 - (a) elected members voted 11 to 1 in favour of trialling a new governance model;
 - (b) in order to ensure the public of transparency in decision-making in this new model, the Council will provide opportunities for community involvement in Council through the Portfolio Committee model;
 - (c) in moving to monthly Council meetings is mirroring the practice of 26 of

29 Tasmanian Councils and the majority of capital city Councils;

- (d) having a fortnightly Planning Authority meeting which includes all elected members, will bring about a greater involvement and scrutiny in planning decisions;
- (e) elected members resolved that a full review of the new governance model will take place after 1 year of operation to ensure that it is working as a robust framework for high quality city decision making.

4. That Council:

- (a) respects the rights of all elected members to express their personal views on matters of difference while being united in respecting Council decisions;
- (b) calls upon all elected members to represent accurately the policies and decisions of Council;
- (c) urges all elected members to be cognisant of their role as defined in the Act and adhere to the rules of conduct."

Rationale:

"Kelly Grigsby, CEO, in her job application and subsequent interview, with all the elected members, stated very clearly and categorically what her vision was.

If she was successful her vision was to "review Council's Governance Framework and provide a contemporary external governance model..."

Since her appointment in 2021, she has made reference, on a number of occasions, about the proposed committee structure and portfolio roles for elected members.

During the 2022 HCC election campaign Alderman Marti Zucco made supportive reference to the portfolio model.

He said, "portfolios for elected members has never happened in the history of the Hobart City Council...This is a new leadership direction for the city that will dramatically change the governance model for the city for the better as the divide and rule principle has failed".

The new Governance Model was discussed at the 5 day elected member induction program in November 2022.

The CEO, Kelly Grigsby, informed the elected members that "at the end of each Council term it's best practice to undertake a comprehensive review of the model that supports the good governance of the Council".

It was made very clear to the elected members that the "newly elected Council can make decisions about the structure and frequency of its meetings, including committees and any specific portfolio areas for individual elected

members to adopt"

This new model was discussed, in detail, at the induction program and supported by all those who attended.

The new Governance model was discussed and debated at Council's first Ordinary Meeting on 21 November 2022, 11 elected members voted for, the adoption of the new model, and 1 against."

Administration Response to Notice of Motion

Discussion

1. The content of this motion does not propose any positive action occur. It notes the actions that have already been taken by the Council.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 8 – Governance and Civic Involvement

Outcome: 8.1 – Hobart is a city of best practice, ethical governance and transparent decision-making.

Strategy: 8.1.2 Practise and communicate good city governance and decision-making.

Legislation and Policy

Legislation:

Policy: N/A

Financial Implications

1. There are no financial implications arising from this motion.

DUTTA
BLOOMFIELD

That the motion be adopted.

BEHRAKIS
DUTTA

That Alderman Zucco be granted an additional 3 minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Behrakis
Harvey	Kelly
Dutta	
Sherlock	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

That Council:

1. Notes elected members attended the comprehensive five day induction program of this new Council to understand our roles, responsibilities and the principles of good governance. This was by far the most thorough induction program to date and benefited greatly those who attended and furthermore commends the CEO and staff for their input;
2. Declares that the induction program provided an opportunity to discuss governance models and ways of organising Council meetings under the provisions of the *Local Government Act 1993*. Furthermore, taking into account practices around the state and options for improving and refreshing Council's governance arrangements.
3. Council acknowledges that:

- (a) elected members voted 11 to 1 in favour of trialling a new governance model;
- (b) in order to ensure the public of transparency in decision-making in this new model, the Council will provide opportunities for community involvement in Council through the Portfolio Committee model;
- (c) in moving to monthly Council meetings is mirroring the practice of 26 of 29 Tasmanian Councils and the majority of capital city Councils;
- (d) having a fortnightly Planning Authority meeting which includes all elected members, will bring about a greater involvement and scrutiny in planning decisions;
- (e) elected members resolved that a full review of the new governance model will take place after 1 year of operation to ensure that it is working as a robust framework for high quality city decision making.

4. That Council:

- (a) respects the rights of all elected members to express their personal views on matters of difference while being united in respecting Council decisions;
- (b) calls upon all elected members to represent accurately the policies and decisions of Council;
- (c) urges all elected members to be cognisant of their role as defined in the Act and adhere to the rules of conduct.

Item 15 was then taken.

Councillor Sherlock declared an interest in item 14 and left the meeting.

OFFICER REPORTS

14. UTAS Elector Poll and Next Steps
File Ref: F22/124706

BURNET
DUTTA

That the recommendation contained in the memorandum of the Chief Executive Officer, marked as item 14 of the Open Council agenda of 12 December 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Harvey	Elliot
Dutta	
Kelly	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

- That: 1. The information on the Elector Poll be received and noted.
2. The preparation of a Structure Plan be expedited as part of the Future Hobart program of work and prioritised by the Chief Executive Officer accordingly for commencement in early 2023.
3. The Chief Executive Officer prepare a further report that details the scope of the Structure Plan; geographical areas to be included (ie Mt. Nelson) and a proposed community engagement program and anticipated timeframes for consideration at the Council meeting in February 2023.

Item 12 was then taken.

15. Updated Governance Framework and Portfolio Committee Draft Terms of Reference
File Ref: F22/120840

SHERLOCK
HARVEY

That the recommendation contained in the report of the Chief Executive Officer, marked as item 15 of the Open Council agenda of 12 December 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

- That: 1. The Council approve the attached Terms of Reference for the following Portfolio Committees:
- i. City Economy
 - ii. Creative City
 - iii. Future Hobart
 - iv. Sustainability in Infrastructure
 - v. Housing and Homelessness
 - vi. Climate Futures
 - vii. City Heritage
 - viii. City Mobility
 - ix. City Water
 - x. Welcoming and Inclusive City
 - xi. Healthy Hobart
2. The Council note the Governance Framework which has been updated in accordance with the Council's decision of 21 November 2022.
3. The Council note that a report will be provided in January 2023 in relation to the expression of interest process for community members to join Portfolio Committees.

4. The Council Policy Meetings: Procedures and Guidelines be updated to reflect the changes to the process for dealing with questions without notice and workshops as outlined in this report.

16. Response to Petition - Franklin Street Trees
File Ref: F22/120355

BURNET
HARVEY

That the recommendation contained in the report of the Program Leader Arboriculture & Nursery, Manager Bushland Biodiversity and Waterways and the Director City Life, marked as item 16 of the Open Council agenda of 12 December 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Harvey
Behrakis
Dutta
Kelly
Bloomfield
Posselt
Lohberger

NOES

COUNCIL RESOLUTION:

- That:
1. Franklin Street is added to the program of works to renew the tree retention zones with a porous resin set gravel
 2. The trees continue to be proactively inspected and works undertaken in accordance with Councils tree management standards and the City of Hobart Street Tree Strategy

17. Director City Life - Temporary Delegation
File Ref: F22/121921

BEHRAKIS
HARVEY

That the recommendation contained in the memorandum of the Director City Life, marked as item 17 of the Open Council agenda of 12 December 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Kelly	
Bloomfield	
Posselt	
Lohberger	

COUNCIL RESOLUTION:

- That: 1. In order to facilitate the processing of planning permit applications during the period 15 December 2022 to 18 January 2023, the Director City Life be provided with the following delegation:
- (i) To determine all planning permit applications which would otherwise be determined by the Planning Committee in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the *Land Use Planning and Approvals Act 1993*, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings of the Planning Committee to determine an application and there is sufficient time to arrange a special meeting prior to the expiry of the statutory time period required under those sections.

18. Waste Management Strategy - Annual Progress Report 2021-22
File Ref: F22/122351; 2016-0192

BEHRAKIS
BURNET

That the recommendation contained in the report of the Cleansing & Solid Waste Policy Coordinator and the Director City Life, marked as item 18 of the Open Council agenda of 12 December 2022, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Zucco
Harvey
Behrakis
Dutta
Kelly
Bloomfield
Posselt
Lohberger

COUNCIL RESOLUTION:

That: 1. The report outlining the City's 2021-22 progress in the implementation of the 'City of Hobart Waste Management Strategy 2015-2030: a strategy to achieve zero waste to landfill by 2030' be received and noted

19. QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015*.
File Ref: 13-1-10

19.1 Councillor Dutta - Cable Car Development Application - Appeal Costs File Ref: 13-1-10

Question: Can the Chief Executive Officer advise what has been the total cost, to the Council / Ratepayers of Hobart, for the Cable Car Development Application, the mediation process and the Tribunal hearing?
Is there any likelihood of the scope of the costs to be recovered, if not, why not?

Answer: The Director City Life took the question on notice.

20. CLOSED PORTION OF THE MEETING

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 15(1) of the *Local Government (Meeting Procedures) Regulations 2015* because the items included on the closed agenda contain the following matters:

- Proposal relating to an interest of land belonging to the Council
- Information of a personal nature
- Information regarding an entity with whom Council is proposing to do business with

The following items were discussed:-

- | | |
|------------|--|
| Item No. 1 | Minutes of the last meeting of the Closed Portion of the Council Meeting |
| Item No. 2 | Communication from the Chairman |
| Item No. 3 | Leave of Absence |
| Item No. 4 | Consideration of supplementary Items to the agenda |
| Item No. 5 | Indications of pecuniary and conflicts of interest |
| Item No. 6 | Hobart Community Awards 2023
LG(MP)R 15(2)(g) |
| Item No. 7 | Sponsorship Support to Hobart International Tennis 2023
LG(MP)R 15(2)(b) |
| Item No. 8 | Former Spotlight Site
LG(MP)R 15(2)(f) |
| Item No. 9 | Lease Renewal and Extension - Part of Level 4 and Level 5 of the Council Centre Building - Enterprize Tasmania Ltd |

Item No. 10 LG(MP)R 15(2)(c)(iii)
Civic Square Leases - Lark Distillery (10-14 Davey Street,
Hobart) and Fahed Elali (3-5 Morrison Street, Hobart)
LG(MP)R 15(2)(c)(iii)

BEHRAKIS
HARVEY

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Kelly	
Bloomfield	
Posselt	
Lohberger	

The Chairman adjourned the meeting at 7.40 pm for a dinner break.

The meeting was reconvened at 8.10 pm.

Item 11 was then taken.

There being no further business the Open portion of the meeting closed at 9.56 pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
23RD DAY OF JANUARY 2023.

CHAIRMAN