



CITY OF HOBART

MINUTES

OPEN PORTION

MONDAY, 21 NOVEMBER 2022

AT 5.00PM

COUNCIL CHAMBER, TOWN HALL



City of **HOBART**

ORDER OF BUSINESS

PRESENT, APOLOGIES AND LEAVE OF ABSENCE

1. ACKNOWLEDGEMENT OF COUNTRY 4
2. 2022 ELECTION – MOTION ACKNOWLEDGING THE RECEIPT
OF ALL DECLARATIONS OF OFFICE MADE 4
3. CONFIRMATION OF MINUTES..... 5
4. TRANSFER OF AGENDA ITEMS..... 6
5. COMMUNICATION FROM THE CHAIRMAN 6
6. NOTIFICATION OF COUNCIL WORKSHOPS..... 8
7. PUBLIC QUESTION TIME 8
8. PETITIONS 11
9. CONSIDERATION OF SUPPLEMENTARY ITEMS 11
10. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST 11

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

11. Graffiti Racism 12
12. E-Scooter - Hire Trial 15

OFFICER REPORTS

13. Governing Hobart 22
14. Local Government Association of Tasmania - Motions for
December General Meeting 32
15. Local Government Association of Tasmania - Elected Member
Nominations for Voting Delegates 34
16. TasWater - Appointment of Owner's Representative 35
17. Southern Tasmanian Regional Waste Authority - Forum
Representative 36
18. Wellington Park Management Trust - Appointment of Elected
Member Representatives 37
19. Risk and Audit Panel - Appointment of Elected Members 39

20. CLOSED PORTION OF THE MEETING.....	40
---	-----------

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.

The Lord Mayor, who attended the meeting virtually, vacated the Chair which the Deputy Lord Mayor assumed.

Councillor Elliot left the meeting at 6.23pm, returning at 6.25pm.

Alderman Behrakis left the meeting at 6.43pm, returning at 6.45pm.

Councillor Posselt left the meeting at 6.43pm, returning at 6.45pm.

Councillor Dutta left the meeting at 6.48pm, returning at 6.51pm and was not present for the vote on clause 2 of item 13.

Alderman Zucco retired from the meeting at 7.28pm and was not present for items 14 to 20 inclusive.

1. ACKNOWLEDGEMENT OF COUNTRY

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

2. 2022 ELECTION – MOTION ACKNOWLEDGING THE RECEIPT OF ALL DECLARATIONS OF OFFICE MADE

File Ref: F22/115531

Ref: Open [CER 6.1](#), 21/11/2022

HARVEY
BEHRAKIS

That the Council formally acknowledge the making of Declarations of Office by all Elected Members on Monday, 7 November 2022.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

3. CONFIRMATION OF MINUTES

The Chairperson reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Tuesday 25 October 2022.](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

HARVEY
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The minutes were signed.

4. 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.

5. COMMUNICATION FROM THE CHAIRMAN

5.1 Acknowledgement of former Elected Members

The Deputy Lord Mayor provided the following address in acknowledgment of former elected members Alderman Jeff Briscoe, Alderman Damon Thomas, Councillor Jax Fox and Councillor Will Coats.

Being the first ordinary Council meeting of the new Council, I would like to take a moment to acknowledge former members of Hobart City Council who were not returned at the election.

Ald Jeff Briscoe

Ald Briscoe was elected to Council on 31 March 1994. Since then, he served as an Elected Member for over an incredible 28 years and is currently the second-longest serving elected member in the history of the Council.

A former Chairman of the Parks and Recreation Committee and City Planning Committee, Ald Briscoe also served on a number of Council Committees throughout his years as an elected member.

He was a member of a number of Special Committees including the Chair of Battery Point Foreshore Access-way Working Group and a member of the Wellington Park Management Trust.

Ald Briscoe was involved in many projects and proposals during his time as an Elected Member – perhaps the most notable being his strong advocacy for the proposed Battery Point Walkway.

As the consummate community representative, Ald Briscoe in his last term, did not miss a Council meeting.

Ald Damon Thomas

Ald Damon Thomas was elected to Council on 30 October 2009. He served as the City's 67th Lord Mayor between 2011 and 2014.

He was also a former Chairman of the Economic Development and Communications Committee and a former Co-Chairman of the Finance and Governance Committee (Co-Chair).

Ald Thomas was a member of (and chair of some) a number of Special Committees including the Housing with Dignity Reference Group, the Wellington Park Management Trust, The Hobart Glenorchy Public Transit Corridor Committee and the Lunar New Year Celebrations Working Group.

He was involved in a range of projects and proposals during this time as Lord Mayor and an elected member. He was a strong advocate for affordable housing and fostering our international relationships.

Cr Jax Fox

Cr Jax Fox was elected to Council on 5 November 2018.

They served as a member on several Council Committees and special committees including the Active Travel Committee, the Access Advisory Committee and as co-chair of the Housing with Dignity Reference Group.

Councillor Fox championed many social issues during their term on Council including initiating the #Pinkbox program to provide free sanitary products in Hobart to combat period poverty.

Cr Will Coats

Cr Will Coats was elected to Council on 28 January 2020, following the departure of former Ald Tanya Denison mid-term.

Cr Coats served on the Council's City Planning Committee, City Infrastructure Committee and Finance and Governance Committee.

He also served on special committees including the Superannuation Policy Group and was the Council-appointed Tasmanian Water and Sewerage Corporation Owners Representative for the City of Hobart.

On behalf of the City of Hobart, I would to acknowledge and thank you all for your contribution and serving the Hobart community. I wish you all the very best for your future endeavours.

HARVEY
BEHRAKIS

That the Council acknowledges the service of former elected members to their community.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

6. 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.

7. PUBLIC QUESTION TIME

7.1 Public Questions

No public questions were received.

7.2 Responses to Public Questions

HARVEY
POSSELT

That the following responses public questions taken on notice, be received and noted.

7.2.1 Sporting Facilities on the Ham Common Site

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

Meeting date: 12 September 2022
Raised by: Mr Ryan Posselt
Response Author: Ms Kelly Grigsby (CEO)
Topic: Sporting Facilities on the Ham Common Site

Question:

Can council supply a map outlining the area known as ham common and any surrounding land owned by council and its approximate size?

Response

The attached plans shows Ham Common (red circle) – the surrounding area green area is Ridgeway Park that is also owned by Council.
The second plan shows the current leased area (white boundary).
The Ham Common Lease is approximately 9.6 hectares.

Question 2

When collegiate's lease was renewed in 2016, what was the process? Was it an option dating back to the original lease from the 80s or was it a new lease? Was any rigour applied to the decision or was it simply waived through?

Response

St Michaels Collegiate wrote to the Council in 2016 requesting a lease extension over the site for a number of reasons including:

- The proposal to expend significant capital on the site on improvements to the playing surface and other assets.
- Long term assurance in partnering third parties for use of the facilities

In considering the request, the significant investment into the site from Collegiate in the past that included investment into the playing surface, numerous buildings, tennis courts and other assets, was noted.

Collegiate were also a proven tenant who manage the facility to a high standard.

Question 3

Has council been involved in any assessment of the site since it was handed over to collegiate in the 1980s? Have there been geological surveys, soil testing or any work undertaken to identify opportunities for development that would better utilise this large site and to serve all of the community?

Response

The City has not been involved in any such testing. Collegiate have been working with Van Diemen Archers and have approval from Council to negotiate a sub-lease with this Club who are developing plans to develop a large portion of the unused land within the lease boundary into an archery club.

To progress any development application for the site an environmental site assessment will be required as it is a potentially contaminated site.

Question 4

At any stage, on any council records, has this site been identified as a strategic asset as a large patch of under-utilised, cleared urban land and opportunities proposed or explored for development of the site to better serve the community of Hobart?

Response

As noted, Collegiate have been in negotiations for a number of years for better utilisation of the site which has had long term interest from the Van Diemen Archers, archery club. The school is also about to progress the installation of a synthetic cricket pitch at the ground and have been working on a partnership with South Hobart Sandy Bay Cricket Club for summer tenancy over the facility. The cricket pitch will allow community cricket matches to be played at the venue during evenings over summer when it is not required for school usage.

Question 5

Has council, its Elected Members or representatives met with Ice Sports Tasmania, or the State government to identify potential sites for a future Hobart Ice Rink?

Response

Whilst it is difficult to speak for Elected Members, there have been no discussions between Ice Sports Tasmania and the City's Sport and Recreation Unit to look at any potential sites for a future Hobart ice rink.

While the Ham Common site does offer some opportunity for further recreational pursuits, it does have its limitations, including its former use as a landfill site, which will mean future development is likely to be expensive, its location isn't central to many in Hobart and the access to the site isn't ideal.

It is considered a sport such as archery is ideally suited to the site.

8. PETITIONS

No petitions were received.

9. 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.

10. 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.

No interest was indicated.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

**11. Graffiti Racism
File Ref: F22/115226**

Councillor Sherlock

Motion

“Neither the City of Hobart, nor police, collate instances of prejudice and hate graffiti occurring in our community. The Hobart City Council has a database of graffiti, but we have no way of drawing out those specific instances of prejudice and hate. This motion seeks to create a framework for reporting instances of prejudice and hate to Equal Opportunity Tasmania, through their established online reporting mechanism.”

Rationale:

“This Council has had a focus on the impact of incidents motivated by prejudice and hate for many years. We are members of the Welcoming Cities program and signatories to the Refugee Welcome Zone and the Racism It Stops With Me campaign. In 2020 I launched our own initiative, *Hobart Respects All*, which encourages witnesses and bystanders to stand up against racism and support people experiencing this type of abuse.

Hobart Respects All came about because our staff heard of experiences of racism that were occurring in our community (Attachment A). The fact that our staff were hearing this is unsurprising. As the level of government closest to the people, our staff are vigilant to the issues and experiences of our communities.

One of the ways our Officers identify that racism, as well as prejudice and hate against other communities, is occurring in our communities, is by looking at graffiti on the walls of our public places, especially the places the City manages. Prejudice and hate graffiti is different to other forms of graffiti. It is designed to intimidate and strike at the very core of people’s identities. It can leave people feeling vulnerable and unable to protect themselves. This can create anxiety, stress and fear, and at its worst can stop people from taking part in social and community life.

Our response to all graffiti is to photograph it and remove. In some instances, we inform Tasmania Police. But neither us, nor police, collate instances of prejudice and hate graffiti occurring in our community. We have a database of graffiti, but we have no way of drawing out those specific instances of prejudice and hate. Being able to do so is important to understand what is occurring in our community, identify trends, allocate resource and develop programs to respond.

Equal Opportunity Tasmania also play an important part in identifying and responding to prejudice and hate. Section 19 of the Anti-Discrimination Act makes it illegal to: by public act, incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the grounds of; race, disability, sexual orientation, religious belief, gender identity or intersex variations of sex characteristics. Graffiti is illegal under Section 15CA of the Police Offences Act, this applies to all types of graffiti including hate and prejudice graffiti. Graffiti which is prejudice or hate related may meet the requirements for Section 19 of the Anti-Discrimination Act.

Unlike Tasmania Police, Equal Opportunity Tasmania has an online reporting mechanism which Officers could use to inform of prejudice and hate graffiti in our City. There are specific advantages in using this reporting mechanism. It can be done quickly and easily on a phone, tablet or computer. A photo can be attached. Equal Opportunity Tasmania can then use these reports to identify trends and develop programs to respond, and if necessary engage with Tasmania Police. Equal Opportunity Tasmania has been established specifically for this role, whereas Tasmania Police respond to a range of matters, and do not have the resources to have a narrow focus in the same what that Equal Opportunity Tasmania can.

Discussions have been conducted with Equal Opportunity Tasmania and as a reporting mechanism already exists, this motion seeks Council officer time to collaborate with staff from EOT to report instances of prejudice and hate, as Council Officers receive them.”

Administration Response to Notice of Motion

Discussion

1. The Council has endorsed *A City for All: Community Inclusion and Equity Framework* to guide the City’s response to issues relating to social inclusion and human rights.
2. The Council adopted the *Social Inclusion Policy* on 12 October 2020 that provides a policy position and set of guiding principles for the Council to support social inclusion across the organisation and reduce the risk of discrimination and exclusion.
3. City of Hobart staff have been actively involved in the Tasmanian Prejudice Related Crime Working Group since its inception in 2021. This working group is represented by leaders and community organisations from a broad range of communities including multicultural, LGBTQIA+, older people, people with disability and the Aboriginal community.
4. Members of the Tasmanian Prejudice Related Crime Working Group advise that they are aware of ongoing instances of prejudice related and hate crimes and the impacts of these on our community members, however formal reporting of the crimes and impacts continues to be challenging.

5. The identification and recording of prejudice related and hate crime graffiti is one response to developing a greater understanding of the level of this behaviour.
6. Officers will investigate the development of a methodology to support reporting by City of Hobart of prejudice and hate related graffiti and vandalism.
7. Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti-discrimination legislation in all aspects of the City's operations, including strategic planning, service delivery, communications and design and delivery of public spaces.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:

Outcome:

Strategy:

Hobart: A city for all - Community Inclusion and Equity Framework.

To truly become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We recognise systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions.

The following guiding principles are particularly relevant:

DIVERSITY AND INCLUSION Diversity in culture, nationality, ethnicity, race, gender, sexuality, ability, age, body, family, recreation, profession, personal strengths, income level, language, education, life experiences and more make up each of us and, together, make up our city. We recognise and embrace the rich complexity diversity brings to our lives - we are all part of creating Hobart's identity. (Pillar 2.2.3)

SOCIAL JUSTICE We recognise and face inequalities, poverty and disadvantage in our communities... We support each other to have our needs met and flourish. We all have opportunities to access and contribute to Hobart life. (Pillars 2.2.7 and 2.2.8)

SHERLOCK
ELLIOT

That the motion be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

Neither the City of Hobart, nor police, collate instances of prejudice and hate graffiti occurring in our community. The Hobart City Council has a database of graffiti, but we have no way of drawing out those specific instances of prejudice and hate. This motion seeks to create a framework for reporting instances of prejudice and hate to Equal Opportunity Tasmania, through their established online reporting mechanism.

12. E-Scooter - Hire Trial
File Ref: F22/115251; 16/119

Councillor Elliot

Motion

“That Council:

1. Acknowledge that there are limitations to the information that the Council has available to it upon which to make informed decisions about the trial of hire e-scooters, with comprehensive and independent information in relation to pedestrian safety, accidents, injuries, and property damage associated with e-scooters particularly lacking
2. Request that officers develop strategies to fill information gaps to inform Council decisions, particularly in relation to pedestrian safety, e-scooter accidents, injuries, and property damage

3. Request that each hire e-scooter company urgently implement additional strategies to increase the use of helmets and
4. Require the hire e-scooter companies to remove the ability for hire e-scooter trips to commence within Salamanca and Waterfront hospitality precincts between 10 pm and 5 am on Friday and Saturday nights."

Rationale:

"Council has a responsibility to provide for the health, safety and welfare of the community. This responsibility extends to the launch and operation of the micro-mobility hire e-scooter trial.

E-scooter usage presents a new risk that must be appropriately managed, especially given Hobart does not have suitable infrastructure to improve safety (such as separated cycleways), and that our network of footpaths is often of poor quality and unsuitable for e-scooter riding.

Hobart is fortunate in that we have not yet had an e-scooter fatality, but serious injuries including life-changing injuries and those requiring complex surgery are already occurring.

It is acknowledged that decisions made by the Council about hire e-scooter have the potential to impact the commercial position of the hire e-scooter companies. For example, restricting the commencement of e-scooter trips during certain periods or locations will reduce their revenue.

Across the globe, research is emerging from other jurisdictions – links below – about e-scooter usage, benefits, risks and incidents. In Australia we have already seen a concerning rise in e-scooter fatalities, with three Australians dying from e-scooters in September 2022 alone.

Findings from this emerging research include that:

- people are "more likely to be injured riding an e-scooter than you are on a motorbike, or while cycling, driving or walking" and that "compared to cycling, the risk for injuries is approximately 3.8 times higher"
- "the most common injuries are head and facial trauma and extremity injuries" and that "the most typical injuries consist of head injuries, fractures of the extremities, and superficial wounds" and that "e-scooter riders compared with bicyclists had more head and neck injuries"
- "e-scooter riders, compared with bicyclists, were more often intoxicated" and that "during night time hours, 91.3% injured e-scooter riders were intoxicated at the time of injury"
- "44% of the Emergency Department visits occurred between midnight and 6 am "and that a major spike in accident incidence was seen during weekend (Friday to Sunday) nights"

- "night-time bans and speed-limits on rental e-scooters during weekends appear to be justifiable means to decrease the disadvantages - both in individual and social perspective"
- "injured e-scooter riders were younger than bicyclists, with most e-scooter injuries involved patients aged 20 to 40 years"
- "although driving while intoxicated is forbidden by the law and the rules of shared e-scooter companies, effective surveillance is not possible"
- "in 2020, the Norwegian Institute of Transport Economics reported that e-scooters replace walking in 60% of cases, bicycles in 6%, public transportation in 23%, and cars in only 8%" and that "despite the injury risk associated with cycling, bicycle riding overall is positively associated with public health, while it seems unlikely that e-scooters offer any cardiovascular benefits."

Anecdotal evidence also suggests that the launch of hire e-scooters has increased the burden on our already struggling health system. I have heard first hand from two medical specialists and emergency department and theatre staff that e-scooter injuries are common.

To meet its obligations, the Council needs to take action to address the critical information gaps and ensure that the assessment of the hire e-scooter trial is objective, considers the full picture and is based on comprehensive and reliable information.

It is noted that the Council receives information from Tasmania Police's Traffic Crash Reporting database, however this information will not capture the true picture of accidents, injuries, and damage.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2791039>

<https://www.medrxiv.org/content/10.1101/2022.06.14.22276168v1.full>

<https://nap.nationalacademies.org/catalog/26756/e-scooter-safety-issues-and-solutions>

<https://www.theguardian.com/australia-news/2022/oct/23/e-scooter-safety-australian-states-and-territories-under-pressure-after-spate-of-fatal-crashes>

<https://www.euronews.com/next/2022/04/21/e-scooters-cause-more-injuries-than-cycling-or-motorbikes-a-first-of-a-kind-study-finds> "

Administration Response to Notice of Motion

Discussion

- 1. Acknowledge that there are limitations to the information that the Council has available to it upon which to make informed decisions about the trial of hire e-scooters, with comprehensive and independent information in relation to pedestrian safety, accidents, injuries, and property damage associated with e-scooters particularly lacking.**
 - 1.1. Hire-and-ride e-scooters were introduced on a trial basis in Hobart, following regulatory changes passed by the Parliament which allow both private and rental e-scooters to be used on most local roads, footpaths and cycling trails across the State.
 - 1.2. Documents and evidence have been supplied to Council throughout the trial. However it is noted that a Council report evaluating the results and findings from the City of Hobart's Micromobility Trial is yet to be presented to Council for its consideration.
 - 1.3. The report will include feedback from members the public, survey results, emissions reduction estimates, and incident numbers, as well as usage statistics from ride data provided to the City by the operators.
- 2. Request that officers develop strategies to fill information gaps to inform Council decisions, particularly in relation to pedestrian safety, e-scooter accidents, injuries, and property damage**
 - 2.1. Data, statistics, and information will be available within a forthcoming Council Report, however, in summary:
 - 2.2. Trial conditions have been set to protect pedestrians, based on risks identified before or just after the trial started.
 - 2.3. These changes have generally been in the form of reduced speed zones and timed exclusion zones.
 - 2.4. More recently, physical parking bays have been installed in locations where abandoned scooters were reported to be creating safety concerns.
 - 2.5. These measures are thought to have been effective, since low numbers of incidents have resulted from the use or misuse of e-scooters in Hobart during the trial.
 - 2.6. Property damage has generally been in the form of vandalism of the devices, rather than damage caused by the devices.

2.7. Injury data has been sought throughout the trial from the e-scooter operators, their insurance companies, hospitals, Tasmania Police, and the Tasmanian Department of Health.

2.8. No significant spate of injuries has been reported from any source.

2.9. Some riders have doubtless suffered minor injuries and not felt it necessary to present at a hospital, as is the case with all modes of transport. The number of such incidents is unknowable.

2.10. There is no evidence to suggest that e-scooter accidents occur more frequently than bicycle accidents in Hobart.

3. Request that each hire e-scooter company urgently implement additional strategies to increase the use of helmets

3.1. E-scooter companies have a number of rider safety training, pop-ups, social media video promotions and incentives that actively promote helmet wearing, such as money off your next ride if a rider submits a 'helmet selfie' at the beginning of each trip.

3.2. Tasmania Police, the Department of State Growth and the City of Hobart have and will continue to promote safety education and rider behaviour such as wearing helmets through social media campaigns, coordinated helmet blitz's and other avenues with the e-scooter companies.

3.3. Safety is paramount to the success of hire-and-ride e-scooter business and both Beam and Neuron make considerable investment in new safety technology and rider behaviour compliance, as reported to Council on a regular basis.

3.4. One operator has recently begun installing stickers on the e-scooters to remind riders to obey the rules and wear a helmet:



4. Require the hire e-scooter companies to remove the ability for hire e-scooter trips to commence within Salamanca and Waterfront hospitality precincts between 10 pm and 5 am on Friday and Saturday nights.

4.1. A restriction which does not allow trips to commence or finish within the precinct between 10 pm and 3 am was implemented in June 2022, following an Interagency Meeting held in late May 2022 between City of Hobart, Tasmania Police, the Department of State Growth and the e-scooter operators.

5. Other information presented in the notice of motion

5.1. While the internet links and bullet point quotes presented in the notice of motion may have some relevance, data collected locally is considered by officers to be more meaningful in Hobart, which has a different culture, climate, ride pricing, and set of legislative restrictions to other jurisdictions.

5.2. While a Norwegian study found only 8% of scooter rides replaced a car journey, data collected in Hobart suggests much higher levels of car journey replacement. The Norwegian winter and e-scooter costs may have some bearing on statistics in that country, however in the absence of more information it is only possible to speculate.

5.3. It is noted that the notice of motion also linked to a report data from the USA and Canada (National Academies of Sciences, Engineering, and Medicine. "E-Scooter Safety: Issues and Solutions." (2022)). Across the seven cities studied, the car-replacement statistics aligned more closely than Norway with estimates from surveys in Hobart. Survey results in Hobart suggested that up to 48% of scooter rides replaced a car journey. The data from the North American study is reproduced below:

FIGURE 1 Percentage of e-scooter trips that replaced other travel modes in seven cities.



Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:

Outcome: An accessible and connected city environment helps maintain Hobart's pace of life

Strategy:

Legislation and Policy

Legislation: Amendments made by Parliament in 2021 to the *Traffic Act 1925* have enabled the use of PMDs in Tasmania.

Policy:

ELLIOT
SHERLOCK

That the motion, amended by the inclusion of the following in clause 2 and the addition of a clause 5, be adopted.

Clause 2 after the word 'damage':

including insurance ramifications where the rider was not behaving lawfully and/or was not meeting the rental requirements of the e-Scooter company.

Clause 5

5. Requests a report from officers into:

- a. Council's ability to issue parking infringements (tickets) to the owners of rental e-Scooters when their vehicles are parked in a manner that obstructs safe use of the footpath by pedestrians, including people pushing prams, people with limited mobility, and people who rely on wheelchairs, mobility scooters, or other mobility aids;*
- b. The level of penalty recommended to positively change this unsafe parking behaviour;*
- c. The possibility of parking officers re-parking rental e-Scooters in a less obstructive manner after issuing a ticket, and the potential extra cost to the Council if officers carry out this service; and,*
- d. A map noting all the footpaths in the City of Hobart that are too narrow to park e-Scooters in any manner without obstructing safe use by all pedestrians.*

PROCEDURAL MOTION

DUTTA
POSSELT

That the matter be deferred.

PROCEDURAL MOTION
CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the matter be deferred.

OFFICER REPORTS

13. Governing Hobart
File Ref: F22/115973

HARVEY
SHERLOCK

That the recommendation contained in the report of the Chief Executive Officer, marked as item 13 of the Open Council agenda of 21 November 2022, amended by the following, be adopted.

Clause 3 be amended to include the words “except that a quorum for the Committee is 7 members” after the word attachment B.

Clause 4 reflect that typographical errors in paragraph 2 of attachment C be amended to reflect “To determine” rather than “To approve”.

SUSPEND REGULATIONS

ZUCCO
BEHRAKIS

In accordance with Regulation 22(9) of the *Local Government (Meeting Procedures) Regulations 2015*, the operation of Regulation 22 - Debate at council meeting, be suspended for item 13.

MOTION LOST

VOTING RECORD

AYES

Zucco
Behrakis
Elliot

NOES

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

AMENDMENT

ZUCCO
ELLIOT

That Council workshops are open to the public, live streamed and minuted excluding the following:

1. commercial in confidence
2. legal matters
3. staffing matters
4. yearly rates and budget determination

AMENDMENT LOST

VOTING RECORD

AYES

Zucco
Behrakis
Kelly
Elliot

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Sherlock
Bloomfield
Posselt
Lohberger

The Chairperson then put clause 1 of the recommendation.

MOTION CARRIED
(Clause 1)

VOTING RECORD

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

The Chairperson then called for nominations in respect of clause 2. The following nominations were received:

City Economy – Alderman Zucco and Alderman Bloomfield

The Chairperson then put the nominations to a vote and declared Alderman Bloomfield elected Chairperson of the City Economy Portfolio.

Creative City – Councillor Kelly

In the absence of any further nominations, the Chairperson declared Councillor Kelly elected Chairperson of the Creative City Portfolio.

Future Hobart - Deputy Lord Mayor Councillor Burnet

In the absence of any further nominations, the Chairperson declared Deputy Lord Mayor Councillor Burnet elected Chairperson of the Future Hobart Portfolio.

Sustainability in Infrastructure – Councillor Harvey

In the absence of any further nominations, the Chairperson declared Councillor Harvey elected Chairperson of the Sustainability in Infrastructure Portfolio.

Housing & Homelessness – Councillor Dutta

In the absence of any further nominations, the Chairperson declared Councillor Dutta elected Chairperson of the Housing & Homelessness Portfolio.

City Heritage – Lord Mayor Councillor Reynolds

In the absence of any further nominations, the Chairperson declared Lord Mayor Councillor Reynolds elected Chairperson of the City Heritage Portfolio.

City Mobility – Alderman Zucco and Councillor Posselt

The Chairperson then put the nominations to a vote and declared Councillor Posselt elected Chairperson of the City Mobility Portfolio.

City Water – Councillor Lohberger

In the absence of any further nominations, the Chairperson declared Councillor Lohberger elected Chairperson of the City Water Portfolio.

Welcoming & Inclusive City – Councillor Sherlock

In the absence of any further nominations, the Chairperson declared Councillor Sherlock elected Chairperson of the Welcoming & Inclusive City Portfolio.

Healthy Hobart – Councillor Elliot

In the absence of any further nominations, the Chairperson declared Councillor Elliot elected Chairperson of the Healthy Hobart Portfolio.

Planning Committee – Alderman Behrakis

In the absence of any further nominations, the Chairperson declared Alderman Behrakis elected Chairperson of the Planning Committee.

The Chairperson then put clause 2 and the appointment of the elected Chairpersons to the vote.

MOTION CARRIED
(Clause 2)

VOTING RECORD

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

AMENDMENT – CLAUSE 3

BEHRAKIS
ELLIOT

That Council conduct a communications campaign to inform the community of changes to the decision making process of the planning authority.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

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

The Chairperson then put clause substantive 3 & clause 4 to the vote.

MOTION CARRIED
(Clause 3 & 4)

VOTING RECORD

AYES

NOES

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

Zucco

AMENDMENT – CLAUSE 5

POSSELT
ELLIOT

That the Governance Calendar be amended to bring the 15 December 2022 Council meeting and 13 December 2022 Workshop forward to 12 December 2022 and 5 December 2022 respectively.

AMENDMENT CARRIED

VOTING RECORD

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

The Chairperson then put substantive clause 5 to the vote.

MOTION CARRIED
(Clause 5)

VOTING RECORD

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

The Chairperson then put clause 6.

MOTION CARRIED
(Clause 6)

VOTING RECORD

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

The Chairperson then put clause 7

MOTION CARRIED
(Clause 7)

VOTING RECORD

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

The Chairperson then put clause 8.

MOTION CARRIED
(Clause 8)

VOTING RECORD

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

AMENDMENT – CLAUSE 9

ELLIOT
BEHRAKIS

That clause 9 be amended to provide for a high level sense check in July 2023 with a full review in December 2023.

AMENDMENT CARRIED

VOTING RECORD

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

The Chairperson then put substantive clause 9 to the vote.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That:

1. The Council endorse the new City of Hobart Governance Model proposed in this report, including:
 - i. Pursuant to section 24 of the *Local Government Act 1993*, the Council establishes the following Special Committees, to be known as Portfolio Committees:
 - City Economy
 - Creative City
 - Future Hobart
 - Sustainability in Infrastructure
 - Housing and Homelessness
 - City Heritage
 - City Mobility
 - City Water
 - Welcoming & Inclusive City
 - Healthy Hobart
 - ii. Pursuant to section 23 of the *Local Government Act 1993*, the Council establishes the Planning Committee.
 - iii. As a result of the establishment of the Portfolio Committees, the following Council Committees be abolished:

- City Planning Committee
 - Community, Culture and Events Committee
 - Finance and Governance Committee
 - City Infrastructure Committee
 - Economic Development and Communications Committee
 - Parks and Recreation Committee
2. The following Portfolio Chairperson appointments be made:
- City Economy – Alderman Bloomfield
 - Creative City – Councillor Kelly
 - Future Hobart – Deputy Lord Mayor Councillor Burnet
 - Sustainability in Infrastructure – Councillor Harvey
 - Housing & Homelessness – Councillor Dutta
 - City Heritage – Lord Mayor Councillor Reynolds
 - City Mobility – Councillor Posselt
 - City Water – Councillor Lohberger
 - Welcoming & Inclusive City – Councillor Sherlock
 - Healthy Hobart – Councillor Elliot
 - Planning Committee – Alderman Behrakis
3. The Council endorse the Planning Committee Terms of Reference marked as attachment B to item 13 of the Open Council agenda of 21 November 2022, except that a quorum for the Committee is 7 members.
- (i) The Council conduct a communications campaign to inform the community of changes to the decision making process for the planning authority.
4. The Council makes the delegations to officers contained in attachment C to item 13 of the Open Council agenda of 21 November 2022, subject to changes noted in clause 4(i), noting that these do not affect any other delegations to these officers already made by the Council except those delegations which relate to determining planning applications.
- (i) Typographical errors in paragraph 2 of attachment C to item 13 of the

Open Council agenda of 21 November 2022, be amended to reflect “To determine” rather than “To approve”.

5. The Council endorse the Governance Calendar marked as attachment D to item 13 of the Open Council agenda of 21 November 2022, amended to bring the 15 December 2022 Council meeting and 13 December 2022 Workshop forward to 12 December 2022 and 5 December 2022 respectively.
6. The Council resolve that the start time for Council Meetings, Planning Committee Meetings and Workshops is 5.00pm.
7. The Chief Executive Officer be delegated the authority to update the Council’s Governance Framework accordingly to reflect the Council resolution.
8. The Council endorse the updated Meetings: Procedures and Guidelines Policy as attachment F to item 13 of the Open Council agenda of 21 November 2022.
9. A high level sense check of the new City of Hobart Governance Model be conducted in July 2023, with a full review undertaken in December 2023.

**14. Local Government Association of Tasmania -
Motions for December General Meeting
File Ref: F22/110630**

HARVEY
DUTTA

That the recommendation contained in the officer report, marked as item 14 of the Open Council agenda of 21 November 2022, be adopted.

AMENDMENT

POSSELT
SHERLOCK

That clause 1 (iv) be amended to include the following:

with the exception of:

- a. 1.18 (a) (i) “ *Introduce additional training and education focused and tailored for 3 main stages of an elected representatives journey: Pre-election*”
- b. 1.21 (a) “*Requirement for qualification similar to Company Directors Course as a mandatory pre-condition for seeking election*”

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

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

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That:

1. The Council resolve to instruct its delegates to vote:
 - (i) in favour of the motion on Housing Affordability tabled by the Kingborough Council contained in Attachment A to item 14 of the Open Council agenda of 21 November 2022;
 - (ii) in favour of the motion on Council Meeting Times tabled by the Burnie City Council contained in Attachment C to item 14 of the Open Council agenda of 21 November 2022;

- (iii) in favour of the motion on Council 337 Certificates tabled by the West Tamar Council contained in Attachment D to item 14 of the Open Council agenda of 21 November 2022.
- (iv) in favour of endorsing the recommendations contained in the Work Health and Safety Review – Elected Representatives contained in Attachment E to item 14 of the Open Council agenda of 21 November 2022, with the exception of:
 - a. 1.18 (a) (i) “ Introduce additional training and education focused and tailored for 3 main stages of an elected representatives journey: Pre-election”
 - b. 1.21 (a) “Requirement for qualification similar to Company Directors Course as a mandatory pre-condition for seeking election”

**15. Local Government Association of Tasmania - Elected Member
Nominations for Voting Delegates
File Ref: F22/109051; 13-1-2**

SHERLOCK
POSSELT

That the recommendation contained in the officer report marked as item 15 of the Open Council agenda of 21 November 2022, be adopted.

The Chairperson called for nominations and received nominations from Lord Mayor Councillor Reynolds and Alderman Behrakis respectively.

In the absence of any further nominations, the Chairperson declared Lord Mayor Councillor Anna Reynolds and Alderman Behrakis elected Voting Delegate and Proxy respectively.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That Lord Mayor Councillor Anna Reynolds be appointed Voting Delegate and Alderman Behrakis Proxy Voting Delegate on LGAT on behalf of the City of Hobart, to commence as at 21 November 2022.

16. TasWater - Appointment of Owner's Representative
File Ref: F22/109048; 13-1-2

BEHRAKIS
SHERLOCK

That the recommendation contained in the officer report marked as item 16 of the Open Council agenda of 21 November 2022, be adopted.

The Chairperson called for nominations for Representative and Proxy and received nominations from Councillor Lohberger and the Deputy Lord Mayor Burnet respectively.

In the absence of any further nominations, the Chairperson declared Councillor Lohberger TasWater Owner's Representative and the Deputy Lord Mayor Councillor Burnet Proxy.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That Councillor Lohberger be appointment the TasWater Owner's Representative and the Deputy Lord Mayor Councillor Burnet Proxy, for a maximum term of three years.

**17. Southern Tasmanian Regional Waste Authority - Forum Representative
File Ref: F22/112109; 2016-0192**

HARVEY
SHERLOCK

That the recommendation contained in the officer report marked as item 17 of the Open Council agenda of 21 November 2022, be adopted.

The Chairperson called for nominations and received a nomination from Councillor Harvey.

In the absence of any further nominations, the Chairperson declared Councillor Harvey elected representation.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That:

1. Councillor Harvey be appointed representative to participate in the Southern Tasmanian Regional Waste Authority (STRWA) Local Government Forum, and;
2. The Chief Executive Officer be authorised to appoint a deputy representative to the STRWA Local Government Forum.

18. Wellington Park Management Trust - Appointment of Elected Member Representatives
File Ref: F22/109063; 13-1-2

SHERLOCK
LOHBERGER

That the recommendation contained in the officer report marked as item 18 of the Open Council agenda of 21 November 2022, be adopted.

The Deputy Lord Mayor informed the meeting she wished to resign her position as Deputy Member of the Wellington Park Management Trust.

AMENDMENT

POSSELT
DUTTA

- That: 1. Clause 1 be amended to seek nominations for two members and two deputy members.
2. Clause 2 be amended to read as follows:

The Chief Executive Officer seek advice and inform elected members on mechanisms which would allow a council officer to accompany nominated members to Wellington Park Management Trust meetings and act as a liaison for operational enquiries.

AMENDMENT CARRIED

VOTING RECORD

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

The Chairperson then called for nominations.

The Lord Mayor Councillor Reynolds nominated as Deputy Member.

Councillors Kelly, Posselt and Lohberger nominated as Members.

The Chairperson put the position of Member to the vote and declared Councillors Kelly and Lohberger appointed as Members and Lord Mayor Councillor Reynolds and Councillor Posselt as appointed as Deputy Members.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That:

1. Approval be sought from the Minister for Parks for Councillors Kelly and Lohberger to be appointed members and the Lord Mayor Councillor Reynolds and Councillor Posselt to be appointed deputy members on the Wellington Park Management Trust for a period of up to three years;
2. The Chief Executive Officer seek advice and inform elected members on mechanisms which would allow a council officer to accompany nominated members to Wellington Park Management Trust meetings and act as a liaison for operational enquiries.

19. Risk and Audit Panel - Appointment of Elected Members
File Ref: F22/109399

SHERLOCK
DUTTA

That the recommendation contained in the officers report marked as item 19 of the Open Council agenda of 21 November 2022, be adopted.

The Chairperson called for nominations.

Nominations were received from the Deputy Lord Mayor Councillor Burnet, Alderman Bloomfield and Councillor Elliot.

The Chairperson then put the nominations to a vote and declared the Deputy Lord Mayor Councillor Burnet and Alderman Bloomfield appointed.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Deputy Lord Mayor Councillor Burnet and Alderman Bloomfield be appointed as members of the Risk and Audit Panel for a period of two years.

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:

- Minutes of a Closed Council meeting
- Leave of Absence

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 Chairperson
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

BEHRAKIS
HARVEY

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

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

The Chairman adjourned the meeting at 7.28pm for a comfort break.

The meeting reconvened at 7.49pm.

Item 14 was then taken.

There being no further business the Open portion of the meeting closed at 8.25pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
12TH DAY OF DECEMBER 2022.

CHAIRMAN