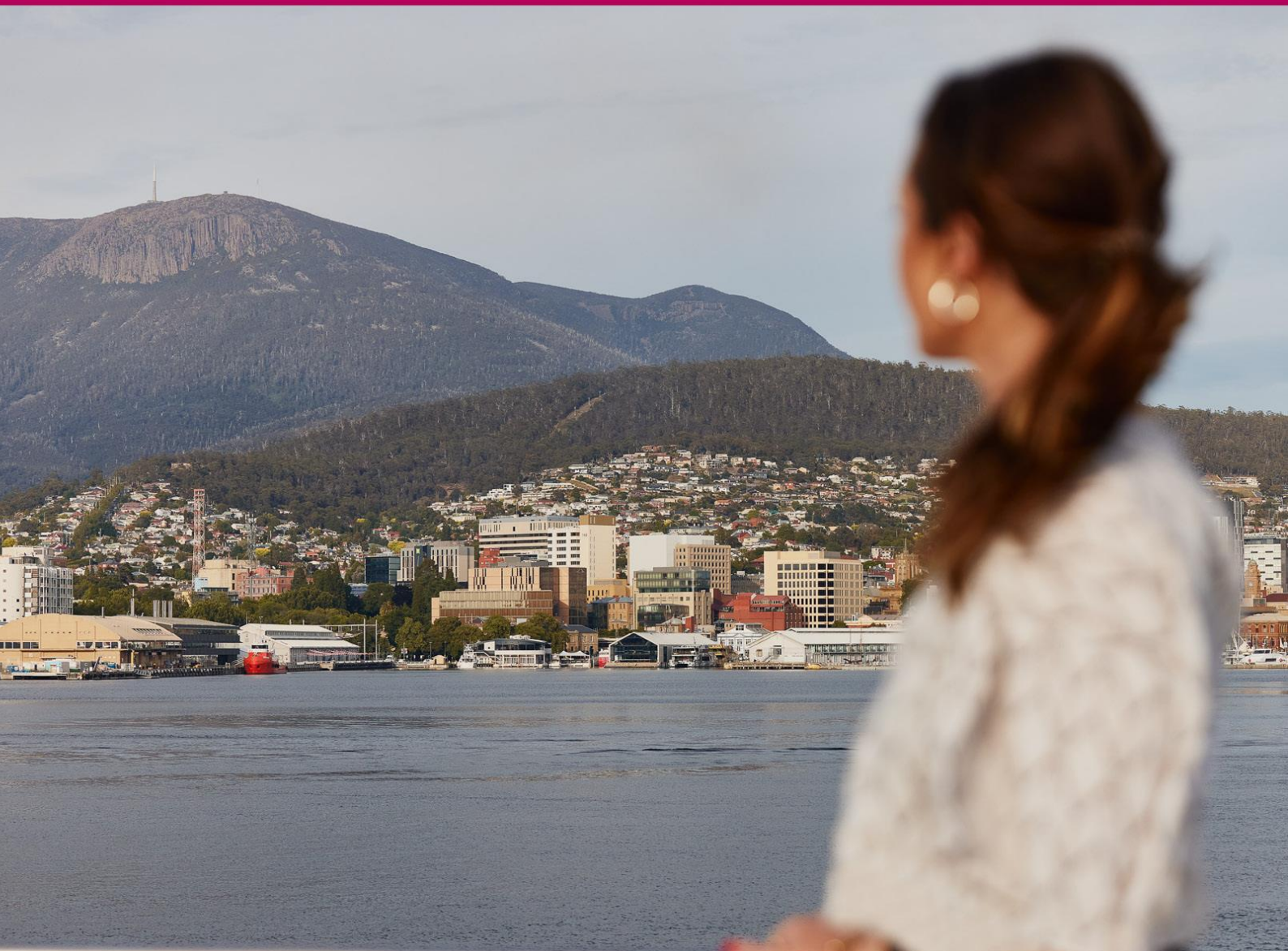




# MINUTES

Open Portion  
Monday, 29 January 2024  
AT 5:08 pm  
Council Chamber, Town Hall



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## **ORDER OF BUSINESS**

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**REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER**

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**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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**PRESENT:**

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

**APOLOGIES:**

Councillor W F Harvey.

**LEAVE OF ABSENCE:**

Nil.

**ABSENT:**

Councillor L Elliot.

The Chairperson made the following statement at the commencement of the meeting:

*I'd like to make a brief statement, which will be read into the minutes of this meeting.*

*I can confirm that we have a Councillor absent because they have been suspended by the independent Code of Conduct Panel. This isn't a decision of the Council - this is a statement of fact.*

*Cr Elliot is suspended for 30 days. That decision is under appeal (as is Cr Elliot's right), noting that the sanction remains in place while that process occurs.*

*Section 28XK of the Local Government Act 1993 prevents the Council from publishing the Panel's Determination Report while it's under appeal and requires it to remain confidential so the details of the Panel's decision and the documents associated with this are not able to be made public at this time.*

*The Council is unable to comment further at this time and I will not be permitting any questions on this matter at this time.*

Councillor Posselt joined the meeting at 5.09pm.

Councillor Coats joined the meeting at 5.09pm.

Councillor Posselt left the meeting at 6.43pm, returning at 6.45pm and was not present of items 14 and 15 inclusive.

Alderman Zucco left the meeting 7.00pm, returning at 7.02pm.

Councillor Sherlock left the meeting at 7.20pm, the commencement of the dinner break, returning at 7.40pm and was not present for item 19.

The Deputy Lord Mayor Councillor Burnet left the meeting at 7.39pm after declaring an interest in item 20, returning at 8.14pm.

Alderman Zucco left the meeting at 9.27pm, returning at 9.28pm.

## **1. ACKNOWLEDGEMENT OF COUNTRY**

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The Chairperson provided and acknowledgement of Country.

## **2. CONFIRMATION OF MINUTES**

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The Chairperson reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 11 December 2023](#), as well as the Open Portion of the Special Council meetings held on [Monday 24 October 2023](#) and [Wednesday 20 December 2023](#), and finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET

BLOOMFIELD

That the recommendation be adopted.

MOTION CARRIED

### VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

The minutes were signed.

### 3. TRANSFER OF AGENDA ITEMS

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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.

### 4. COMMUNICATION FROM THE CHAIRMAN

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#### 4.1 Lord Mayor's Annual Report

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The Lord Mayor reported that as part of her role as Lord Mayor and the duties set out under the *Local Government Act 1993* she has produced a 2022-2023 annual report.

The report outlines the work that is carried out by Councillor Reynolds in her capacity as Lord Mayor to meet the eight specific functions and duties under legislation.

Some interesting statistics in key areas included:

- Receiving and responding to 893 individual items of correspondence
- 81 one-on-one constituent meetings, including at 18 Mayor in the Chair sessions held in places around the City.
- 138 additional meetings with organisations, businesses and government agencies and politicians; and
- Launched or opened 124 events, hosted 8 receptions, run 9 Town Hall sessions for schools and provided 53 media interviews.

The Report will be made available on the Council's website and will be included as an attachment to the minutes.

#### Attachments

A Lord Mayor Annual Report - 2022 - 23 ⇒ 

## 5. NOTIFICATION OF COUNCIL WORKSHOPS

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that the following Council workshops have been conducted since the last ordinary meeting of the Council.

Date: Monday 22 January 2024  
Purpose: South Hobart Master Plan | New Town Sports Precinct  
Infrastructure Plan

## 6. PUBLIC QUESTION TIME

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### 6.1 Mr Peter Bicevskis - Mount Nelson and Sandy Bay Neighbourhood Plan Discussion Paper

---

Mr Peter Bicevskis put the following question and was provided with a response by the Acting Chief Executive Officer:

**Question:**

At the Council meeting held on 30 October 2023, referring to the Mount Nelson and Sandy Bay Neighbourhood Plan Discussion Paper, Councillor Lohberger asked:

*".... regarding page 60 of the attachment, which relates to UTAS, I do have some questions about this page and the information on there. I notice that one of the dot points states that we acknowledge the aging building stock .....I'm just wondering about where that claim about the aging building stock comes from.....given that....UTAS's most recent building condition report shows 60% of those buildings are in good condition. So I would just like to ask where that claim has come from."*

To which the Council representative replied:

*"That advice has come from both the property owner and our own observations."*

Was this advice of a general nature or did the property owner (ie UTAS) provide supporting evidence to substantiate this advice. Could Council please provide details of any such supporting evidence.

With regard to the statement that the advice also came from Council's own observations of the condition of the UTAS building stock, could Council please provide details of these observations, including how the observations were carried out, the results of the observations, and where these results are documented.

**Response:**

The Mount Nelson and Sandy Bay Neighbourhood Plan (MNSBNP) Discussion Paper has identified that some of the building stock on the University of Tasmania (UTAS) Sandy Bay campus is aging and could provide an opportunity for mixed-use activation, potentially incorporating adaptive reuse of existing buildings where appropriate.

The MNSBNP project team has defined 'aging' as overall building condition and whether existing spaces are 'fit for purpose'. The project team also notes that some of these existing spaces which are not 'fit for purpose' have been vacated and are sitting empty. The project team's information primarily comes from documents lodged with the 2021 UTAS planning application, the property owner and from City of Hobart officer observations, with these being drawn from various site visits.

Further work is proposed in the next stage of the MNSBNP to review the UTAS Sandy Bay campus site in detail, and to consider future appropriate planning controls and building envelopes for a range of possible uses including education, community, services and housing to ensure appropriate built form outcomes.

## **7. PETITIONS**

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### **7.1 Petition - Romilly Street Footpath - Dominic Lang**

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The Acting Chief Executive Officer tabled a petition calling for Council to add a footpath to Romilly Street in South Hobart.

There were 144 signatories to the petition.

BURNET  
ZUCCO

That the petition be received and noted, referred to the relevant Portfolio Committee and a report returned to Council.

MOTION CARRIED



VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**Attachments**

A Petition - Romilly Street ⇨ 

**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.

The following interest was indicated:

1. Deputy Lord Mayor Councillor Burnet - item 20

## OFFICER REPORTS

### 10. Response to Petition - Hobart Traffic Management File Ref: F24/4241; 16/119

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POSSELT  
DUTTA

That the recommendation contained within the officer report, marked as item 10 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

#### VOTING RECORD

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

#### **COUNCIL RESOLUTION:**

That:

1. The Council notes the matters raised in the petition titled 'Hobart Traffic Management'.
2. The Council notes that Road Closure Licence applications are assessed under regulation on a case-by-case basis with careful consideration of key factors relating to safety and accessibility to adjacent properties.
3. The Council notes the report on the 'Pedestrian Only (Scramble) Phase Trial Outcome and Recommendation' included on the Council agenda of 29 January 2024..
4. The lead petitioner be advised of the Council's decision.

**11. Pedestrian Only (Scramble) Phase Trial Outcome and Recommendation**  
**File Ref: F23/131592**

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BURNET  
SHERLOCK

That the recommendation contained within the officer report, marked as item 11 of the Open Council Agenda of 29 January 2024, be adopted.

**AMENDMENT**

POSSELT  
SHERLOCK

That Council write to the State Government requesting a review of further signalised intersections for optimisation as guided by the Network Operation Plan. This review should consider specifically the intersection of Elizabeth Street and Macquarie Street.

AMENDMENT CARRIED

**VOTING RECORD**

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

SUBSTANTIVE MOTION LOST

**VOTING RECORD**

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

**MOTION WITHOUT NOTICE**

BLOOMFIELD  
LOHBERGER

That:

1. Due to issues with the reported results, the report be submitted for peer review to ensure the substantiation of the recommendation is appropriate.
2. The report be submitted to Risk and Audit Panel and Council for consideration.

MOTION CARRIED

**VOTING RECORD**

**AYES**

Lord Mayor Reynolds  
Zucco  
Sherlock  
Kelly  
Bloomfield  
Lohberger  
Coats

**NOES**

Deputy Lord Mayor Burnet  
Dutta  
Posselt

**COUNCIL RESOLUTION:**

That:

1. Due to issues with the reported results contained within the report titled 'Pedestrian Only (Scramble) Phase Trial Outcome and Recommendation', the report be submitted for peer review to ensure the substantiation of the recommendation is appropriate.
2. The report be submitted to Risk and Audit Panel and Council for consideration.

**12. Revised City of Hobart Risk Management Framework**  
**File Ref: F24/2971**

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BURNET  
SHERLOCK

That the recommendation contained within the officer report, marked as item 12 of the Open Council Agenda of 29 January 2024, be adopted.

**AMENDMENT**

POSSELT  
LOHBERGER

That Council officers commit to reviewing the Risk Management Framework no less than 12 months from the date of this decision with appropriate elected member input and discussion.

AMENDMENT CARRIED

**VOTING RECORD**

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

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That:

1. The Council approve the revised City of Hobart Risk Management Framework referenced at attachment A to item 12 of the Open Council Agenda of 29 January 2024.
2. Council officers commit to reviewing the Risk Management Framework no less than 12 months from the date of this decision with appropriate elected member input and discussion.

**13. Clearway Towing (Vehicle Removal and Release) - Proposed Fee**  
**File Ref: F23/110566**

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POSSELT  
BURNET

That the recommendation contained within the officer report, marked as item 13 of the Open Council Agenda of 29 January 2024, be adopted.

**AMENDMENT**

ZUCCO  
BLOOMFIELD

That the Council delegate authority to the Chief Executive Officer to write to the State Government seeking advice on the potential power for the City to clamp vehicles.

AMENDMENT CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Coats

NOES

Deputy Lord Mayor Burnet  
Lohberger

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

NOES

**COUNCIL RESOLUTION:**

That:

1. The Fees, Charges and Infringement fines for Clearway Towing (Vehicle Removal and Release) be set to reflect the charges set by the Department of State Growth for the same offence.
2. In accordance with the Roads and Jetties Act 1935 s48B(3), the City of Hobart provide for a towing fee of \$382.62 to be charged per vehicle towed plus \$60.00 per day for vehicle storage beyond an initial two-day storage period for vehicles removed from a Clearway zone (included in the towing fee).
3. The Council as road authority, delegate to the Chief Executive Officer:
  - (i) The power to order the removal of vehicles under section 48B(1) of the *Roads and Jetties Act 1935*.

- (ii) Subject to section 48B (5) of the *Roads and Jetties Act 1935* the power to sell, destroy or give away a vehicle (and anything in, on or attached to the vehicle) if the owner of the vehicle has not paid the set within 60 days of the date when the vehicle was first moved, kept or impounded under section 48B (4) of the *Roads and Jetties Act 1935*.
- (iii) The power to delegate the powers outlined above at 3 (i) and (ii) to council employees under section 64 of the *Local Government Act 1993*.
- 4. The Council delegates to the Chief Executive Officer, the authority to develop the arrangements and operational policy to support and undertake clearway towing and vehicle removal operations.
- 5. The Council delegate authority to the Chief Executive Officer to write to the State Government seeking advice on the potential power for the City to clamp vehicles.

**14. 2023-24 Capital Projects Mid-Year Report**  
**File Ref: F23/128033; 22/7**

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BURNET  
SHERLOCK

That the recommendation contained within the officer report, marked as item 14 of the Open Council Agenda of 29 January 2024, be adopted.

**PROCEDURAL MOTION**

DUTTA  
LOHBERGER

That the 2023-24 Capital Projects Mid-Year Report be deferred for further consideration at a Council workshop.

PROCEDURAL MOTION  
CARRIED



VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That the 2023-24 Capital Projects Mid-Year Report be deferred for further consideration at a Council workshop.

- 15. Submission - Discussion Paper - Developing a new threatened species strategy for Tasmania**  
**File Ref: F24/4842**
- 

BURNET  
LOHBERGER

That the recommendation contained in the officer report, marked as item 15 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That the Council endorse the draft submission to the Tasmanian Threatened

Species Strategy Discussion Paper, marked as Attachment A to item 15 of the Open Council Agenda of 29 January 2024.

**16. Submission - Office of Local Government discussion paper - Managing conflicts of interests of councillors**  
**File Ref: F24/5748**

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SHERLOCK  
POSSELT

That the recommendation contained within the officer report, marked as item 16 of the Open Council Agenda of 29 January 2024, be adopted.

**AMENDMENT**

DUTTA  
LOHBERGER

That the submission include reference to enhancing the definition of 'close associates' to include close friends.

AMENDMENT CARRIED

**VOTING RECORD**

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

**AMENDMENT**

BLOOMFIELD  
POSSELT

That the submission include reference to include look-through provisions as defined by taxation principles.

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That Council endorse the draft submission to the Office of Local Government's Managing conflicts of interest of councillors – framework discussion paper, marked at Attachment A to item 16 of the Open Council Agenda of 29 January 2024, subject to the following amendments:

- a) The submission include reference to enhancing the definition of 'close associates' to include close friends.
- b) The submission include reference to include look-through provisions as defined by taxation principles.

**17. Submission - Department of State Growth - Keeping Hobart Moving Draft Plan**  
**File Ref: F24/199**

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POSSELT  
SHERLOCK

That the recommendation contained within the officer report, marked as item 17 of the Open Council Agenda of 29 January 2023, be adopted.

**AMENDMENT**

BURNET  
LOHBERGER

That:

1. As part of the Council's submission to the State Government's Keep Hobart Moving transport plan, Council consider the role registered motorised scooters and motorbikes play. This modality of transport, particularly with electric options, emits fewer greenhouse gas emissions than cars, can help reduce congestion, and addresses cost of living pressures associated with running vehicles, by offering a cheaper alternative to four wheels, to both purchase and to run.
2. As part of a response to encouraging the uptake of road-registered motorised scooters and motorbikes, the Council consider:
  - a. improving parking options in the city and at other areas in the municipality such as shopping precincts for motor bikes and motor scooters, with safety and convenience in mind
  - b. converting a number of car spaces in Dunn Street car park as safer alternatives to motorbike parking in fast-moving traffic
  - c. the Council resolution of 27 June 2022 in respect of 'Motor Bike Parking Reinstatement – Elizabeth Street between Macquarie and Davey Streets'.
  - d. request that the Mobility Portfolio Committee
    - i. inspect motorbike parking with representative groups to ascertain how increased demand in motorbike and motor scooter parking may be addressed.
    - ii. Consider end of trip facilities (i.e lockers with motorbike

parking in multistories and at businesses) and electric motorcycle charging/battery swap programs.

AMENDMENT CARRIED

VOTING RECORD

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

The Chairperson then vacated the Chair in order to move an amendment motion.

Deputy Lord Mayor Councillor Burnet assumed the Chair.

**AMENDMENT**

REYNOLDS  
DUTTA

That the following comment also be included as part of the submission:

*Council notes that the most recent major study into the corridor, undertaken for the State Government by PWC in 2020 found that the light rail will create 4657 extra dwellings in the corridor versus only 1043 dwellings for 2027 so from the perspective of the urban renewal opportunity for the City, light rail will see greater benefits.*

AMENDMENT CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

The Lord Mayor resumed the Chair.

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That:

1. The Council endorse the submission, marked as Attachment A to item 17 of the Open Council Agenda of 29 January 2024, to the Department of State Growth in response to Keeping Hobart Moving Draft Plan consultation with the inclusion of the following statement:

*Council notes that the most recent major study into the corridor, undertaken for the State Government by PWC in 2020 found that the*

*light rail will create 4657 extra dwellings in the corridor versus only 1043 dwellings for 2027 so from the perspective of the urban renewal opportunity for the City, light rail will see greater benefits.*

2. As part of the Council's submission to the State Government's Keep Hobart Moving transport plan, Council consider the role registered motorised scooters and motorbikes play. This modality of transport, particularly with electric options, emits fewer greenhouse gas emissions than cars, can help reduce congestion, and addresses cost of living pressures associated with running vehicles, by offering a cheaper alternative to four wheels, to both purchase and to run.
3. As part of a response to encouraging the uptake of road-registered motorised scooters and motorbikes, the Council consider:
  - a. improving parking options in the city and at other areas in the municipality such as shopping precincts for motor bikes and motor scooters, with safety and convenience in mind
  - b. converting a number of car spaces in Dunn Street car park as safer alternatives to motorbike parking in fast-moving traffic
  - c. the Council resolution of 27 June 2022 in respect of 'Motor Bike Parking Reinstatement – Elizabeth Street between Macquarie and Davey Streets'.
  - d. request that the Mobility Portfolio Committee
    - i. inspect motorbike parking with representative groups to ascertain how increased demand in motorbike and motor scooter parking may be addressed.
    - ii. Consider end of trip facilities (i.e lockers with motorbike parking in multistories and at businesses) and electric motorcycle charging/battery swap programs.

**18. Submission - Climate Change Office - Emissions Reduction and Resilience Plan for Transport and Waste**  
**File Ref: F24/2824**

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BURNET  
LOHBERGER

That the recommendation contained within the officer report, marked as item 18 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That:

1. The Council endorse the draft submission, marked as Attachment A to item 18 of the Open Council Agenda of 29 January 2024, provided to the Tasmanian Government to inform the Tasmanian Emission Reduction and Resilience Plan for Transport.
2. The Council endorse the draft submission, marked as Attachment C to item 18 of the Open Council Agenda of 29 January 2024, provided to the Tasmanian Government to inform the Tasmanian Emission Reduction and Resilience Plan for Waste.

**REPORTS OF THE ACTING CHIEF EXECUTIVE OFFICER**

**19. Freedom of Entry March**  
**File Ref: F24/5142**

---

POSSELT  
BLOOMFIELD

That the recommendation contained within the report of the Acting Chief Executive Officer, marked as item 19 of the Open Council Agenda of 29 January 2024, be adopted.



MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That:

1. The Council approve the request for Freedom of Entry to HMAS Hobart Royal Australian Navy, to be acknowledged in a public ceremony coordinated by the City of Hobart and scheduled for 9 March 2024, at a cost of up to \$10,000 to be funding from the Creative City Community Events – Activation Programs line item in the 2023/24 financial year.
2. City officers continue to liaise with relevant stakeholders to arrange and conduct the ceremonial event.

The Deputy Lord Mayor, Councillor Burnet declared an interest in item 20 and left the meeting.

**20. Acting Lord Mayor Higher Duties Allowance**  
**File Ref: F23/131988**

---

DUTTA  
POSSELT

That the recommendation contained within the report of the Acting Chief Executive Officer, marked as item 20 of the Open Council Agenda of 29 January 2024, be adopted.

**PROCEDURAL MOTION**

BLOOMFIELD  
KELLY

That the matter be deferred for further information.

PROCEDURAL MOTION  
CARRIED

**VOTING RECORD**

AYES	NOES
Zucco	Lord Mayor Reynolds
Kelly	Dutta
Bloomfield	Sherlock
Lohberger	Posselt
Coats	

**COUNCIL RESOLUTION:**

That the matter be deferred for further information.

**21. Change of Council Meeting Date**  
**File Ref: F23/128852**

---

SHERLOCK  
BLOOMFIELD

That the recommendation contained within the report of the Acting Chief Executive Officer, marked as item 21 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That the Council meeting scheduled to be held at 5pm on Monday 18 March 2024, be moved to 5pm on Tuesday 19 March 2024.

**22. Annual General Meeting Motions**  
**File Ref: F24/1001**

---

BURNET  
SHERLOCK

That the recommendation contained within the report of the Acting Chief Executive Officer, marked as item 22 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That in accordance with Section 72B of the *Local Government Act 1993*, the Council note the following two motions adopted unanimously at the City of Hobart Annual General Meeting of 28 November 2022:

- a) The minutes of the Annual General Meeting held on Monday, 28 November 2022, be confirmed as an accurate record.
- b) That the City of Hobart Annual Report for 2022-23 be adopted.

**MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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

**23. Salamanca Place Amplified Music Trial 2024**  
**File Ref: F24/8147; 16/119**

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Alderman Zucco

**Motion:**

1. "That the Hobart City Council consider trialling amplified music in the designated and existing outdoor occupation licence dining areas across Salamanca Place from midday to 8pm on Sundays for a trial period of 12 months.
2. That all venues participating in the trial must adhere to any noise/sound levels that are imposed as per conditions.
3. That the Acting CEO be provided delegated authority to consult with relevant traders, the Sullivans Cove Traders Association, the THA and relevant stakeholders to develop a management plan for the trial and report back to Council by February 19<sup>th</sup>, 2024.
4. That any required or relevant amendments to existing occupation licences form part of the council report.
5. That once implemented a report be provided back to Council within 12 months of implementation for consideration as per the trial outcomes."

**Rationale:**

"It is widely known right across the spectrum that Salamanca Place is the premier entertainment precinct of Hobart.

It is acknowledged that Salamanca Place is also a Heritage allowing amplified music in a controlled environment in existing occupation licenced areas will not detract from the Heritage of Salamanca.

Music is culture and no doubt in the early history of Salamanca Place music would have played a role in its vibrance then and enhance this vibrant present on a Sunday be it may in the early days the music may not have been amplified but no doubt bawdy and lively.

The intent is not to have heavy rock or Duff Duff but a singular or duo playing “Mood Music”.

There is an establishment that has amplified music in an occupation area in Salamanca Place and has done so for many months that I am aware of. I have witnessed a video of this establishment.

Currently the Hobart City Council allows amplified busking in certain areas of Salamanca but not on a Sunday.

It is only intended to allow the trial in existing occupation licenced areas and not Salamanca Square.

This will not be detrimental to Salamanca Market as that is conducted on a Saturday where Council considered ratepayer funds to have musicians and buskers perform at the market.

Unlike the Salamanca Market proposal where the ratepayer would fund the music. The proposed “Sunday sessions would be paid for by the respective establishment at no cost to ratepayers to enhance Salamanca Place for locals and visitors who will no doubt embrace such a trial.

The intended trial area already has the ability for traders to have piped music which is a form of amplified music with the only difference being that it’s not via a live musician and I see no difference as long it’s in a controlled environment.”

### **Administration Response to Notice of Motion**

#### **Discussion**

1. From an activation point of view, the following issues are relevant:
  - a. The Salamanca Place area is already quite activated and has a depth of entertainment activity including some live performances.
  - b. With appropriate controls and monitoring, appropriate and modest scale live entertainment has the potential to value-add to the food and beverage offering of the precinct.
  - c. Live entertainment can be more responsive to the needs of customers and clientele.

- d. The trial would be highly dependent on the participating venues being willing to cooperate with each other and with the City of Hobart, in terms of performances being rostered or programmed and to ensure that there are no scheduling clashes between venues, and importantly to achieve compliance with sound level requirements.
  - e. It is suggested that the trial is limited to establishments on Salamanca Place between Gladstone Street and the Silos, given known resident concerns with noise in Salamanca Square.
- 2. Elected Members may prefer to have a shorter trial period, such as 6 months. If the trial is not working well then this will minimise any potential negative outcomes.
  - 3. It is noted that there are 13 venues on Salamanca Place which utilise land owned by the Council, regulated by occupation licences. There are a further 10 in Salamanca Square.
  - 4. While it is understood that the proposed venue-based performers would be engaged by individual businesses, the City's current regulatory framework for live performances by buskers is as follows:
    - a. Busking is governed by Council's Busking and Street Performance Program Guidelines which allows buskers and street performers holding a permit from the City of Hobart, to perform at designated locations throughout the Hobart local government area (see <https://www.hobartcity.com.au/files/assets/public/v/1/events/busking-and-street-performance/busking-and-street-performance-program-guidelines.pdf>).
    - b. There are 3 designed locations in Salamanca:
      - i. Morrison Street, Salamanca (5-8pm, Monday to Saturday only)
      - ii. Salamanca Plaza, Salamanca Place
      - iii. Kennedy Lane, Salamanca Place.
    - c. Only one location, Morrison Street, allows amplification and only between the hours of 5pm and 8pm Monday to Saturday. In accordance with the terms and conditions amplification must be battery operated and the permit holder is not permitted to plug into any power source that may be in the vicinity. The Council has the power to suspend, terminate or amend the use of amplification at any time at the City's absolute discretion.

- d. Busking is allowed at Salamanca Market for the period of operations of the market at the discretion of the Salamanca Market Supervisor who has the power to direct a busker to cease if they have concerns about noise or impact on business or stall owners or operators and market attendees.
  - e. Under the existing permits to occupy for outdoor dining the licensee may occupy the occupation licence area for outdoor dining including the placement of tables, chairs, umbrellas, barriers and screens or other structures as approved by the General Manager from 7:30am until 12 midnight seven (7) days a week. The licensee is responsible for ensuring that occupation of the occupation licence area does not have an adverse effect on, as far as relevant, amenity of the surrounding area.
  - f. The current conditions governing music reproduction are as follows:
    - i. No bands or portable music equipment are permitted within the occupation licence area without the prior written approval of the Council.
    - ii. Amplified music is permitted in the occupation licence area provided that:
      - The music is played only between the hours of 12 noon and 10:00pm;
      - When measured on a sound level measuring equipment at a distance of not less than 3 metres from a speaker the music and background noise does not exceed an average of 70 dBA over a period of 1 minute;
      - The music volume is decreased or the playing of music ceases when directed by an officer of the Council or Tasmania Police; and
      - Any speakers installed to project the music into the occupation licence area are installed in accordance with any law or planning scheme requirements.
5. Noise impacts are a key issue and the following advice has been provided by our Environmental Health team:
- a. There is a risk that as the volume of amplified music increases, businesses may be competing with the live music from other outdoor dining areas, but the extent to which this occurs depends on various factors including the exact type of sound amplifying equipment that is in use, its placement within the outdoor dining area and distance between outdoor dining areas. Voluntary cooperation between venues or Council enforced requirements for a programming regime that avoided programming clashes between venues could mitigate this concern.



- b. The *Environmental Management and Pollution Control Act 1994*, addresses noise emitted from commercial premises. Emission of noise is deemed to be an environmental nuisance when it unreasonably interferes with a person's enjoyment of the environment if it is unreasonable having regard to:
    - i. its volume, intensity or duration; and
    - ii. the time, place and other circumstances in which it is emitted.
  - c. As the trial relates to amplified live music being played within an 8-hour time period, achieving the appropriate volume/intensity will be key to ensuring that nearby residents do not experience an environmental nuisance. The current condition (b) on permits to occupy states 'when measured on a sound level measuring equipment at a distance of not less than 3 metres from a speaker the music and background noise does not exceed an average of 70dB(A) over a period of 1 minute'. It is unlikely that this limit will be able to be complied with if amplified live music is introduced, background noise of full patronage and potentially multiple businesses within close proximity playing live music simultaneously.
  - d. If the trial is only on Salamanca Place then it is not anticipated that this will cause a noise nuisance to surrounding residents.
  - e. If the trial was extended into Salamanca Square then there could be impacts on the residents who face onto the Square. Using a distance attenuation calculator, the current limit of 70dB(A) measured 3 metres from the source of music would produce sound pressure level of approximately 49dB(A) immediately outside the closest residences (33 metres away on the opposite side of the square). If the noise limit is increased to 80dB(A), the sound pressure level produced immediately outside residences increases to 59dB(A), which most standard noise level charts state is around the sound of conversation. If increasing the noise limit to 80dB(A), it is the opinion of the Environmental Health Unit that there is a 'moderate to likely' likelihood of nuisance being experienced by nearby residents.
6. It is possible, depending on the nature of this activity, that it would be perceived to be a further privatisation of public space. This may impact on the value of the occupation licences, noting that we are currently undergoing a review of the valuations which underpin the fees charged for those licences.

## Strategic, Legislative and Policy Implications

### Capital City Strategic Plan

**Pillar:** We are a city connected, embracing our diverse communities in cultural expression and creative and artistic participation; a city that enhances our homes, lifestyles and heritage; a city that bravely puts its people first.

We are a city of ethics and integrity. We govern with transparency and accountability, encouraging and welcoming active civic involvement. We collaborate for the collective good, working together to create a successful Hobart.

**Outcome:** 3.4: Civic and heritage spaces support creativity, resulting in a vibrant public realm.

8.1: Hobart is a city that is well governed that recognises the community as an active partner that informs decisions.

**Strategy:** 3.4.2: Activate public spaces and venues, to benefit the community and business sector through changes to infrastructure, public art, performances events, festivals and markets.

8.1.1: Build community trust through the implementation of effective civic leadership, ethical conduct and responsible governance processes that ensure accountability, transparency and compliance with all legislated and statutory requirements.

### Legislation and Policy

**Legislation:** Public Spaces By-Law 2018  
*Environmental Management and Pollution Control Act 1994*

**Policy:** NA

## Financial Implications

1. It is anticipated that the additional officer time would be spent to facilitate this trial, which is not catered for in the budget for the current financial year:
  - a. Approximately 2 week to consult, create a management regime and issue updated occupational licences: 2 weeks or approximately \$5,000.

- b. The initial start-up period may require an officer to be present to monitor the trial. This would amount to approximately \$500 per day. In instances where officers were required to be on call to address enforcement issues then there would be an on-call rate and the minimum 2 hour call out payment if required to address complaints.
- c. If noise issues continue to arise, costs (overtime) associated with time spent by Environmental Health Officers to attend with noise monitoring equipment to assess any concerns raised by the community would be necessary.

ZUCCO  
SHERLOCK

That the motion be adopted with the inclusion of the following amendments:

1. The word 'live' be included after the word 'trialling' in clause 1
2. The words 'Battery Point Community Association' be included after 'THA' in clause 3

**AMENDMENT**

DUTTA  
POSSELT

That the trial be undertaken over six months rather than 12 months.

AMENDMENT LOST

**VOTING RECORD**

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That:

1. That the Hobart City Council consider trialling live amplified music in the designated and existing outdoor occupation licence dining areas across Salamanca Place from midday to 8pm on Sundays for a trial period of 12 months.
2. That all venues participating in the trial must adhere to any noise/sound levels that are imposed as per conditions.
3. That the Acting CEO be provided delegated authority to consult with relevant traders, the Sullivans Cove Traders Association, the THA, Battery Point Community Association and relevant stakeholders to develop a management plan for the trial and report back to Council by February 19<sup>th</sup>, 2024.
4. That any required or relevant amendments to existing occupation licences form part of the council report.
5. That once implemented a report be provided back to Council within 12 months of implementation for consideration as per the trial outcomes.

**24. Bus Lay-Overs**  
**File Ref: F24/8249; 16/119**

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Alderman Bloomfield, Councillor Kelly

**Motion**

“That existing and proposed bus lay-overs within the CBD be examined as a priority within the current Transport Strategy Refresh.”

**Rationale:**

“The City of Hobart currently has 23 bus lay-over spaces with an another 6 proposed as part the Transport Strategy Refresh.

This is in addition to the existing bus stops and loading zones (which are at times being used illegally).

We ask that these existing and proposed lay-overs be examined as a priority within the current Transport Strategy Refresh with a view to their removal to from the prime CBD area to more appropriate undeveloped spaces. This combined with the more modern practices of 'Hub & Spoke' and 'Flow Through' practices should be thoroughly examined.

With reference to the New South Wales Government's "Guidelines for the Planning of Bus Lay-over Parking" such spaces should

- be sensitive to the local land use
- consider future land use changes
- if located within centres, options to minimise the footprint of lay-overs should be thoroughly investigated
- be at the discretion of the local council

Currently there is no charge levied by Council for the bus lay-over spaces and this should be considered especially as some of these spaces are used by commercial bus operators.

With no revenues collected for these bus lay-overs, this represents a loss in excess of \$500,000 to the City of Hobart if these spaces were utilised as paid car parking.

The current lay-overs are located primarily in front of Hobart's prime heritage buildings (TMAG, Town Hall etc) - not a good look for our tourists and locals.

The diesel fumes that are emitted whilst the buses sit idling for long periods are not only a health hazard to passing pedestrians but also pollute the sensitive sandstone of our heritage buildings.

At a time where approximately 100 car spaces in Davey and Macquarie Streets have recently been lost, combined with the additional need for more disability curb side parking bus lay-overs should not be increased but

decreased.

A modern forward thinking strategy needs to be adopted for the use of bus lay-overs in the current Transport Strategy Refresh.

By removing these outdated transport practices that are decades old, we will aspire to the principles of the recently adopted Central Hobart Structure Plan to make Hobart a amore vibrant city, with more open spaces, becoming a more attractive place to live and work, with improved amenity and street vibrancy.”

### Administration Response to Notice of Motion

#### Discussion

The City Mobility Unit is aware of these concerns and will undertake a review of the existing and proposed bus lay-overs within the Hobart CBD as part of the City’s current Transport Strategy refresh, specifically as part of the associated parking and kerbside management plan.

#### Strategic, Legislative and Policy Implications

##### Capital City Strategic Plan

Pillar: The recommendation is directly aligned to the City of Hobart Community Vision and the Capital City Strategic Plan 2019-29.

Pillar five of the ‘Capital City Strategic Plan 2019-29’ focuses on Movement and connectivity. Addressing the petition by supporting pillar five’s key outcomes:

Outcome: Outcome 5.1 “An accessible and connected city environment helps maintain Hobart’s pace of life.”

##### Legislation and Policy

Legislation: The City of Hobart has statutory powers, under Section 19 of the *Local Government (Highways) ACT 1982*

#### Financial Implications

1. As part of the review, officers will analyse and report on any financial implications.

BLOOMFIELD  
KELLY

That the motion be adopted with the inclusion of the following clause:

2. The Transport Strategy Refresh also investigates a requirement that busses cease idling and emitting diesel fumes while sitting in City of Hobart provided lay-overs.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Zucco  
Kelly  
Bloomfield  
Lohberger  
Coats

NOES

Deputy Lord Mayor Burnet  
Dutta  
Sherlock  
Posselt

**COUNCIL RESOLUTION:**

That:

1. The existing and proposed bus lay-overs within the CBD be examined as a priority within the current Transport Strategy Refresh.
2. The Transport Strategy Refresh also investigates a requirement that busses cease idling and emitting diesel fumes while sitting in City of Hobart provided lay-overs.

**25. RESPONSES TO QUESTIONS WITHOUT NOTICE**

**File Ref: F24/9215**

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

The Council is reminded that in accordance with Regulation 29(3) of the *Local Government (Meeting Procedures) Regulations 2015*, the Chairperson is not to allow discussion or debate on either the question or the response.

BURNET  
POSSELT

That the recommendation contained in the officer report, marked as item 25 of the Open Council Agenda of 29 January 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

**COUNCIL RESOLUTION:**

That the following responses to questions without notice be received and noted:

**25.1 Motion Without Notice Principles for Accepting**

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Memorandum of the Director City Enablers 15 January 2024.

**25.2 Interpretation of the Local Government (Meeting Procedures) Regulations 2015**

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Memorandum of the Director City Enablers 15 January 2024.

**25.3 Sandy Bay / Mount Nelson Neighbourhood Plan Discussion Paper**

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Memorandum of the Acting Director City Futures 15 January 2024.



## **26. QUESTIONS WITHOUT NOTICE**

### **File Ref: F24/9211**

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

#### **26.1 Councillor Kelly - Questions Without Notice From Previous Meeting**

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Question: At the last Council meeting I asked a question of the Lord Mayor about overseas travel and any reports that have been provided on these, can the Lord Mayor provide a response to these questions tonight?

Response: The Lord Mayor advised that the question was taken on notice and a response has not yet been provided however will be provided to the next Council meeting.

#### **26.2 Alderman Zucco - Integrity Commission**

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Question: Has the Council, any Acting CEO, any CEO, the Lord Mayor or any Elected Member received any correspondence from the Integrity Commission and if so, when?

Response: The Acting Chief Executive Officer took the question on notice.

#### **26.3 Councillor Lohberger - e-Scooter Licence**

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Question: Can the Acting Chief Executive Officer advise when the e-scooter licence will be signed?

Response: The Director Connected City advised that council officers are in the process of finalising the tender and that a licence will be signed by the end of February.

#### **26.4 Councillor Lohberger - Population Growth Figures**

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Question: Eight weeks ago I asked for information on the workings behind the 7850 population growth projection in the Sandy Bay and Mount Nelson Neighbourhood Plan, which has been provided today. Was this information known when the figure was originally provided?

Do the private organisations involved in providing this population growth figure have an existing or former pecuniary relationship with UTAS?

Did either of these private organisations provide reports or information used by UTAS in support of its plan to relocate the Sandy Bay campus into the Hobart CBD?

If the answer to either of the two previous questions is yes, why were these organisations selected to provide information required for this particularly sensitive neighbourhood planning process?

Response: The Acting Chief Executive Officer took the questions on notice.

## **26.5 Councillor Kelly - City of Literature**

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Question: In The Mercury on 2 November 2023, its reported that the City of Hobart has been accepted as a City of Literature. It is my understanding that Council has only agreed to placing a nomination for acceptance and that a further report on the cost were pending?

Response: The Lord Mayor advised that the City is now a City of Literature and all that was to be determined is a decision on whether the Council wishes to provided a funding contribution to secretariate or not. This will be the subject of a future report.

## **27. CLOSED PORTION OF THE MEETING**

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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:

- Contract renewal conditions
- Leave of Absence
- Personal hardship of ratepayers
- Information of a personal and confidential nature

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	2023-24 Supplementary Rates - Variation Objections LG(MP)R 15(2)(g) and (j)
Item No. 7	Contract Extension - Preventative Maintenance and Consumable Supply for the City of Hobart's Car Park

- Equipment  
LG(MP)R 15(2)(d)  
Item No. 8 Stadia 2 Proposal for Regatta Point  
LG(MP)R 15(2)(g)  
Item No. 9 City of Hobart Elected Member Commitments - Review  
LG(MP)R 15(2)(g)  
Item No. 10 QUESTIONS WITHOUT NOTICE  
LG(MP)R 15(2)(g)  
Item No. 11 Business Arising - Questions Taken on Notice During Debate  
LG(MP)R 15(2)(g) and (h)

BURNET  
COATS

That the recommendation be adopted.

MOTION CARRIED BY  
ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Dutta  
Sherlock  
Kelly  
Bloomfield  
Posselt  
Lohberger  
Coats

The Chairman adjourned the meeting at 7.20pm for a dinner break.

The meeting was reconvened at 7.38pm.

Item 19 was then taken.

There being no further business the Open portion of the meeting closed at 9.31pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
19<sup>TH</sup> DAY OF FEBRUARY 2024.

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CHAIRMAN