



CITY OF HOBART

AGENDA

OPEN PORTION OF THE COUNCIL MEETING
MONDAY, 23 JANUARY 2023
AT 5:00 PM



City of **HOBART**

THE MISSION

Working together to make Hobart a better place for the community.

OUR VALUES

THE COUNCIL IS:

PEOPLE

We care about people – our community, customers and colleagues

TEAMWORK

We collaborate both within the organisation and with external stakeholders drawing on skills and expertise for the benefit of our community.

FOCUS AND DIRECTION

We have clear goals and plans to achieve sustainable social, environmental and economic outcomes for the Hobart community.

CREATIVITY AND INNOVATION

We embrace new approaches and continuously improve to achieve better outcomes for our community.

ACCOUNTABILITY

We work to high ethical and professional standards and are accountable for delivering outcomes for our community.

VISION

OUR VISION, MISSION AND VALUES HOBART: A COMMUNITY VISION FOR OUR ISLAND CAPITAL

Hobart breathes.

Connections between nature, history, culture, businesses and each other are the heart of our city

We are brave and caring.

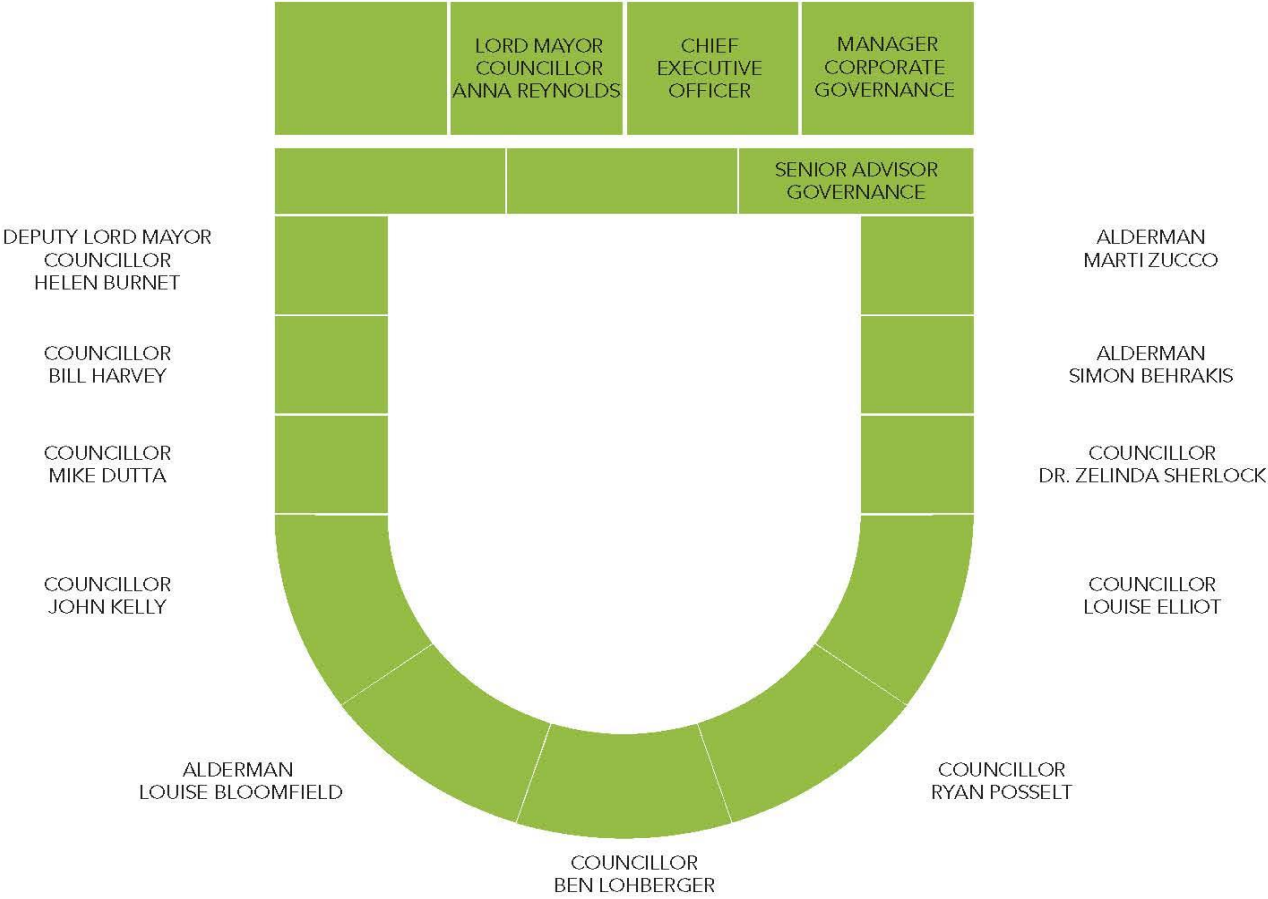
We resist mediocrity and sameness.

As we grow, we remember what makes this place special.

We walk in the fresh air between all the best things in life.



City of **HOBART**



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**A MEETING OF THE OPEN PORTION OF THE COUNCIL WILL BE HELD IN THE
COUNCIL CHAMBER, TOWN HALL ON MONDAY, 23 JANUARY 2023 AT
5.00 PM.**

**Kelly Grigsby
Chief Executive Officer**

The title Chief Executive Officer is a term of reference for the General Manager as appointed by
Council pursuant s.61 of the *Local Government Act 1993* (Tas).

ELECTED MEMBERS:

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

APOLOGIES:

LEAVE OF ABSENCE:

Deputy Lord Mayor H Burnet

1. ACKNOWLEDGEMENT OF COUNTRY

2. CONFIRMATION OF MINUTES

The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 12 December 2022](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

3. TRANSFER OF AGENDA ITEMS

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

4. COMMUNICATION FROM THE CHAIRMAN

5. NOTIFICATION OF COUNCIL WORKSHOPS

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

6. PUBLIC QUESTION TIME

6.1 Public Questions

7. PETITIONS

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*.

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 conflict 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.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

10. Council Workshop Policy
File Ref: F23/4263; 13-1-9

Councillor Elliot

Motion

“That a report be provided the Council require that a policy governing Council Workshops be prepared and provided to Council for feedback and approval, with the policy reflecting the principle that Elected Members are consulted in relation to the schedule and agenda for workshops and can request issues for briefing through a workshop.”

Rationale:

“Hobart City Council has increased its use of Council Workshops. The Governance Framework does not provide adequate detail in relation to the principles and processes that apply to Council Workshops and some confusion exists. It is therefore valuable that a policy on this mechanism be developed.

It is reasonable to expect that Elected Members would have a genuine opportunity to shape the schedule and agenda for workshops, including the ability to request briefings on specific issues through a workshop format. It is also acknowledged that Administration will also have issues that they want to brief the Council on.

It is intended that the policy would outline the principles and processes that apply to Council Workshops, including the purpose of Workshops, process for Elected Members to request a briefing on specific issues, the timelines for how far in advance workshop schedules and agendas will be made available, and explicit clarity around confidentiality.”

Administration Response to Notice of Motion

Discussion

1. As advised in the Governing Hobart report to Council on 21 November 2022, the elected member Induction Program Pack; and subsequent emails to elected members the arrangements for Workshops are as follows:

Workshops

- 1.1. The Chief Executive Officer and relevant members of ELT will provide regular Elected Member Workshops to impart information and allow for discussion.
 - 1.2. Matters for consideration will usually include updates on the more significant matters due to come before a meeting of Council, briefings on significant matters by external parties, and briefings on the progress of significant Council projects, finances, strategies and plans.
 - 1.3. The Chief Executive Officer will set the agenda for the Elected Member Workshops, but will consider suggestions from the Lord Mayor, Deputy Lord Mayor and Elected Members.
 - 1.4. Regular Elected Member Workshops will be held fortnightly and timed as consistently as possible, in expectation that Elected Members will endeavour to attend all such meetings unless there is a reasonable reason why they cannot do so, noting, however, that attendance is not a statutory requirement but attendance will be recorded and published on the Council website.
2. Ahead of the fortnightly workshop, a written Agenda will be prepared; and associated Briefing Papers. This material will then be uploaded to the Hub for Elected Members to access at least four (4) clear days ahead of a workshop. A report on the items discussed and those in attendance at Workshop will then be prepared and included in the Council Meeting Agenda and presented at the meeting. The *Local Government Act* requires that Workshops be reported to Council; hence this has been a long standing agenda item on Council Agendas.
 3. The only time workshop material is confidential; is if the CEO ' declares it as confidential' and this will appear as a covering memo to the Agenda and or specific Briefing Note; as per Section 28C of the *Local Government Act*.
 - 28C. *Confidentiality undertaking*
 - (1) *If the general manager (CEO) considers that the information or document is confidential, the general manager (CEO) may require the councillor to whom the information or document is to be made available to give an undertaking to keep it confidential.*
 - (2) *If a councillor refuses or fails to give the undertaking, the general manager may refuse to make the information or document available to the councillor.*
 4. There will be a minimum of two items on the Workshop Agenda each fortnight. As discussed at recent Council Meetings the first Workshop was held at 5.00pm in the Lady Osborne Room on Monday, 5 December 2022.
 5. The CEO also advised Elected Members at the Induction Program and in the subsequent Council meetings that Elected Members may also request items to be discussed at a Workshop. A meeting planner will be updated regularly on the HUB that highlights matters coming up at Workshops.

6. A Workshop Policy is therefore considered unnecessary as the purpose of Workshops is outlined in the Governance Framework; and it's the role of the CEO to operationalise the running of workshops in accordance with the *Local Government Act*.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:

Outcome:

Strategy:

Legislation and Policy

Legislation: *Local Government Act 1993; Local Government (Meeting Procedures) Regulations 2015*

Policy: Governance Framework; Meetings: Procedures and Guidelines

Financial Implications

1. The only financial implications that arise from this motion is the officer time involved in the preparation of a report should the Council resolve to do so.

11. Access to Information Policy
File Ref: F23/4476; 13-1-9

Councillor Elliot

Motion

“That the Council:

1. Require that a policy governing Elected Members access to information be prepared and provided to Council for feedback and approval.
2. Require that all information that was previously on the Council’s document management system (the ‘Hub’) that has been archived be reinstated, restoring Elected Member access to this recent historical information.”

Rationale:

“To undertake the role of Elected Member fully and efficiently, access to information is required.

The *Local Government Act 1993* states that Elected Members may request “any information or document or a copy of any information or document in the possession of the council that may be required for the purpose of performing any of the councillor’s functions.”

It is understood that legal advice facilitated by the Council to former alderman, Jeff Briscoe, in 2022 made it clear that access to information should be forthcoming in a timely manner and in accordance with the requirements of the Act.

It is expected that the policy would address the processes and principles that apply to Elected Members access to information, including the nature of the information that can be provided to Elected Members, confidentiality considerations, processes, and response timeframes.

It is valuable to have access to historical information, especially information as recent as the previous term of Council, for reference so that Elected Members can directly access information so they can be informed about recent issues and decisions.”

Administration Response to Notice of Motion

Discussion

1. Requests for information by elected members are dealt with by section 28A of the *Local Government Act 1993*. It provides that an elected member, in writing, may request the CEO to make available any information or document in the possession of the Council that may be required for the purpose of performing any of the elected member’s functions.

2. The request is to state in writing the relevance of the information or document to any of the elected member's functions and declare that if the matter were to be an item on the agenda at a Council or Committee meeting that they would not have or be unlikely to have any pecuniary interest in the matter.
3. The request may be refused on a number of grounds under the Act and if the information is confidential, the CEO may require the elected member to provide an undertaking to keep the information confidential.
4. A register of requests made by elected members will be kept and made available on the Hub and all information provided pursuant to a request by an elected member will be also published on the Hub.
5. To assist elected members in making such requests a form has been developed which can be downloaded from the Hub. Once downloaded, it simply requires completing the blank fields and hitting the 'submit' button which will automatically send the form through. A copy of this form can also be emailed to Elected Members on request.
6. For clarity, requests of a 'transactional' nature or on behalf of constituents should be referred through EMrequests@hobartcity.com.au
7. This was communicated to Elected Members via the Bulletin on 25 November 2022.
8. The material and information available on the Hub was archived at the conclusion of the term of the previous Council. This was done on the basis that much of the information was no longer relevant or necessary. There have been some exceptions to this and where they have been identified, the information has been provided.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 8 – Governance and Civic Involvement

Outcome: 8.3 City leadership is accessible and reflects Hobart communities.

Strategy: 8.3.3 Support the elected representatives to undertake their role.

Legislation and Policy

Legislation: *Local Government Act 1993*

Policy: N/A

Financial Implications

1. The only financial implications which arise is officer time involved in the preparation of this and any subsequent reports or policy.

12. CBD Cleaning
File Ref: F23/4480; 13-1-9

Councillor Elliot

Motion

“That the Council commit to raising the standards of cleanliness across our CBD and providing increased resources through the upcoming budget process to allow the cleaning regime for the CBD to be expanded.”

Rationale:

“The CBD should be a safe, clean and appealing place. The CBD attracts thousands of people every day, including people who are visiting Hobart for the first time. First impressions count and our State relies heavily on our ‘clean’ image.

Despite the hard work of the organisation’s cleaning focused team members, on regular occasions the presentation of the CBD is substandard, with rubbish bins overflowing and public toilets and parenting facilities in an undesirable state.

At present, cleaning of the CBD (including street cleaning, litter collection, cleaning of toilets and removal of graffiti) commences in the early morning and finishes in the early afternoon. Because the teams have finished for the day while the city is still active, mess such as overflowing bins and toilets in unsanitary states remain this way from early afternoon until they are attended to the following morning.

An increase in resources for the cleaning team of around \$80,000 to \$100,000 per annum will enable the hours that a cleaning is occurring across the CBD to be expanded. For example, instead of cleaning ceasing from around 2:30 pm, increased funding could see this continue through until 6:30pm on weekdays and 5:30 pm on weekends.

While we should be aiming for a high standard of cleanliness at all times, increased funding will also allow resources to be increased when demand is increased, for example, during the visitation of large cruise ships.”

Administration Response to Notice of Motion

Discussion

1. The City of Hobart currently spends \$3.6 million per year on City Cleansing.
2. This is a seven day a week operation that includes footpath cleaning using both footpath sweepers and cleaning by hand, road cleaning using road sweepers, removal of graffiti, stormwater pit cleaning, high pressure cleansing of footpaths and cleaning public toilets and change rooms.

3. During peak times, such as during summer and when cruise ships are in dock, resources are diverted into the CBD and Sullivans Cove.
4. Currently the City's cleansing team commence work early morning and finish early afternoon. Whilst this appears to have been traditionally sufficient in the past, with increased visitor usage and increasing community expectations, this may not be considered adequate by all members of the public now.
5. As part of the City's organisation transformation project, a program of service reviews is currently being prepared that will ensure that our services are aligned with community and customer value. In the meantime, officers will investigate extending hours of footpath cleaning, public convenience cleaning and removing waste from litter bins in the CBD and Sullivans Cove, however this will have budget implications which will be included in the 2023-24 budget preparations.
6. In the interim, during the remainder of summer, additional resources in the late afternoon will be put in place in the Central Business District to undertake removal of litter on footpaths, check if bins are overflowing and check public facilities for cleanliness.
7. Modification of bins will be investigated to prevent rubbish blocking at the lid entry point to the bin.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 7 – Built Environment.

Outcome: 7.3 Infrastructure and services are planned, managed and maintained to provide for community wellbeing.

Strategy: 7.3.3 Ensure City-owned assets and public spaces are presented to a high quality to meet community and visitor requirements.

Legislation and Policy

Legislation:

Policy: N/A

Financial Implications

1. The interim measure of providing an additional resource in the late afternoon over the remainder of summer can be undertaken within existing operational budgets.
2. Additional cleaning, rubbish removal and facility cleaning will be costed and included in budget considerations for the 2023-24 financial year.

13. Family Friendly CBD
File Ref: F23/4483; 13-1-9

Councillor Elliot

Motion

“That the Council:

- require a report on the development of a strategy and action plan that focuses on enhancing the family-friendly nature of the CBD and
- that actions within the strategy include:
 - transforming the Wellington Court area into a space for families and others to enjoy, including modern, architectural play equipment, green space, and ample shade and places to sit and
 - a review of the CBD’s parenting facilities, including relocation of the parenting facility currently located on the first floor of Argyle Street Carpark to ground level and easily accessible off Wellington Court.”

Rationale:

“Our City is striving to be a place for all, and that includes our younger people and people who care for them.

At present, family friendly spaces and facilities in the CBD are lacking and there is considerable opportunity for improvement. In particular, a focus on improving access to and the quality of parenting facilities and providing a high-quality space where families can play and take a break would greatly improve our ability to attract families to our CBD and their experience.

The Wellington Court area is an ideal location for an inner CBD play area for children and break out space for all. Given its proximity to the Elizabeth Street Mall, the Argyle Street Carpark and the Royal Hobart Hospital, this area could be transformed into a central location that’s clean, safe, accessible and appealing for families.

Access to and the quality of parenting facilities are critical to families with young children. Clean, safe and accessible facilities are a drawcard. The parenting facility in the Argyle Street Carpark is located on the first floor which makes navigation and access challenging and the facility is regularly vandalised, heightened by its ‘tucked away’ location.

Our CBD is facing ongoing and growing competition from neighboring municipalities. To enhance the vitality and sustainability of our CBD and our inclusiveness as a community, we need to identify and break down barriers that deter people from participating in life in our CBD.”

Administration Response to Notice of Motion

Discussion

Whole of City approach

1. The City of Hobart already has a number of projects in place which strengthen the City's offering as a preferred destination as a child and family friendly place.
2. The City's existing Community Inclusion and Equity Framework responds to the needs and aspirations of children and families in Hobart.
3. The City's draft Central Hobart Precinct Structure Plan is also strongly invested in creating an inner city a safe and enjoyable environment where people stay longer and visit more often, elements which will be key to the success of a liveable capital city experience.
4. Brand new public toilets, including a 'Changing Places' fully accessible disabled access facility, and a very high quality parenting room were included as part of the upgrade to the Argyle Street Car Park in 2019 at a cost of around \$1.7 million.
5. This upgrade took advantage of available Council owned space in high activity area, logically in close proximity to the Wellington Centre, our largest off street car park and the medical precinct surrounding the Royal Hobart Hospital.
6. The upgrade of the City of Hobart operated Centrepont toilets, scheduled to commence in March 2023, includes the refurbishment of the male, female and disabled toilets. While there was no room to include a new parenting as part of this work given space limitations, it is understood that Centrepont also provide its own Parenting Room.
7. The City has had an ongoing focus on work for children and families through our programs and this has played out most recently in two temporary works as part of our CityPILOTS program: Foreverever, by Tom O'Hern, which sees his version of the solar system painted onto the Intercity Cycleway, and Prediction Machine, which was a very popular magnet-based interactive work in Mathers Place in front of Mathers House.
8. The current Waterfront Interpretation project will consider designs outcomes from a child's perspective, and consider the experience for children and families).

Wellington Court

9. Officers have been actively involved in the safety, security and amenity of the Wellington Court area on an ongoing basis for the last 5 years.
10. The increase in anti-social behaviour is cyclical and escalates during school holiday periods.
11. A cross organisational team is working on short, medium and long term solutions to this high use area in the city.
12. Business owners have been actively engaged by City Economy and Community Programs staff, to work with Tasmania Police and other stakeholder groups to improve the activity in this area.

13. All amenity, including street furniture, shade, play equipment, lighting, toilets and parenting rooms etc will be included in this review.
14. The City has an internal working group formed to manage ongoing concerns regarding damage and anti-social behaviour taking place in the parenting room in the Argyle St carpark.
15. There are cameras installed for monitoring access to the Parenting Room at Argyle St Carpark, and quotations have been received for the installation of an intercom system, which will enable the facility to be opened remotely as recommended by the working group.
16. A quote for this has been received by the contractor and installation of the system will be programmed as soon as possible.
17. Locking of the facility is a measure that was put in place as a temporary solution, while more permanent arrangements were put in place.
18. Officers will prepare a comprehensive reply to this Notice of Motion which will include short, medium and long term improvements to this important space, noting that it will be a work plan delivered across multiple City Portfolios e.g City Economy, Future Hobart, Welcoming and Inclusive City and Healthy Hobart, and will require prioritisation as part of each of the Portfolios work.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

- Pillar: 2 – Community inclusion, participation and belonging.
- Outcome: 2.2 Hobart is a place where diversity is celebrated and everyone can belong, and where people have opportunities to learn about one another and participate in city life.
2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.
- Strategy: 2.2.1 Support people from all backgrounds and life experiences to participate in Hobart life
2.2.3 Provide and support activities and programs that celebrate diversity to reduce social isolation and build social cohesion
2.4.6 Deliver and support initiatives, activities and programs that build community resilience, wellbeing and safety.

Legislation and Policy

- Legislation: Anti-Discrimination Act 1998
- Policy:

Financial Implications

1. There is currently funding flagged in the 2023/24 Capital Works Program for the design work on this space,
2. In the 2024/25 Capital Works Program there is approximately \$2.5M put aside to accommodate the upgrades to the area.
3. Funding for short term interventions including any new community programs to address specifically the anti-social behaviour will need to be quantified and prioritised if approved as part of the work plan.

OFFICER REPORTS

14. Portfolio Committees - Member Appointment Process **File Ref: F23/2114; 16/119**

Report of the Chief Executive Officer of 17 January 2023.

Delegation: Council

**REPORT TITLE: PORTFOLIO COMMITTEES - MEMBER
APPOINTMENT PROCESS****REPORT PROVIDED BY:** Chief Executive Officer**1 Report Summary**

- 1.1 The purpose of this report is to seek Council endorsement of the appointment process for members of the City of Hobart's eleven (11) Portfolio Committees, in accordance with Council's resolution at its meeting on Monday 12 December 2022.

2 Overview of proposed process

- 2.1 In line with Clause 5.2 of the committees' terms of reference, an Expression of Interest (EOI) process will be used to identify and appoint community-based members to each committee.
- 2.2 Expert members for each committee will be identified through the process outlined in Clause 5.2 of the terms of reference.
- 2.3 The EOI process consists of the key steps and expected timeframes outlined in the table below. Expert members for each committee would also be identified during this proposed timeframe.
- 2.4 The proposed expected timeframes are designed to allow for the first portfolio committee meetings to be held from May 2023.

Expected Timing	Key step
06/02/23 to 28/02/23	Public EOI open to applications (3 weeks)
01/03/23 to 22/03/23	Assessment of applications and shortlisting for each committee (3 weeks)
23/03/23 to 14/04/23	Finalisation of recommended committee memberships (3 weeks)
Mon 24/04/23	Council endorsement of Portfolio committee memberships

3 Eligibility and Selection Criteria

3.1 Clause 5.2 of the committees' terms of reference states that community-based committee members must meet the following eligibility requirements:

- live, work, study or volunteer in Hobart and be aged 16 or over;
- interest in advancing the goals in the Hobart Community Vision and Capital City Strategic Plan 2019-29;
- demonstrated or willingness to learn leadership and relationship-building skills;
- knowledge and experience of the portfolio;
- strong community linkages with the ability to engage a broad range of community members and views;
- willingness to constructively participate in an advisory capacity to the City; and
- formal acceptance and signing of the Terms of Reference.

3.2 In line with these requirements, it is proposed that applicants be assessed against the following two selection criteria:

3.2.1 level of experience, involvement, skill, and/or subject matter expertise in the portfolio area that would support the work of the committee; and

3.2.2 level of understanding of the portfolio area, particularly in the local context, and the role that can be played in the portfolio area by the City of Hobart.

3.3 While applicants will be allowed to apply for multiple committees, successful applicants will, wherever possible, be limited to joining only one committee, unless exceptional circumstances require an individual's expertise on more than one committee.

4 Shortlisting

4.1 Following an initial eligibility screen, EOI applications will be assessed by a selection panel for each committee led by the Portfolio Chair and Sponsor,

4.2 The selection panel will then form a shortlist of proposed community-based committee members, based on:

- the ranking of EOI applicants against the selection criteria; and
- ensuring a final committee membership can be formed that appropriately represents the diversity of the Hobart community.

- 4.3 The selection panel may interview some or all shortlisted applicants prior to finalising their recommendations.

5 Endorsement and Appointment

- 5.1 The Portfolio Chair and Portfolio Sponsor of each committee will jointly consider the shortlist of community-based applicants, together with a list of proposed expert members, to identify and recommend to Council a final recommended committee membership.
- 5.2 The recommended membership of each committee will then be presented to Council for final consideration and endorsement.

6 Learning and development program

- 6.1 Council will offer an appropriate program of learning and development for committee members.
- 6.2 Offering a learning and development program is likely to be an incentive for high-calibre community members to apply, as well as to improve the long-term outcomes of the committees.
- 6.3 A learning and development model will be developed and implemented that focusses on developing skills relevant to the work of the committees and aligns with Council's Community Engagement Framework.

7 Legal, Risk and Legislative Considerations

- 7.1 As outlined in the City of Hobart's Governance Framework, Portfolio Committees have been established under section 24 of the *Local Government Act (1993)*. The proposed appointment processes for the committees are consistent with the Act and all other relevant legislation, and conform to applicable legal standards and guidelines.
- 7.2 Relevant operational risks – including maintaining the transparency and integrity of the EOI process, ensuring the EOI is well-publicised; and implementing a process that delivers a high-skilled and diverse committee membership – have been accounted for in the design of the process, or will have risk mitigation strategies put in place through the process' operational and communications plans.

8 Financial Viability

- 8.1 The proposed EOI process will be implemented within current budgetary allocations.

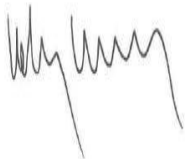
9 Financial Viability

- 9.1 A communications strategy for the proposed EOI process will be developed prior to the advertisement of EOIs.

Recommendations**That Council:**

- 1. Seek Expressions of Interest for members of the City of Hobart Portfolio Committees.**
- 2. Note that a report will be provided to Council in April 2023 seeking endorsement of the recommended appointments to each Portfolio Committee.**

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 17 January 2023
File Reference: F23/2114; 16/119

15. City of Hobart Rating and Valuation Review Proposal
File Ref: F23/1854

Report of the Manager Rates, Procurement and Risk and the Director City Enablers of 9 January 2023 and attachments.

Delegation: Council

REPORT TITLE: CITY OF HOBART RATING AND VALUATION REVIEW PROPOSAL**REPORT PROVIDED BY:** Manager Rates, Procurement and Risk
Director City Enablers**1. Report Summary**

- 1.1. The purpose of this report is to present a proposal for a review of the City's rating and valuation strategy (the Review/Strategy).
- 1.2. It is proposed that a new Strategy for the City be developed as part of the Review and implemented for the 2024-25 rating year. As part of the Review an interim Strategy will be prepared for the 2023-24 rating year that will address recent Council decisions on short stay visitor accommodation and vacant-residential land.
- 1.3. The community benefit is consistent with various strategies in the City of Hobart Capital City Strategic Plan 2019-2029 outlined in section 8 of this report, including to 'monitor and maintain the City's long-term financial sustainability' and to 'maintain a rating system that supports fairness, capacity to pay and effectiveness'.

2. Key Issues

- 2.1. The City requires sufficient revenue to fund programs and services required by the community and fund the infrastructure needs of a growing capital city.
- 2.2. Council has a number of revenue sources, including fees and charges, grants, rental income, TasWater dividends and interest revenue, the largest of which is council rates, which comprise 65% of Council's revenue.
- 2.3. Given the significance of council rates as a source of Council's revenue and the number of matters to be reviewed in doing so, this review will focus on the City's rating and valuation strategy. A review of Council's other revenue sources, including fees and charges, will be considered separately.
- 2.4. It is critically important that the City has a sustainable rating and valuation strategy to ensure that service and infrastructure needs of the community are met now but also into the future to avoid burdening future generations of ratepayers with large rate increases.
- 2.5. It is considered that Council needs to review its current strategy to ensure that rating decisions support the City's financial strategies for the delivery of future infrastructure and services identified in the City's Long-term Financial Management Plan and Strategic Asset Management Plan and meet the Community Vision and objectives in the Capital City Strategic Plan 2019-2029.

- 2.6. A number of internal and external factors have prompted the review at this time, including population growth, unprecedented property value increases and the housing and homelessness crisis.
- 2.7. To prepare for the review, Officers have engaged with councils interstate who have undertaken a similar review to understand what worked well.
- 2.8. It is proposed that the review will be undertaken from November 2022 to February 2024 and be undertaken in stages and include the opportunity for community consultation on a proposed new Strategy for the City.
- 2.9. A Community Advisory Group comprising Elected Members, community and business representatives from land and property categories is proposed to be established via an external expressions of interest process to assist Council with its decision making.
- 2.10. Rates modelling will be undertaken to demonstrate the impacts of proposed changes to the City's rating strategy on individual ratepayers and consider the options for the future rating of the City.
- 2.11. The review will consider the impact of moving to an alternative valuation base on Hobart ratepayers.
- 2.12. The review will include consideration of models for capturing growth in the rate base to be used to fund future infrastructure required of a growing Capital City.
- 2.13. The review will also include consideration of recent Council decisions in relation to short stay visitor accommodation, pensioner discounts, rates discounts and vacant land.

3. Recommendations

That:

- 1. The proposed approach and methodology for the City of Hobart Rating and Valuation Strategy Review be endorsed.***
- 2. The timeline for the review process marked as Attachment A be endorsed.***
- 3. The Rating and Valuation Strategy Discussion paper prepared to support the review process marked as Attachment B be endorsed.***
- 4. The proposed Community Engagement Plan to support the review marked as Attachment C be endorsed.***

5. ***An appropriate communications and media strategy be developed to support the Rating and Valuation Strategy review.***
6. ***It be noted that a review of Council's other revenue sources, including fees and charges, will be considered separately.***

4. Background

- 4.1. A joint State and Local Government Review of Tasmania's Valuation and Local Government Rating (the joint review) was undertaken from 2009 to 2013. The joint review, which was requested by the Local Government Association of Tasmania (LGAT), was a direct response to the concerns of ratepayers and councils about the impact of property valuations on council's rating processes and on the options available to councils in determining rates.
- 4.2. The joint review concluded with a series of recommendations, which were accepted by the then Minister for Local Government. However, as no legislative change was made to mandate the recommendations, it was left to individual councils to determine the appropriate rating and valuation strategy for their municipal area.
- 4.3. Following the review, in 2014 and again in 2017 Council formally considered its policy position and rating strategy options for Hobart and considered the way forward in respect of how the rate burden could be structured and rates levied in the future.
- 4.4. Council subsequently resolved to continue to utilise the Assessed Annual Value (AAV) as its rating methodology and a simple rating structure applying the same rate in the dollar to all properties, land uses and localities. Council has reaffirmed this rating and valuation strategy each subsequent rating year, except 2022-23, which is explained in section 4.5.2 below.
- 4.5. A number of internal and external factors have prompted a review of the Strategy at this time:
 - 4.5.1. Population growth - it is anticipated that Greater Hobart will experience continued population growth with an additional 60,000 people over the next 30 years. Additional infrastructure and services will be required to support this growth.

It is considered that Council needs to review its Strategy to ensure that revenue decisions support the City's financial strategies for the delivery of future infrastructure and services identified in the City's Long-term Financial Management Plan and Strategic Asset Management Plan.

- 4.5.2. Property value growth – in 2021 the Valuer-General completed a revaluation of all properties in the Hobart municipal area. The changes to property valuations was unprecedented with large increases experienced particularly for residential properties. This was driven by population growth, private rental vacancy rates being low, COVID impacts and limited housing supply. This caused a shift in the rate burden from commercial to residential. Council approved the introduction of a differential rating system and limiting rate increases via rates capping to help manage disparity in the distribution of rate collections resulting from the municipal revaluation. The 2022-23 rating strategy, specifically the use of rates capping, is not sustainable for future years.
- 4.5.3. Development activity – the City has experienced increased development and growth in its rate base in recent years and requires a strategy to capture this growth for future investment so as to not burden future generations of ratepayers with large rates increases.
- 4.5.4. Housing and homelessness – for the reasons outlined above the City is experiencing a housing and homelessness crisis.
- 4.5.5. Review of the City's Long-term Financial Management Plan being undertaken during 2022-23.
- 4.5.6. Pensioner discount – at its meeting in April 2022 Council considered a report it requested on the types of rates assistance offered to pensioners by other councils. Council resolved to review the rates support provided to pensioners who own property in the municipal area in consultation with the community and business sectors as part of the review of the City's rating and valuation strategy.
- 4.5.7. Short stay visitor accommodation and vacant land – at its meeting in July 2022 in response to a Notice of Motion, Council resolved the following:
 - 4.5.7.1. Council consider differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.
 - 4.5.7.2. In order to both ensure housing stock is retained and to stimulate residential development, the Council commit to finding incentives, especially to build on vacant residential land, and to consider potentially significantly higher rates for short stay accommodation in residential areas.

- 4.5.7.3. A differential rating strategy or other appropriate measures be considered to address long-term unoccupied properties as part of the broader review of the City of Hobart and Valuation Strategy in 2022-23.
- 4.5.8. 4% Rule – the outcome from the 2021 municipal property revaluation is that most properties are now on the 4% Rule. The 4% Rule is a legal requirement that a property's AAV cannot be less than 4% of its Capital Value (CV). This environment would make a move to using CV as the City's valuation base less volatile. It also means that current AAVs may be above the market-based rental value of their property due to this rule.
- 4.5.9. Rate discounts – at its meeting in August 2022, a question without notice was asked, being whether it was the right time for Council to revisit its position on rate discounts. The response provided by Officers included that this matter will be included in the City's review of its rating and valuation strategy proposed to be undertaken during 2022-23.
- 4.5.10. Budget estimates and Long-term financial management - At its meeting on 27 June 2022, when considering its Budget Estimates and Rates Resolution for 2022-23, Council noted that a comprehensive review of the CoH Rating, Revenue and Valuation Strategy will be undertaken during the 2022-23 year to review how rates are levied and applied. The review will consider quarantining the additional revenue derived from the rate base growth and applied to growth incentives in the municipal area. At that meeting Council resolved the following:
- 4.5.10.1. *The Council note that a review of the mechanism adopted to determine future rate increases will be undertaken during the 2022-23 financial year.*

5. Legal, Risk and Legislative Considerations

- 5.1. Part 9 of the *Local Government Act 1993 (Tas)* (LG Act) sets out the provisions for rates and charges. It is noted that pursuant to Section 86A of the LG Act, *rates constitute taxation for the purposes of local government, rather than a fee for a service and.... the value of rateable land is an indicator of the capacity of the ratepayer... to pay rates.*
- 5.2. Part 9 of the LG Act provides councils with the framework for making their rates and charges resolutions. This framework provides a range of rating tools and approaches that provide councils with the flexibility to develop a rating strategy that is tailored to the needs of their municipal area. It is noted that the City has not, up until 2022-23, utilised any of the rating tool options available in the LG Act and the usage of these tools will be considered during the Review.

- 5.3. There are a number of risks that have been considered as part of planning for the Review and a risk management plan prepared accordingly.
- 5.4. A rating and valuation strategy is integral to the City's budget, long-term financial management plan and strategic asset management plan. The Strategy will reduce the risk that Council will not be able to provide the services and infrastructure required of a growing capital city without the risk of burdening future generations of ratepayers with significant increases.

6. Discussion

- 6.1. Council provides a range of programs, services, infrastructure and facilities to the community, and in doing so must collect revenue to cover the cost of providing these.
- 6.2. Council requires sufficient revenue to meet its service delivery needs to the community and fund growing infrastructure needs both now and into the future, particularly as Hobart has a growing population.
- 6.3. While rates are an important revenue source for Council and indeed its largest comprising 65%, the City has other revenue sources including fees & charges, distributions from TasWater, interest income and rental income.
- 6.4. Given the significance of council rates as a source of Council's revenue and the number of matters to be reviewed in doing so, this review will focus on the City's rating and valuation strategy. A review of Council's other revenue sources, including fees and charges, will be considered separately.
- 6.5. A rating and valuation strategy will ensure that the City has a sustainable and appropriate approach to rating that will support the objectives outlined in its Community Vision and the Capital City Strategic Plan 2019-2029.
- 6.6. In doing so it's important that a balance is struck between rating to fund public services and benefits versus private services to specific groups or individuals which are often better funded through user fees and charges. Some services are a mixture of both and decisions how they are funded become more challenging.
- 6.7. Generally, the City provides services that either provide a public or a private benefit to the community. Generally, public services are those from which users cannot be excluded and collecting a fee would be difficult, such as parks and roads and are therefore charged through Council rates. Private goods or services are those that the community can choose to use or not, such as applications for planning and building approvals. In general, the City provides private services on a fee-for-service basis, either fully or partly.

- 6.8. The purpose of the Review is to:
- 6.8.1. Determine the most appropriate Strategy for the City, which will fund the provision of programs and services for the community and the infrastructure required of a growing capital city now and into the future.
 - 6.8.2. Ensure that the money raised through rates in conjunction with other revenue sources will ensure the long-term financial sustainability of the Council.
 - 6.8.3. Determine a fair and equitable method of raising revenue from rates.
 - 6.8.4. Determine how different properties should share the amount of rates to be paid.
 - 6.8.5. Ensure that Council has sufficient measures in place to support those suffering from financial hardship, including small business.
 - 6.8.6. Ensure that the City is an attractive place to do business and stimulates development activity and economic development.
- 6.9. It is therefore proposed that the Review will consider and include the following:
- 6.9.1. Rating principles and that the proposed Strategy will meet these principles, including:
 - 6.9.1.1. What should be funded from a user pays model and rating to fund public services and benefits.
 - 6.9.1.2. Whether the rate burden falls appropriately across different types of ratepayers.
 - 6.9.1.3. Whether the rating system is practical and cost effective for Council to administer.
 - 6.9.1.4. Whether the rating system is transparent, simple to understand and comply with.
 - 6.9.1.5. Does the City's rating system maximise economic efficiency e.g., does it encourage development in the City.
 - 6.9.1.6. Is it sustainable and generate a reliable revenue source for Council and is flexible in changing conditions.
 - 6.9.1.7. Does it support ratepayers with least capacity to pay?

- 6.9.2. Developer contributions / user pays models of delivering infrastructure including land value capture and betterment.
 - 6.9.3. Models for capturing growth in the rate base to be used to fund future infrastructure required of a growing Capital City.
 - 6.9.4. Which valuation base to use – options are continue with AAV, use CV or use Land Value.
 - 6.9.5. Which rating system to use – uniform (single rate in the dollar) or differential rates.
 - 6.9.6. If using differential rates, what differential rates should be applied to each of the land uses: commercial, industrial, residential, primary production, quarry & mining, public enterprise, sport & recreation and vacant land.
 - 6.9.7. Rating incentives to encourage the development of vacant land, discourage land holding. Other incentives to address long term unoccupied properties.
 - 6.9.8. Implementing the differential rating strategy agreed by Council for short stay visitor accommodation.
 - 6.9.9. Whether a fixed charge component to the General Rates should be introduced.
 - 6.9.10. Service rate and charges including funding models for waste management services.
 - 6.9.11. Payment due dates and payment options, including discounts for early payment of rates.
 - 6.9.12. Debt management and late payment fees.
 - 6.9.13. Rebates, remissions and discounts including Council's contribution to the State Government pensioner remission scheme.
 - 6.9.14. Whether support measures for those with least capacity to pay are sufficient.
- 6.10. It is proposed that the Review will be undertaken as follows:
- 6.10.1. Establish a Community Advisory Group (CAG) comprising representatives from land and property categories, community and business groups and include three Elected Members.
- A Terms of Reference for the CAG will be prepared.
- It is proposed that the CAG be established by way of a public expressions of interest process.

- 6.10.2. The CAG will consider rating principles including threshold rating and valuation decisions.
- 6.10.3. Rates option modelling will be undertaken to:
 - 6.10.3.1. Support the work of the CAG and demonstrate the impacts of proposed changes to the City's rating strategy on individual ratepayers and consider the options for the future rating of the City; and
 - 6.10.3.2. To consider the impact of moving to an alternative valuation base on Hobart ratepayers and usage of alternative rating tools available under the LG Act to manage the impact.
- 6.10.4. Prepare an Options Paper to be provided to Council in September 2023.
- 6.10.5. Following Council's consideration of options, a draft Rating and Valuation Strategy will be prepared for community consultation. Consultation will occur as outlined in the Community Engagement Plan – refer to section 10 of this report.
- 6.10.6. Following consideration of community feedback on the draft City of Hobart Rating and Valuation Strategy, the strategy will be finalised for consideration of adoption by Council in February 2024.
- 6.10.7. Monitoring of the new strategy once implemented to ensure the benefits and principles are being achieved. A regular review process will be undertaken to address changes in the environment, indexation or municipal area revaluations.
- 6.11. It is proposed that the Review be undertaken from November 2022 to February 2024 – a proposed timeline is attached – refer **Attachment A**.
- 6.12. A Discussion Paper is attached – refer **Attachment B** with more detail. It is proposed that the Discussion Paper would form the basis for the Review and be provided to the CAG.

7. Hobart: A Community Vision For Our Island Capital

- 7.1. This proposal strongly aligns with the City's community vision as shown below, particularly in relation to Pillar 4: City Economies and Pillar 8: Governance and Civic Involvement.

8. Capital City Strategic Plan

- 8.1. The Review may impact the City's current rates and charges policies including the City of Hobart Rates and Charges Policy. As a result of the review these policies may need to be updated.

- 8.2. This matter is consistent with pillar 4, 7 and 8 in the City of Hobart Capital City Strategic Plan 2019-2029 and outcome 7.1 Hobart has a diverse supply of housing and affordable homes, and strategies as follows:

4.5.5 – Prepare for the impacts of long-term trends, such as climate change, transport modes, and tourism and housing demand cycles on the Hobart economy.

7.1.1 – Work in collaboration with government bodies and the not-for-profit sector to identify and address issues of homelessness and housing affordability, diversity and supply.

7.1.2 – Advocate for people at risk of housing stress and homelessness.

7.1.3 – Encourage recognition and understanding of the issues that contribute to homelessness and develop effective partnerships to enhance interactions with homeless people.

7.1.4 – Advocate for the increased supply of social housing to be delivered through a range of supported accommodation models.

7.1.5 – Advocate for legislative and other tools that support social and affordable housing.

7.2.4 – Support existing housing stock to meet changing needs, while recognising and enhancing Hobart's aesthetic and character.

8.5.8 – Maintain a rating system that supports fairness, capacity to pay and effectiveness.

- 8.3. 8.5.9 – Monitor and maintain the City's long-term financial sustainability.

9. Financial Viability

- 9.1. Funding Source and Impact on Current Year Operating Result

9.1.1. There are no financial implications on the current operating result from this report. The costs to undertake the review will be absorbed within current operating budgets.

- 9.2. Impact on Future Years' Financial Result

9.2.1. There are no financial implications on the future years' financial result. A change to the City's rating and valuation strategy does not result in a financial windfall for the Council. The City only collects the amount of revenue from rates and charges it requires from its budget each year.

- 9.3. Asset Related Implications

- 9.3.1. There are no asset related implications arising from this report. However, the Strategy is integral to the City's strategic asset management plan. A sustainable Strategy is required to ensure that capital works and the required infrastructure of a growing City can be funded.

10. Community Engagement

- 10.1. An important element of the Review is community and stakeholder engagement. A community engagement plan has been prepared – refer **Attachment C**.
- 10.2. Feedback from other councils who have undertaken a similar review is:
- 10.2.1. *Input from an advisory committee of ratepayer representatives is invaluable.* It is therefore proposed that an Advisory Group is established for this review process; and
- 10.2.2. *Comments from multiple community feedback opportunities were similar.* It is therefore proposed that submissions are sought from the community on the draft Rating and Valuation Strategy once prepared.

11. Communications Strategy

- 11.1. As outlined in section 10 above, an important element of the review is community engagement. It is therefore proposed that an appropriate communications and media strategy is developed to support the Review, including the expressions of interest process to select the CAG.

12. Innovation and Continuous Improvement

- 12.1. It is considered best practice to continually review the City's rating and valuation strategy as outlined in section 6.9.7 above. Monitoring of the new Strategy once implemented to ensure the benefits and principles are being achieved will be critical. It is intended that as part of the new Strategy a regular review process will be incorporated to address changes in the environment, indexation or municipal area revaluations that may impact the Strategy.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.






Lara MacDonell
**MANAGER RATES, PROCUREMENT
AND RISK**



Michael Reynolds
DIRECTOR CITY ENABLERS


Date: 9 January 2023
File Reference: F23/1854

- Attachment A: Rating and Valuation Review Timeline ↓ 
- Attachment B: Discussion Paper - Review of the City of Hobart Rating and Valuation Strategy ↓ 
- Attachment C: Community Engagement Plan ↓ 

Rating and Valuation Review – Timeline

Milestone	Comments	Due Date
Council approves Review proposal	Report to Council	January 2023
Complete Eol process to establish Community Advisory Group	Prepare a Community Advisory Group Terms of Reference Conduct a public Eol process with criteria to select members <ul style="list-style-type: none"> Promote via public notice, Council website and associated communications Invite key stakeholders to submit an Eol Seek a maximum of 3 Elected Member representatives as part of the process	February 2023
Community Advisory Group appointed	Appoint nominees for the Community Advisory Group following evaluation Contact each nominee and make all governance arrangements	March 2023
Community Advisory Group Meetings held	Meeting 1 – Governance and Educational	Late March 2023
	Meeting 2 – Consider and Agree to Revenue Principles	April 2023
	Meeting 3 – Consider Options to be Modelled	May 2023
	Meeting 4 – Consider Outcomes from Modelling	June 2023
	Meeting 5 – Develops Options Paper for Council	July 2023
	Meeting 6 – Considers Feedback from Council and considers draft Revenue Strategy	August 2023
Options Paper to Council	Council to determine its position on a proposed Revenue Strategy.	September 2023
Finalise an Options Paper for Community Consultation	Incorporating feedback from Council	Late September 2023
Draft Strategy Options out for Community Consultation	In line with Community Consultation Plan (advisory and reference group briefings, Your Say Hobart and drop in information sessions)	October and November 2023
Public Submissions	Public submissions considered and feedback incorporated into Final Strategy	December 2023

Considered		
Final Strategy prepared		January 2024
Final Strategy approved by Council	Prior to budget deliberations for the 2024-25 year	February 2024
Consider Interim Rating Strategy for 2023-24	Prepare an interim report to Council to consider interim rating strategy to address recent Council decisions e.g. rating for short stay visitor accommodation	February 2023



Review of the City of Hobart Rating and Valuation Strategy

Discussion Paper

January 2023

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1. About this Paper

The City of Hobart is undertaking a review of its Rating and Valuation Strategy (the Review). The City requires a sustainable Rating and Valuation Strategy (Strategy) to ensure that programs, services and infrastructure needs of the community are met now but also into the future to avoid burdening future generations of ratepayers with large rate increases. It's also important that the City has sufficient revenue to ensure it can meet the Community Vision and the strategic objectives outlined in the Capital City Strategic Plan 2019-2029. Rates comprise 65% of the City's total revenue.

The Strategy will determine how the City of Hobart will raise rate revenue from properties within the municipal area using the rating options available to it under the *Local Government Act 1993* (LG Act).

Up until 2022-23 the City of Hobart had a simple rating strategy, utilising the Assessed Annual Value (AAV) valuation base and applying the same rate in the dollar to all properties to calculate the amount of rates to be levied on individual properties.

In 2021 the Valuer-General completed a revaluation of all properties in the Hobart municipal area. The changes to property valuations was unprecedented with large increases experienced particularly for residential properties. This was driven by population growth, private rental vacancy rates being low, COVID impacts and limited housing supply. This caused a significant shift in the rate burden from commercial to residential properties. Council approved the introduction of a differential rating system and limiting rate increases through rates capping to avoid disparity in the distribution of rate collections resulting from the municipal revaluation. The 2022-23 rating strategy using rates capping is not sustainable for future years.

All councils are different and have characteristics specific to locality. As a result, it is dependent upon the individual council to determine the most appropriate Strategy for its own municipal area.

It is important that the community is engaged on any change to the City's Strategy and understands how any changes will impact and benefit them.

The purpose of this paper is to set out the key issues and themes to be reviewed and background information to support the Review.

1.1 Purpose of the Review

The purpose of the review is to:

- Determine the most appropriate Strategy for the City, which will fund the provision of programs and services for the community and the infrastructure required of a growing capital city now and into the future.
- Ensure that the money raised through rates in conjunction with other revenue sources will ensure the long-term financial sustainability of the Council.
- Determine a fair and equitable method of raising revenue from rates.
- Determine how different properties should share the amount of rates to be paid.
- Ensure that Council has sufficient measures in place to support those suffering from financial hardship, including small business.
- Ensure that the City is an attractive place to do business and stimulates development activity and economic activity.

1.2 What the Review will include

The Review will consider and include the following:

- Rating principles and that the proposed Strategy will meet these principles, including:
 - What should be funded from a user pays model through fees and charges and rating to fund public services and benefits.
 - Whether the rate burden falls appropriately across different types of ratepayers.
 - Whether it is practical and cost effective for Council to administer.
 - Whether it is transparent, simple to understand and comply with.
 - Does it maximise economic efficiency e.g., does it encourage development in the City.
 - Is it sustainable and able to generate a reliable revenue source for Council now and into the future and is it flexible in changing conditions?
 - Does it support those with least capacity to pay?
- Developer contributions / user pays model of delivering infrastructure including land value capture and betterment.
- Models for capturing growth in the rate base to be used to fund future infrastructure required of a growing Capital City.
- The choice of which valuation base should be used for rating purposes (of the three available under the *Local Government Act 1993 (Tas)* (LG Act)).
- The determination of which rating system will be used i.e., pure rating on property valuations versus differential rates for land uses or property classes.
- The determination of what rating categories should be used and what differential rates (if any) should apply to those categories.
- Rating incentives to encourage the development of vacant land, discourage land holding. Other incentives to address long term unoccupied properties.
- Implementing the differential rating strategy agreed by Council for short stay visitor accommodation.

- Service rates and charges including funding models for waste management services.
- Payment due dates and payment options, including discounts for early payments, debt management and late payment fees.
- Rebates, remissions and discounts including Council's contribution to the State Government pensioner remission scheme.
- Whether support measures for those with least capacity to pay are sufficient.

1.3 How the Review will be undertaken

The Review will be undertaken in several stages and there will be opportunities for the community to provide feedback and support Council's decision making. A community engagement strategy has been developed.

Through a public expressions of interest process the City of Hobart will establish a Community Advisory Group comprising Elected Member representation and representatives from community and business groups. The Community Advisory Group will consider rating principles and threshold rating decisions including a rating and valuation strategy that will feed into an Options Paper to support Council's decision making.

Rates modelling will be undertaken to demonstrate the impacts of proposed changes to the City's strategy and consider several options for the future rating of the City including impacts on individual ratepayers. The options paper will be provided for community feedback to support Council's decision making.

Following consideration of community feedback, a draft City of Hobart Rating and Valuation Strategy will be prepared for community consultation.

1.4 Timeline

The review will commence in late 2022 and take 15 months to complete. The intention is that the new City of Hobart Rating and Valuation Strategy will take effect from 1 July 2024 for the 2024-25 rating year.

However, it is intended that immediate policy decisions are considered for the 2023-24 rating year including differential rating for short stay visitor accommodation.

2. Introduction

2.1 What is a Rating and Valuation Strategy?

A rating and valuation strategy is the method by which Council considers decisions about how rates will be raised from properties in the municipal area. The rating strategy does not influence the amount of money to be raised by Council, which is considered in the City's Long Term Financial Management Plan and annual budget. It instead determines how rates and charges will be equitably distributed amongst the City's ratepayers.

The rating strategy comprises the valuation base for each property and the actual rating instruments allowed under the LG Act to calculate the property owners' liability for rates.

In setting its rates and charges Council has the challenge of balancing the need to fund existing services, the continual demand for increased services, the need to maintain and renew essential infrastructure and the desire to keep increases to rates and charges to a minimum.

Council uses the revenue collected from rates and charges to fund the provision of more than 300 programs and services to the community and provide the infrastructure required and expected of a modern, well serviced Capital City.

Council requires sufficient revenue to meet its program and service delivery needs and fund its infrastructure needs both now and into the future.

A balance should be struck between rating to fund public services and benefits versus private services to specific groups or individuals which are often better funded through user fees and charges. Some services are a mixture of both and decisions how they are funded become more challenging.

Generally, the City provides services that either provide a public or a private benefit to the community. Generally, public services are those from which users cannot be excluded and collecting a fee would be difficult, such as parks and roads and are therefore charged through Council rates. Private goods or services are those that the community can choose to use or not, such as applications for planning and building approvals. In general, the City provides private services on a fee-for-service basis, either fully or partly.

2.2 Why is a Rating and Valuation Strategy important?

A Strategy is important to ensure the City's future financial, services and infrastructure sustainability. Furthermore, it's important that revenue decisions support the City's financial strategies for the delivery of future infrastructure and services identified in the City's Long-term Financial Management Plan and Strategic Asset Management Plan.

A rating strategy is important because rates and charges are the main revenue source for local government, comprising approximately 65% of the City of Hobart's annual income. The development of strategies in respect of the rating system is therefore very important to both Council and its community. In setting rates, Council considers its strategic directions, budget considerations, the current economic climate, other external factors and likely impacts upon the community.

2.3 Legislative Framework Councils Operate Within

It's important to note that council rates are a form of taxation rather than a fee for service. Section 86A of the LG Act states that:

- (a) rates constitute taxation for the purposes of local government, rather than a fee for a service; and
- (b) the value of rateable land is an indicator of the capacity of the ratepayer...to pay rates.

The LG Act inherently contemplates that the higher the value of the property the higher the rates to be paid.

Key Taxation Principles

As council rates are a form of taxation and therefore the City's rating strategy should align with the following principles of taxation:

- Equity –by considering the different levels of capacity to pay within the local community.
- Benefit – by recognising that Council services benefit the community as a whole.
- Simplicity – by using a rating system that is simple and cost effective to administer.
- Sustainability – by making revenue decisions that support the financial strategies for the delivery of infrastructure and services identified in Council's Long-term Financial Management Plan and Asset Management Plans.
- Effectiveness / efficiency – by meeting the financial, social, economic and environmental, and other strategic objectives outlined in Council's Strategic Plan.

- Transparency – by being open in the processes involved in the making of rates and charges.
- Timeliness – by ensuring all ratepayers are given adequate notice of their liability to pay rates and charges.
- Flexibility – by responding where possible to unforeseen changes in the economy.
- Compliance – by complying with the requirements and intent of relevant legislation.

As outlined above, ultimately it's important that the Strategy is designed to meet the needs of the City and its communities.

Rating Tools

Part 9 of the LG Act provides councils with the framework for making their rates and charges resolutions. This framework provides a range of rating tools and approaches that provide councils with the flexibility to develop a rating strategy that is tailored to the needs of their municipal area while promoting key taxation principles.

The rating tools and approaches include:

Rating Tool	Description	Usage
Differential Rating	Gives Council the ability to charge a different price (rate in \$) to different groups of ratepayers in the municipality. Typically based on use of the land, locality and property type but other factors can apply.	In accordance with section 107 of the LG Act
Average area rating	Gives Council the ability to apply a flat rate to all properties in a particular area/locality.	In accordance with section 109A of the LG Act
Capping	Gives Council the ability to limit the amount of a rate increase in any given year	In accordance with section 88A of the LG Act
Minimums	Gives Council the ability to set a minimum amount that up to 35% (as legislated) of all properties should pay. Provides a mechanism where lower valued properties do not pay less than a minimum amount. Can have minimums for the general rate, and service rates.	In accordance with section 90 and 93 LG Act. Minimums can be varied under section 107.
Fixed Charge	Gives Council the ability to levy a component of General Rates that is a fixed charge of up to 50% of total General Rates revenue. It allows for a base contribution towards General Rates from all properties.	In accordance with section 91 of the LG Act

Valuation Base

Under section 89A of the LG Act Council has the choice of three bases of value of land:

- Land Value (LV) – the value of the property excluding all visible improvements such as buildings, structure, fixtures, roads, etc.

- Capital Value (CV) - the total value of the property, excluding plant and machinery and includes the land value; or
- Assessed Annual Value (AAV) - the estimated yearly rental value of the property, excluding GST, council rates and land tax, but is not to be less than 4% of the capital value of the property.

Property Valuations

Properties are revalued every six-years by the Valuer-General. Tasmania's six-year revaluation cycle is the longest in Australia. AAVs are indexed every two years according to adjustment factors published by the Valuer-General.

When property indexation or a revaluation occurs, the values of individual properties changes and often properties in different localities and different land uses don't change uniformly, causing what's known as a shift in the rate burden.

No Windfall Gain

There is a common misconception that if a property's valuation rises then the City receives a "windfall gain" of additional income. This is not the case; the City only collects the amount of rates revenue it requires from its budget each year. It doesn't collect additional money when property values increase. If a property revaluation results in increased values overall, then the City's rate in the dollar used to calculate the rate for each property would decrease.

When properties are revalued, some properties increase in value more than others, resulting in a redistribution of the rate burden across all properties in the municipal area. As an example, if residential property values grow faster than commercial property values, it may mean that the total amount of rates collected from residential properties is greater than the total amount to be collected from commercial properties. However, the total amount collected overall is the amount required from rates income in the City's budget.

The amount of rate income required for the City to fund programs, services and infrastructure is adjusted each year as part of the budget process considering adjustments for supplementary rate income.

2.4 City of Hobart Rating and Valuation Strategy

The City of Hobart utilises the Assessed Annual Value (AAV) method to raise rates revenue. The City has both the largest rate revenue of any council in Tasmania and up until 2022-23 had the simplest rating structure where it applied the same rate in the dollar to all properties no matter what the land was used for or where it was located

and unlike some other Tasmanian councils, had not sought to utilise most rating tools available in the LG Act.

Prior to 2022-23 Council had adopted the policy position that the AAV valuation should determine rates payable and Council should not intervene to manipulate the rate burden.

Council raises rate revenue from General Rates, Stormwater Removal Service Rates (up until 2022-23), Waste Management Service Charges, Food Organics and Garden Organics Collection Service Charges and the Landfill Rehabilitation Service Charge and has historically levied rates on an annual basis offering ratepayers the option of paying annually or in quarterly instalments.

2.5 City of Hobart Rating and Valuation Strategy 2022-23 Only

In 2021 the Valuer-General completed a revaluation of all properties in the Hobart municipal area. The changes to property valuations was unprecedented with large increases experienced particularly for residential properties. This was driven by population growth, private rental vacancy rates being low, COVID impacts and limited housing supply. This caused a shift in the rate burden from commercial to residential properties. Council approved the introduction of a differential rating system and limiting rate increases using rates capping for 2022-23 to help manage disparity in the distribution of rate collections resulting from the municipal revaluation.

The 2022-23 rating strategy using rates capping is not sustainable for future years. The consequence of the strategy is that 2022-23 general rates are capped at 2021-22 levels for most properties with a percentage increase applied. Rates are therefore not being calculated on the basis of a property's valuation but effectively preserved at 2021-22 (pre property valuation levels).

2.6 How Rates and Charges are Usually Calculated

Rates and charges are calculated each year during Council's budget process. The budget process involves Council setting its priorities and expenditure levels to enable the key strategic objectives outlined in Council's Annual Plan to be implemented.

Through the budget process Council also specifies its capital requirements to renew infrastructure assets, plant and equipment and create new essential infrastructure for the City; as well as the community programs and services it will provide in the next financial year; and how much these will cost.

A Council budget also estimates the revenue to be collected from other sources such as parking fines, Commonwealth and State grants, distributions from Council's ownership interest in TasWater, rents, interest income and parking and other fees and charges. Using these estimates Council determines the amount of revenue it needs to collect in rates revenue to meet its financial responsibilities for the coming year.

Council uses property values as the basis for calculating how much each property owner pays in rates. Property values are not calculated by Council; they are provided to Council by the Office of the Valuer-General.

After identifying how much it needs to collect in rates and charges, Council calculates the total amount required to fund waste management services, food organics and garden organics collection services, stormwater services, the State Government fire levy and landfill rehabilitation services leaving the balance required from General Rates.

Generally, the rate in the dollar is calculated by dividing the amount of money Council needs to raise to provide programs and services by the total \$AAV of all rateable properties in the Hobart municipal area.

The rate in the dollar is then multiplied by the value of a property, using the Assessed Annual Value, to establish the amount to be paid by each property owner.

Example:

The total AAV of rateable properties within the municipality is \$600,000,000 and Council needs to collect \$44,000,000 in rates. The rate in the dollar is 7.33 cents ($44,000,000 \div 600,000,000$). The annual rates payable on a property with an AAV of 18,800 would be \$1,378.04.

plus, any service rates and charges applicable to the property e.g., waste, stormwater removal and the State Government fire levy.

Council sets its budget annually to ensure it raises the budgeted amount required. As outlined above, property valuations do not determine the rates income of a Council, and as a result, Councils do not gain windfalls from valuation increases and an increase in property values does not cause a rate rise.

2.7 Support for Customers and Ratepayers with Least Capacity to Pay

The City provides a number support measures for those in the community with least capacity to pay. These include the following:



Charitable Rates Exemptions

Under section 87 of the LG Act, certain land is exempt from the General Rate (and Separate Rates and Averaged Area Rates) where they are held or owned for specific purposes outlined in the LG Act e.g.: charitable purposes, Aboriginal land, certain land owned by the Crown, council owned, etc.

Pensioner Discounts

Pensioners eligible for assistance under the *Local Government (Rates and Charges Remission) Act 1991* may receive a rebate as follows, noting that limits apply:

- State Government - 30% (maximum limits apply, for 2022-23 capped at \$345.00 for pensioners also a customer of TasWater \$507.00 for pensioners not a customer of TasWater)
- State Fire Commission - 20% (off the Fire Service Rate)
- The City of Hobart - \$10

Rate Remissions

Pursuant to section 129 of the LG Act, a ratepayer may apply to the Council for remission of all or part of any rates paid or payable or any penalty imposed or interest charged under section 128 of the LG Act.

Financial Hardship Assistance

The City has a Financial Hardship Assistance Policy to provide support meeting rate payment obligations for those ratepayers experiencing financial hardship. The Policy provides a range of support measures including the deferral of rates, payment arrangements and penalty and interest remissions.

3. Property Market and Economic Conditions

3.1 Property Market

Over the last 2 years in particular Hobart has experienced some of the largest residential home value growth in Australia. There are several reasons why:

- There are not enough properties available on the market to buy so prices are increasing due to there being more demand for properties in Hobart than supply. Construction and new builds are not keeping pace with the demand for properties.
- People moving to Tasmania from other states and territories seeking a lifestyle change.
- International migration has increased the demand for rental properties. High house sale prices are reducing the amount of rental stock in Tasmania as returns from housing investments decline.

3.2 Economic Conditions

According to data from KPMG Economics¹, in the 12 months to December 2021, the price rise of residential properties per capital city was:

City	Price rise (12-month period)
Hobart	27.7 per cent
Sydney	25.8 per cent
Brisbane	25.1 per cent
Canberra	24.5 per cent
Adelaide	21.4 per cent
Darwin	16.7 per cent
Melbourne	16.3 per cent
Perth	14.5 per cent

Residential property prices are influenced by a range of factors, including population growth, building activity and interest rates. A key influence across all of these has been the COVID-19 pandemic.

COVID-19 border closures have restricted travel, impacting migration and overall population growth. The Australian population is projected to increase to 28.43 million by June 2030, or 1.11 million less than it could have been without COVID-19. The impact of COVID-19 with regards to population projection will not be uniform, with Tasmania the least impacted by population loss due to COVID-19.

¹ KPMG Economics (2021), 'The impact of COVID-19 on Australia's Residential Property Market'

During the June quarter 2020, residential property prices contracted in all capital cities except Canberra, with nominal declines of around 3 per cent. Several policy responses were implemented by the Commonwealth Government and Reserve Bank of Australia to mitigate the economic impacts of the COVID-19 pandemic. Measures included direct support to the residential construction sector through the HomeBuilder program, a lowered cash rate and low interest rate, all contributing to consumer confidence.



The HomeBuilder initiative launched in June 2020. A joint media release by the Australian Government in April 2021 stated that more than 121,000 Australians had applied for the grant, which was expected to support around \$30 billion of residential construction projects.

Despite this initiative, the expected difference in dwelling stock in states (except for QLD and WA) is lower than it would have been without COVID-19. Predictions indicate that Tasmania's dwelling stock will be around 1,000 lower than it would have been without COVID-19.

Record low mortgage interest rates below 2 per cent have contributed to the price rise of residential properties, with lower repayments potentially enabling prospective purchasers to increase their borrowing limit.

A report titled 'The Tasmanian Housing Market: update 2020-21 from the Housing and Community Research Unit, University of Tasmania, dated June 2021, found the following in respect to the Tasmanian housing market (focus on residential properties):

- Tasmania's housing market continues to be under extreme pressure. Despite some localised fluctuations linked to the effects of COVID-19 restrictions, house prices and rents remain high, while the private rental vacancy rate remains very low.
- There are significant affordability challenges across the state due to continuing low wage growth and relatively static income support payments. The temporary alleviation from the coronavirus supplement to selected income support payments has now ended and many income support recipients are again living below the poverty line.
- Border closures associated with COVID-19 have disrupted migration to Tasmania, cutting off its main source of population increase. Due to a range of government policies designed to stimulate the construction industry and the broader economy in the wake of COVID-19, new construction levels are relatively high, and it is likely that there will be a short-term absolute over-supply of new housing relative to new demand. Whether this will translate into increased affordability is not clear, because



it depends on where the new houses are being built and what kind of properties they are.

- The short-stay accommodation sector was significantly affected by the virtual closure of the tourism industry during parts of 2020. There are now signs that the sector is becoming active once more. Despite anecdotal evidence that some short stay properties returned to the private rental market during the pandemic, it is unclear how many did so or whether this trend will persist.
- Need for social housing remains high, as does need for assistance from Specialist Homelessness Services. This indicates that despite new government investment in the social housing and crisis housing systems, demand still exceeds the available supply.

4. Valuation Base

As outlined in section 2.3 above, Council has the option of three valuation bases for rating purposes. Council has always used Assessed Annual Value (AAV) but it has the option to change to using Capital Value or Land Value.

The valuation base that Council uses to raise rates has an impact on how the rate burden is distributed amongst property owners.

If the City moved to using Capital Value, the portion of rates each land use pays would change as outlined in table 3 below (noting this is based on 2021-22 property valuations e.g., pre-municipal revaluation).

Table 3: Shift in Rate Burden from move from AAV to CV

Land Use Category	% Rates Burden AAV	% Rates Burden CV	Shift in Rate Burden \$
Commercial	31.6%	19.6%	-9,003,226
Industrial	1.4%	1.0%	-292,894
Primary Production	0.0%	0.0%	2,620
Public Enterprise	6.8%	6.0%	-611,705
Quarry & Mining	0.0%	0.0%	112
Residential	59.3%	72.3%	9,718,058
Sport & Recreation	0.1%	0.2%	13,291
Vacant	0.7%	1.0%	173,773

If the City moved to using Land Value, the portion of rates each land use pays would change as outlined in table 4 below.

Table 4: Shift in Rate Burden from move from AAV to LV

Land Use Category	% Rates Burden AAV	% Rates Burden LV	Shift in Rate Burden \$
Commercial	31.6%	16.8%	-11,174,670
Industrial	1.4%	1.4%	-15,597
Primary Production	0.0%	0.0%	15,184
Public Enterprise	6.8%	2.3%	-3,370,149
Quarry & Mining	0.0%	0.0%	648
Residential	59.3%	77.3%	13,254,585
Sport & Recreation	0.1%	0.2%	3,557
Vacant	0.7%	2.1%	1,005,975

While a change in the rate burden can cause rates to increase or decrease for some property owners, councils have tools available under the LG Act to manage the impact of changing valuation bases either permanently or over time to transition to rating purely on the basis of property valuations. This is discussed further in section 5 of this Paper.

4.1 Comparison of AAV, CV and LV

Between 2009 and 2013 the State Government in conjunction with local government reviewed municipal rating and valuation. Access Economics was engaged to evaluate the different valuation bases. Access Economics found the following:

Assessed Annual Value (AAV)

AAV as a tax base has been found to perform least effectively against the principles of taxation, outlined in section 2.3 above. It is the most expensive to administer, least understandable by either ratepayers or councils, least equitable when comparing individuals on and off the 4% Rule and the least sustainable due to its volatility.

For most properties, the term 'AAV' no longer refers to the rental value of the property, but rather confusingly refers to an arbitrary measure of 4% of the CV of the property. The requirement that AAV cannot be less than 4% of the CV has resulted in a significant number of properties across the municipal area where the deemed AAV is higher than it would otherwise be.

However, AAV has always been used by Council and as such has a level of acceptability and familiarity with it. It's not 'broken' and could continue to be utilised by council. Prior rates modelling has shown that moving away from AAV would cause a significant shift in the rate burden with some ratepayers paying more and some paying less.

Example

Scenario: assuming the City needs to raise \$74.916M from general and stormwater rate and the City continues to use AAV as the valuation base from which to calculate rates, the outcome for the average residential and commercial property owner would be as follows:

Average residential property 2021-22 rates	\$1,834.68
Average commercial property 2021-22 rates	\$11,856.42

Land Value (LV)

LV was found to be the most economically efficient tax base, most administratively efficient and strongest performer in equity (in terms of the benefit principle). It does not, however, perform well against the principles of equity as significant differences in the improved value of the property would not be reflected in the rates burden i.e., rating on LV would result in similar levels of rates being levied on a one-bedroomed dwelling on a large block of land as are applied to a six-bedroom, two bathroom, two garage home on a similar block of land.

Example

Scenario: assuming the City needs to raise the same \$74.916M from general and stormwater rate and the City shifts from using AAV as its valuation base to using LV as the valuation base from which to calculate rates, the outcome for the average residential and commercial property owner would be as follows:

Average residential property 2021-22 rates	\$2,552.00
Average commercial property 2021-22 rates	\$6,521.87

In comparison to the scenario using AAV, the average residential ratepayer would pay \$717.32 more in rates. Whereas the average commercial ratepayer would pay \$5,334.55 less in rates. This shows the considerable shift in the rate burden that occurs when the valuation base is changed to LV, as outlined above.



Should consideration be given to moving valuation bases, the City has tools available under the LG Act to manage the impact so ratepayers don't experience large increases in rates in any given year.

Capital Value (CV)

CV demonstrates the strongest performance of the three bases against the principles of taxation. It is easiest to understand, most equitable (particularly in terms of capacity to pay) and is the least volatile in a property market where property value is growing at a different rate to rental values.

Example

Scenario: assuming the City needs to raise the same \$74.916M from general and stormwater rate and the City shifts from using AAV as its valuation base to using CV as the valuation base from which to calculate rates, the outcome for the average residential and commercial property owner would be as follows:



Average residential property 2021-22 rates	\$2,239.39
Average commercial property 2021-22 rates	\$7,486.15

In comparison to the scenario using AAV, the average residential ratepayer would pay \$404.72 more in rates. Whereas the average commercial ratepayer would pay \$4,370.28 less in rates. This shows the considerable shift in the rate burden that occurs when the valuation base is changed to CV, as outlined above. It is notable that the shift is not as great as a shift to LV.

Should consideration be given to moving valuation bases, the City has tools available under the LG Act to manage the impact so ratepayers don't experience large increases in rates in any given year.

Points for Discussion with Advisory Group

What are the benefits of Council continuing to use AAV as the valuation base for rating purposes?

Options to move away from using the AAV valuation base?

Benefits to rating using the Capital Value of a property.

Benefits to rating using the Land Value of a property.

5. Rating System

5.1 Property Revaluations

Property revaluations have the potential to create significant volatility in rates for property owners, particularly if a shift in the rate burden occurs. In 2009 a city revaluation by the Valuer-General was undertaken in the Hobart municipality. The previous revaluation was conducted in 2001 and between then and 2009 the property boom resulted in valuations (land, capital and AAV) rising significantly, particularly in some localities. The property revaluation resulted in an overall 43% increase in municipal AAV from the 2007 indexed AAVs. Residential AAV increased on average by 49%, with Commercial and Industrial increasing, on average, by 38%.

The effect of this was an overall shift in the rate burden to residential. While approximately 20,000 ratepayers experienced rate decreases, approximately 3,560 ratepayers experienced rate increases and due to the redistributive effects of the property revaluation the outcomes for individual ratepayers varied considerably.

2015 was the last time the Hobart municipal area experienced a property revaluation. At that time residential valuations grew fast than commercial causing a shift in the rate burden towards residential properties.

The 2021 property revaluation has caused a further shift in the rate burden towards residential due to the factors outlined in section 4 above. This caused a greater shift in the rate burden towards residential than either the 2009 or 2015 property revaluation. Residential property owners would pay considerably more of the rate burden than they did in 2021-22 leading to sharp rate increases for many.

Council approved the introduction of a differential rating system and limiting rate increases through rates capping to help manage disparity in the distribution of rate collections resulting from the municipal revaluation. The 2022-23 rating strategy using rates capping is not sustainable for future years.

5.2 Pure vs Mitigated Rating System

The City currently has a pure or uniform rating system. It applies the same rate in the dollar to all properties irrespective of land use, locality or property type. The amount of rates a property owner pays is calculated by multiplying the AAV of the property by the same rate in the dollar every property owner pays (plus flat service charges).

The City's current rating system presumes that the value of the property alone determines the amount of rates to be paid. Therefore, when property values increase or decrease so potentially do the amount of rates to be paid. As outlined in section 5.1 above, shifts can be 'dramatic' and cause the cost of rates to increase considerably in one year.

A mitigated rating system enables council to use the rating tools available in the LG Act for several reasons, including because the City wishes to move valuation bases or manage shifts in the rate burden for all ratepayers caused by property indexation or revaluations. This could be permanent or as part of a transition strategy to move to a pure rating system over time.

Using the rating tools would allow Council to manage the consequence of change so that ratepayers don't experience large increases in the cost of rates in any particular year.

Example

Property A and B are rated using the AAV valuation base and a single rate in the dollar (pure rating system). Property A is a residential property and Property B is a commercial property. There is a 25% shift in the rate base towards residential because residential property prices have increased more than commercial property prices. Using a pure rating system the Property A would experience a \$587.60 increase in rates in one year, whereas Property B would experience a decrease.

If Council decides to mitigate the outcome of a 25% shift in the rate base towards residential to avoid the sharp increase in rates in one year, then it could introduce differential rates where the Council charges a lower rate in the dollar for Property A and a higher rate in the dollar for Property B.

The council may also use rating tools to distribute the rate burden for other reasons, discussed in section 6 below.

Discussion Points

Should council continue with a pure rating system?

That is allowing property values alone determine rates paid by ratepayers even where property values change considerable due to a property boom, which may result in large rate increases for some ratepayers?

Should council in principle have a strategy of managing shifts in the rate burden to



ensure property owners don't receive large increases or decreases in rates from the prior year?

6. Equitable Sharing of the Rate Burden

6.1 Objectives

In distributing the rating burden across the different categories of ratepayers in the Hobart municipal area, Council is looking to achieve the following objectives:

- Having a rating structure that provides fairness and equity for the whole City of Hobart.
- Having a rating structure that is sustainable for Council and affordable for the community.

As outlined in section 2.3 of this report, there are several rating tools that councils can use to distribute the rating burden across ratepayers. While in the next section of this report the focus is on differential rates, this is not the only tool available to Council to manage the rating system. Each tool assists councils to manage rates payable by individual ratepayers and what share of the rates each property owner should pay.

6.2 Differential Rates

Differential rating is where the general rate, service rates or service charges are varied under Section 107 of the LG Act on the basis of the use or predominant use of the land, the non-use of the land, the locality of the land, any planning zone or any other prescribed factor.

In early 2014, the *Local Government (General) Regulations 2005* were amended to also allow councils to vary the general rate by the Valuer-General land use code i.e., property type. This amendment increases the categories of land use that a council can differentially rate by providing more detailed land use categories.

6.3 Reasons to Distribute the Rate Burden

Differential rates and other rating tools allow councils to address strategic objectives for funding and service delivery and provide flexibility for local rating issues, as well as manage property value fluctuations between different categories of land. A differential rate is generally levied where a council determines it would be inequitable and unfair to levy a single general rate on all land in a council's area.

A council may choose to distribute the rate burden for a number of reasons:

- To ensure all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of services, programs and facilities throughout the municipal area, irrespective of property value.

- It may consider that land zoned and used for commercial and industrial purposes has higher costs of ongoing maintenance and provision of services, programs and facilities located in these zones as well as additional costs not attributed to other land uses such as economic development initiatives, tourism, marketing and transport.
- To encourage the development of vacant land in the best interests of the community and discourage land holding, particularly where there are housing shortages or homelessness – this is explored further in section 6.3 below.
- To levy additional rates from property types to recover the increased resourcing costs directly and indirectly linked to the operation of these properties e.g., late night venues.
- To ensure the owners of residential land used for commercial purposes contribute to the provision of services and facilities that may be associated with such commercial use e.g., short stay accommodation.

Advantages of a Differential Rating System

- Provides flexibility to distribute the rate burden between different property types and land uses and to link rates to capacity to pay.
- Allows a council to reflect the investment required to establish infrastructure to meet the needs of specific groups of ratepayers e.g., services to support tourism commercial and industrial sectors.
- Enables a council to encourage or discourage particular types of development e.g., development of vacant land, discourage conversion of residential housing to short stay visitor accommodation.
- Allows councils to consider the specifics of certain land uses where a single rate in the dollar would not result in a fair outcome.

Disadvantages of a Differential Rating System

- It can be difficult to understand and ratepayers may feel it's unfair they pay a different rate in the dollar than other ratepayers.
- It can be challenging to justify a differential and that can lead to objections and complaints from ratepayers.
- It's more difficult to administer particularly where properties shift between property classes.

6.4 Vacant Land and Short Stay Visitor Accommodation

At present, Council uses a single rate, that is, the same rate in the dollar applied to all properties no matter what the land is being used for or where it is located. As a result, properties classified as Vacant enjoy lower rates due to having lower valuations. The Assessed Annual Value (AAV) of the property is always 4% of the Land Value due to the 4% Minimum Rule and because there are no capital improvements on the land. Vacant

properties do not pay the Waste Management Service Charge nor contribute to the Landfill Rehabilitation Levy. There is, therefore, little incentive from a rating perspective for these properties to be developed or improved.

However, the Hobart municipality has several properties that are unoccupied and considered derelict. There are a number of councils who use a strategy of differentially rating unoccupied land to ensure that derelict and unoccupied properties are responsibly managed and developed by property owners. The differential rate is directly aimed at those property owners who allow their sites to become untidy or deteriorate, become unsafe and pose a risk to public safety or adversely affect public amenity. This differential rating strategy for vacant land has had the effect of encouraging property owners to manage and develop their vacant and unoccupied land.

At its meeting in July 2022 in response to a Notice of Motion, Council resolved the following:

- Council considers differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.
- To both ensure housing stock is retained and to stimulate residential development, the Council commit to finding incentives, especially to build on vacant residential land, and to consider potentially significantly higher rates for short stay accommodation in residential areas.
- A differential rating strategy or other appropriate measures be considered to address long-term unoccupied properties as part of the broader review of the City of Hobart and Valuation Strategy in 2022-23.

Discussion Points

Do you have any suggestions, including those presented above, for how the City's rate burden should be distributed amongst property owners?

7. Rate Base Growth

Under the *Valuation of Land Act 2001*, supplementary valuations are undertaken by the Valuer-General when properties change, are developed or are improved. This could include a new building on vacant land, buildings are demolished or altered/improved. Also, it can occur when properties are subdivided, amalgamated, parts sold off or rezoned.

A supplementary valuation can cause the property to increase or decrease in value. When a property increases in value, this leads to growth in the City's rate base, meaning that the combined total of all property values in the municipal area has increased.

However, when new properties are built there is increased demand for council services and infrastructure required from that growth. It is therefore important that Council's revenue and rating decisions support the City's financial strategies for the delivery of future infrastructure and services. This would be in conjunction with the City's Long-term Financial Management Plan and Strategic Asset Management Plan.

It is anticipated that Greater Hobart will experience continued population growth with an additional 60,000 people over the next 30 years. Additional infrastructure and services will be required to support this growth.

Given the above it is important that in its Strategy the City considers options to adequately capture growth in its rate base and uses the revenue from that growth to fund the increased demand for council's services and infrastructure resulting from that growth.

8. Capacity to Pay and Support Measures

As outlined in section 2.5 above, the Council provides various support measures for those with least capacity to pay rates, including support under its Financial Hardship Assistance Policy and rates discounts under the State Government pensioner remission scheme.

There are approximately 3000 property owners in the Hobart municipal area who are pensioners.

Rates discounts for pensioners are legislated under the *Local Government (Rates and Charges Remission) Act 1991* and include the following, noting that limits apply:

- State Government - 30% (maximum limits apply, for 2022-23 capped at \$345.00 for pensioners also a customer of TasWater \$507.00 for pensioners not a customer of TasWater)
- State Fire Commission - 20% (off the Fire Service Rate)

The City provides an additional \$10 discount off rates to eligible pensioners, which includes certain independent retirees. This is in addition to the State Government pensioner discount scheme, outlined above, which is open to eligible pensioners.

The discount costs the City \$30,000 per annum, which is funded from general rates. The discount has remained at \$10 since at least 1996, has lost its value, is rarely applied for and is costly to administer. No other Tasmanian council provides a rates discount other than the State Government scheme. However, interstate some councils provide additional monetary support and rates discounts to pensioners.

As part of its rating strategy review the City is considering the adequacy of support measures for pensioners in the Hobart municipal area. Any increase in support measures for pensioners would require to be funded from rates, either requiring an increase in rates for all ratepayers or a reduction in another program or service that the City provides to all ratepayers.

Discussion Points

Should the council consider providing discounted rates for eligible residents?

Appendix A

The Hobart Municipal Area

Hobart has eight land use categories being: commercial, industrial, primary production (farming), public enterprise, quarry & mining, residential, sport & recreation and vacant land. Table 1 below shows examples of the types of properties that have a land use category of commercial, industrial, public enterprise and sport & recreation. The other land use categories are as the title describes.

Table 1: Property Types by Land Use



Commercial	Industrial	Public Enterprise	Sport & Recreation
Carpark	Oil Depot	Aged Care Facility	Jetty
Hotel	Workshop	Ambulance Depot	Slipway
Bakery	Factory	School	Boatyard
Bank	Cascade Brewery	Anglesea Barracks	Recreation Area
Cafe	Bus Depot	Botanical Gardens	Reserve
Cinema	Warehouse	Cathedral	Park
Dental Surgery	Garage	Church	Sportsground
Office	Princes Wharf No. 1	Post Office	Playground
Shop	Transport Depot	Magistrates Court	Tennis Court
Bed & Breakfast	Car Yard	Museum	Pavilion
Motel	Shed	Police Station	Grandstand
Laundrette	Foundry	Government House	Swimming Pool
ATM	Joinery	Hospital	Toilet Block

Table 2 below shows the number of properties within each land use category and what portion of the current AAV rate burden each land use category pays. Most properties in the Hobart municipality are residential.

Table 2: AAV Outcome for Hobart

Land Use	No. of Properties	% Total Properties	Total AAV \$	% Municipal AAV	Total Rates \$	% Rates Burden
Residential	21,626	87.75%	582,913,635	53.33%	55,569,243	58.13%
Primary Production	2	0.01%	107,200	0.01%	9,348	0.01%
Public Enterprise	262	1.06%	146,812,153	13.43%	8,225,702	8.60%
Commercial	1,929	7.83%	342,788,645	31.36%	30,116,183	31.50%
Sport & Recreation	97	0.39%	3,110,881	0.28%	118,868	0.12%
Vacant Land	587	2.38%	7,512,467	0.69%	648,578	0.68%
Industrial	142	0.58%	9,703,160	0.89%	908,433	0.95%

*Excludes properties that don't pay rates e.g., Council owned



As can be seen from table 2 commercial, industrial and public enterprise pay proportionally more of the rate burden than other sectors. This is because rental returns for these properties exceed the 4% minimum return of a residential property. In some cases, the rental returns of commercial and industrial properties can be 7%, 8%, 9% or more. Prior to the 2022-23 property revaluation, the residential sector comprises 88% of municipal properties but pays 58% of the rate burden and contributes 53% of total municipal AAV.



Community Engagement Plan

Rating and Valuation Strategy Review 2023-24



yoursay.hobartcity.com.au

Prepared by



City of **HOBART**

1. Background Information

The City of Hobart is undertaking a review of its Rating and Valuation Strategy (the Review). The City requires a sustainable Rating and Valuation Strategy (Strategy) to ensure that programs, services and infrastructure needs of the community are met now but also into the future to avoid burdening future generations of ratepayers with large rate increases. It's also important that the City has sufficient revenue to ensure it can meet the Community Vision and the strategic objectives outlined in the Capital City Strategic Plan 2019-2029.

Up until 2022-23 the City of Hobart had a simple rating strategy, utilising the Assessed Annual Value (AAV) valuation base and applying the same rate in the dollar to all properties to calculate the amount of rates to be levied on individual properties.

In 2021 the Valuer-General completed a revaluation of all properties in the Hobart municipal area. The changes to property valuations was unprecedented with large increases experienced particularly for residential properties. This was driven by population growth, private rental vacancy rates being low, COVID impacts and limited housing supply. This caused a shift in the rate burden from commercial to residential. Council approved the introduction of a differential rating system and limiting rate increases through rates capping to ensure equity of the distribution of the rate burden. The 2022-23 rating strategy using rates capping is not sustainable for future years.

All councils are different and have characteristics specific to locality. As a result, it is dependent upon the individual council to determine the most appropriate Strategy for its own municipal area.

It is important that the community is engaged on any change to the City's Strategy and understands how any changes will impact and benefit them.

2. Establishing Purpose

The purpose of the engagement is to:

- Provide opportunities for the broader community to be informed about and provide feedback on the City's rating and valuation strategy.
- Determine a fair and equitable method of raising rates that is informed and supported by the broader community.

3. Engagement Objectives

Purpose types	Objectives	Success Criteria
Decision making	To shape the Council's decisions on adopting a rating and valuation strategy that is informed by community and stakeholder feedback.	Broad participation levels that represent a good cross section of the community Stakeholders report confidence in the process. A clear demonstration as to how community input influenced the decision.
Engagement opportunities	To ensure that the community has the opportunity to be	Provision of a variety of engagement opportunities

	informed about and have input into decisions which affect them.	Broad participation levels
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4. Establishing Parameters

Geographic

This project will affect all rate payers that own properties within the City of Hobart municipal area.

Legislative

Council rates are a form of taxation rather than a fee for service. Section 86A of the LG Act states that:

- (a) rates constitute taxation for the purposes of local government, rather than a fee for a service; and
- (b) the value of rateable land is an indicator of the capacity of the ratepayer...to pay rates.

Budget

The costs to undertake the review will be absorbed within current operating budgets.

Timeline

It is proposed that the Review be undertaken from November 2022 to February 2024. An Options Paper is expected to be provided to Council in September 2023 and thereafter a draft Rating and Valuation Strategy provided to the Community for feedback.

5. Stakeholder Analysis

Stakeholders for the project include but are not limited to:

- City of Hobart rate payers covering owners of all property types including residential, commercial, industrial, public enterprise, vacant, quarry and mining and sport and recreation
- Hobart business community
- Community sector – particularly housing and homelessness
- City of Hobart reference groups

Note: A full stakeholder analysis will be undertaken.

6. Level of Participation

The IAP2 level of participation is **INVOLVE**

Public participation goal: To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

Promise to the community: We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the public input influenced the decision.

7. Community Engagement Design

Engagement for this project will be undertaken in the following three stages.

Stage 1: Understanding and options

Outcomes: The City will work collaboratively with a Community Advisory Group to inform an Options Paper that reflects the views of key stakeholders.

Community Advisory Group

In stage one the City will establish a Community Advisory Group (CAG) through a public expressions of interest process, made up of representatives from community and business groups. The CAG will consider rating principles and threshold rating and valuation decisions that will feed into an Options Paper to support Council's decision making.

The CAG will participate in a series of workshops that cover the following:

- The current state – information on how rates are currently calculated and why the City is undertaking a review
- Rates modelling – work through a variety of models for calculating rates; demonstrate the impacts of proposed changes on various stakeholder groups
- Options - consider a number of rating options for the future of the City

Stage 2: Options Paper Development & Review

Outcome: The City will develop an options paper that is informed by the Community Advisory Group process. The options paper will be provided for community feedback to inform the development of a rating and valuation strategy for the City.

Advisory and Reference Groups Briefing

Provide a briefing to and seek feedback from the City's relevant advisory and reference groups including:

- Hobart Older Persons Reference Group
- Access Advisory Committee
- Community Sector Reference Group
- Housing and Homelessness Alliance
- Business Consultative Group

Your Say Hobart

Develop a page on the City's Your Say Hobart platform for the broader community to review the Options Paper and provide feedback. Tools options may include:

- Upload a formal submission
- Complete an online survey
- Participate in a community discussion boards
- Ask the team a question

Rates drop in information sessions

Host in person information sessions for members of the public to ask the rates team about the rating options. These could be held in a number of locations including the Council Centre, Mathers House, etc.

Stage 3: Revenue Strategy

Outcome: The City will develop a proposed rating and valuation strategy that considers stakeholder and community feedback and will assist in Council decision making.

Key stakeholder feedback

The draft Rating and Valuation Strategy document may be distributed to key relevant stakeholders including the CAG for a final review prior to the draft being presented to Council for adoption.

8. Community Engagement - Reporting Back

Throughout each stage of engagement, the results of engagement will be reported back to participants via the following methods:

Stage 1: The CAG will receive a summary of the minutes and outcomes of each workshop.

Stage 2: Those providing feedback in this stage will have the option of signing up for project updates to be sent via e-newsletter and an engagement summary report will be prepared and made available via the Your Say Hobart.

Stage 3: The final project outcome will be reported to all participants via e-newsletter and information made available on the City's Your Say Hobart page and website.

9. Community Engagement Evaluation

Criteria	Description	Goal	Engagement Stage
Participants of the CAG felt their contributions were valued	Seek feedback from the CAG regarding their experience of the engagement process.	75% of participants demonstrate high levels of satisfaction with the workshops	Stage 1
Geographic and demographic spread of participants	Record the number of different groups represented in the process.	A diverse range of groups and stakeholders are represented in the feedback	All stages
The decision-making process was clearly communicated so participants understood how and why decisions are made.	Review information and engagement reports distributed to participants detailing the decision-making project.	Project team review Participants indicate a high level of agreement that this has been provided	All stages
The process supported positive relationships and acknowledged conflicts, which were worked through in a constructive way.	Conflicts were resolved and participants had adequate opportunity to work through conflicts.	Project team review CAG workshop feedback	All stages
The feedback received influenced the outcome of the project	The final document clearly demonstrates the community input.	Project team review	All stages

16. Recurring Financial and Governance Reports
File Ref: F23/1296

Memorandum of the Director City Enablers of 9 January 2023 and attachment.

Delegation: Council



City of **HOBART**

MEMORANDUM: COUNCIL

Recurring Financial and Governance Reports

The purpose of this memorandum is to provide information to Council on recurring reports that previously were considered by the then Finance and Governance Committee and propose how this information will be provided to Council moving forward.

Under the former Council governance structure, the then Finance and Governance Committee (Committee) received regular recurring reports related to Budget & Finance, debt management, borrowings and investments, grants & benefits provided, Rates, Procurement and the Annual Plan. Some of these reports were provided to Committee for information / noting, while others progressed to Council for decision making.

The new City of Hobart Governance Model endorsed by Council at its meeting on 21 November 2022 has presented an opportunity to review how information previously provided to Committee is now provided to Council, particularly information that previously was provided to Committee for information / noting only.

A listing of recurring reports that were previously provided to Committee and how this information is proposed to be provided to Council moving forward is attached – refer **Attachment A**.

Reports will now be provided directly to Council for decision making. It is proposed that some information previously reported separately to Committee for information / noting, is included in one consolidated report of like information. As an example, Committee received separate reports on sundry debt management, borrowings & investments and grants & benefits provided, for information and noting only. These reports are all finance related. It is therefore proposed that the information is included in the quarterly Financial Report to Council, thereby providing one consolidated report.

It should be noted that under this proposal Council will continue to receive the same information it did as when it was presented through the Committee process under the former Council governance model.

The following benefits will be realised through this proposal:

- Information that previously went to the Committee for information / noting and therefore did not progress to Council, will now be received by all Elected Members.

- Like information will now be provided in a single report, thereby reducing the number of reports being prepared and the administrative burden and cost of such.
- Consolidated information received at the same time in a single report will be more effective, readable and aid decision-making.

RECOMMENDATION

That the Council endorse the Finance and Governance Recurring Reports – Reporting Proposal, detailing how information will now be provided to Council, marked as Attachment A.


As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Michael Reynolds

DIRECTOR CITY ENABLERS

Date: 9 January 2023
File Reference: F23/1296

Attachment A: Finance and Governance Recurring Reports - Reporting Proposal ↓ 

FINANCE AND GOVERNANCE RECURRING REPORTS – REPORTING PROPOSAL

Report Title	Frequency	Purpose	Delegation / Legal	Reporting Proposal
Financial Report	Quarterly	To provide year to date financial results and seek Council approval for changes to the budget.	Section 82 of the LG Act – Council by absolute majority.	Council
Annual Review of Loan and Investment Portfolios	Annually	To provide a report reviewing the Council's current loan and investment portfolios, noting the interest rate differential between the two portfolios.	This was a prior Committee decision to receive this information annually.	To be provided as an attachment to the quarterly Financial Report as at 30 June on an annual basis
Outstanding Sundry Debts	Quarterly	To present details of outstanding sundry debts for information / noting.	As required under Council Policy – Collection and Reporting of Outstanding Sundry Debts.	To be provided as an attachment to the quarterly Financial Report (the attachment will be on closed agenda)
Write-off of Debts	As required	To present details of debts written off by the CEO under delegation pursuant to s76(2) of the LG Act for information / noting.	As required under Council Policy – Collection and Reporting of Outstanding Sundry Debts.	To be provided as an attachment to the quarterly Financial Report if any debts are written off in the prior qtr. (the attachment will be on closed agenda)
Grants and Benefits Listing	Quarterly	To provide a listing of the grants and benefits provided by the Council for the period year to date pursuant to s77 of the LG Act for information / noting.	This was a prior Committee decision to receive this information quarterly.	To be provided as an attachment to the quarterly Financial Report

Sale of land for unpaid rates (if applicable)	Annually	To seek Council approval to commence proceedings to sell land or part of land where rates have been outstanding for 3 years or more.	Section 137 of the LG Act – sale of land for unpaid rates. and As required under Council Policy – Collection of Rates Arrears.	Council
Outstanding Rates as at 30 June	Annually	To present details of outstanding rates as at financial year end.	As required under Council Policy – Collection of Rates Arrears.	Council
Remissions of Rates and Charges Granted	Six-monthly	To provide a listing of rates remissions granted under the CEO's delegation, being to approve remissions of rates paid or payable up to \$2000 per instance.	This was a prior Committee decision to receive this information quarterly.	To be provided as an attachment to the annual 'Outstanding Rates as at 30 June' report.
Rates Remissions Requests (over the CEO's \$2000 delegation)	As required	To seek Council approval to approve a request for a remission of rates paid or payable.	Section 129 of the LG Act – remission of rates - Council by absolute majority.	Council
Annual Plan Progress report	Quarterly	To present a progress report of the major actions and initiatives for the financial year set out in the Annual Plan.	Council for endorsement.	Council
Procurement – Quotation Exemption Report	Quarterly	To provide a listing of exemptions from the requirement to seek three written quotations granted for	Regulation 28 of the <i>Local Government (General) Regulations 2015</i> states that the Council's Code for Tenders and	Council

		the period year to date for information / noting,	Contracts must (j) establish and maintain procedures for reporting by the general manager to the council in relation to the purchase of goods or services in circumstances where a public tender or quotation process is not used.	
Requests to Waive Requirement to Tender	As required	To seek Council approval to waive the requirement to undertake a public Tender.	Regulation 27(i) of the Local Government (General) Regulations 2015 – non-application of public tender process. Council by absolute majority.	Council
Contract Extensions	As required	To seek Council approval to extend a Contract.	Pursuant to s.23(5)(b) of the <i>Local Government (General) Regulations 2015</i> , a council may extend a contract entered into by tender if the contract does not specify extensions, by an absolute majority.	Council
Contract Variations	As required	To seek Council approval to vary a Contract.	Pursuant to the City of Hobart Code for Tenders and Contracts, adopted by Council under section 333B of the LG Act, Council approval will be sought where a Contract Variation is more than \$250,000 (ex GST) in value.	Council

17. Citizenship Ceremonies - January 2024 Onwards
File Ref: F23/513

Report of the Manager Community Programs and the Director Connected City of 9 January 2023 and attachment.

Delegation: Council

**REPORT TITLE: CITIZENSHIP CEREMONIES - JANUARY 2024
ONWARDS****REPORT PROVIDED BY:** Manager Community Programs
Director Connected City**1. Report Summary**

- 1.1. The Council has been notified by the Department of Home Affairs that there has been an amendment to the Australian Citizenship Ceremonies Code (the Code) allowing citizenship ceremonies to be held on Australia Day or the three days prior or three days after Australia Day. This advice is shown at **ATTACHMENT A**.
- 1.1.1. Prior to this announcement, the Code stipulated that in order to host any citizenship ceremonies, Councils must hold a citizenship ceremony on 26 January.
- 1.2. In line with the Council's previous policy decision in 2017 to advocate for changing the date of Australia Day from 26 January and associated actions, it is proposed that Council adopt a policy that from 2024, citizenship ceremonies that would have been held on 26 January be held on alternative dates in accordance with the amendment to the Code.

2. Key Issues

- 2.1. It is acknowledged that changing the date of Australia Day and reducing events such as citizenship ceremonies being held of that date is still a divisive issue within the broader community and may attract some negative feedback. It is noted however that there is a much greater understanding that 26 January is not a day of celebration for all citizens.
- 2.2. Changing the date of the citizenship ceremony from 26 January may impact on the Sandy Bay Regatta with the ceremony being held in partnership with this event for over 50 years. Formal discussions are yet to be held with the Sandy Bay Regatta Association regarding future opportunities for an alternative date.

3. **Recommendation**

That:

1. ***From 2024, the City's January citizenship ceremony be held in the three days prior or the three days after 26 January.***
 - (i) ***The Council note, this action is in line with advice received from the Department of Home Affairs on 16 December 2022 relating to the amendment of the Australian Citizenship Ceremonies Code and is in accordance with the Council's Social Inclusion Policy 2020 and the Aboriginal Commitment and Action Plan 2020-22.***
2. ***An update including the proposed date for the 2024 ceremony to be provided to the Council once engagement has occurred with the Sandy Bay Regatta Association and operational considerations have been investigated.***

4. **Background**

- 4.1. On 3 April 2017 the Council resolved that:
 1. *A report be provided to review City of Hobart events commemorating Australia Day on 26 January, including first and foremost to consider changing the date of the Hobart citizenship ceremony currently held on 26 January.*
 2. *The City of Hobart consult with the Aboriginal community in order to consider a better date and way of understanding aboriginal culture and history, so that we can all celebrate Australia Day as a nation.*
 3. *The report also consider efforts the City of Hobart could take to lobby the Australian Government to change the date nationally.*
- 4.2. Subsequently, a detailed report was presented to the Community, Culture and Events Committee on 18 October 2017 presenting a range of options relating to the potential impacts for changing the date of the City's citizenship ceremony and activities on 26 January. A copy of this report including attachments is shown at **ATTACHMENT A**.
- 4.3. It is noted that at that time in 2017, the Australian Government advised that if the City did not hold the ceremony on that date, the Council would be stripped of the right to hold any citizenship ceremonies at all.

- 4.4. Recommendations were subsequently provided to the Council at its meeting of 23 October 2017 where it resolved that:
1. *The Council commit to the non-politicisation and continuation of all citizenship ceremonies it conducts. Thereby, the citizenship ceremony on 26 January will be conducted in accordance with the Department of Immigration and Border Protection's Australian Citizenship Ceremonies Code.*
 2. *The Council officially support a change of date for Australia Day, to be held on a day other than 26 January advocated by:*
 - (i) *Officially supporting and becoming part of the national #changethedate campaign;*
 - (ii) *Submitting the following motion to the next Local Government Association of Tasmania (LGAT) General Meeting, "That LGAT lobby the Australian Government to change the date of Australia Day.";*
 - (iii) *Joining with other Australian councils that support a change of date from 26 January, to lobby the Australian Government via jointly prepared correspondence, in line with the resolution passed by the National General Assembly of Local Government in June 2017; and*
 - (iv) *Aldermen participating in the Tasmanian Aboriginal Community's Invasion Day Protest on 26 January in Hobart, with the City providing event support, if required.*
 3. *The Council seek ways to further engage with the Tasmanian Aboriginal Community.*
 4. *The Council continue to sponsor and support the Sandy Bay Regatta.*
- 4.5. The above recommendations have continued to be actioned in the period following this resolution in 2017.
- 4.5.1. It is noted that at the Council meeting of 12 December 2022, the Council resolved that the 2023 Hobart Community Awards not be presented at the Citizenship Ceremony to be held on Australia Day, but to be presented at the first Citizenship Ceremony held following 26 January.
- 4.6. A specific action to 'continue to advocate for a change in the date of Australia Day and support the Tasmanian Aboriginal Community's Invasion Day Protest on 26 January in Hobart as appropriate' is included in the City's Aboriginal Commitment and Action Plan 2020-22.

5. Legal, Risk and Legislative Considerations

- 5.1. All citizenship ceremonies must be delivered in accordance with the Australian Citizenship Ceremonies Code and the recommended change to the date to be within three days either side of 26 January would be in accordance with the Code and pose no legal or legislative risk.
 - 5.1.1. Other operation requirements under the Code would be observed as with any citizenship ceremony delivered by the City.
- 5.2. It is noted that changing the date of Australia Day and associated activities is still a divisive issue in the broader community and there may be some negative commentary if the Council supports changing the date of the citizenship ceremony.
 - 5.2.1. Messaging should note that the change is in line with the direction provided by the Department of Home Affairs.

6. Discussion

- 6.1. Dialogue and debate continues to gain momentum across the nation about the current legislated date for Australia Day, 26 January.
- 6.2. All states and territories adopted the term 'Australia Day' in 1935 but it was only in 1994 when they agreed to standardise and celebrate it on the same day, 26 January, to minimise business disruptions nationwide.
- 6.3. Even though the date of 26 January is regarded as Australia's 'start' from a British perspective, and signifies national pride and belonging for a majority of citizens, it is viewed by many Aboriginal, Torres Strait Islander and non-Aboriginal peoples as 'Invasion Day', 'Survival Day' or 'Day of Mourning' given the destructive outcomes for the Aboriginal population since the arrival of the First Fleet, such as disease, death, dispossession of lands and loss of culture.
- 6.4. Whilst the Aboriginal community is not fully unified on changing the date, each year there are ever-increasing public protests by the general population with calls to change the date of the national holiday in recognition that 26 January is not a day of celebration for all Australians and therefore does not unify the nation.
- 6.5. Discussions involve what the public holiday means for different people, whether or not the date is inclusive for all to celebrate, and what the national day should be if not 26 January.
- 6.6. Every year there are ever increasing public rallies protesting against the current date with calls to change the date in recognition that 26 January is not a day of celebration for all Australians. This discourse has increased since the previous Council resolution in 2017.

- 6.7. It is noted that there may be a considerable impact on the Sandy Bay Regatta if the citizenship ceremony is not to be held on Australia Day in the future. The regatta is celebrating its 175th Anniversary in 2023 and the City has held its citizenship ceremony at this event for the past 50 years.
- 6.7.1. Discussions would need to be held with the Sandy Bay Regatta Association (SBRA) to determine if there were opportunities to continue to partner on an alternative date (potentially weekend prior or after) or whether the regatta and the citizenship ceremony would need to be held separately.
- 6.7.2. It is noted that the partnership with the SBRA includes the sharing of infrastructure, equipment, promotion and logistical support. The SBRA has for many years received a City Partnership Grant to support the delivery of their event.
- 6.8. If Council were to support a change to the date for the citizenship ceremony in 2024 and beyond, potential dates would be considered taking into consideration a range of operation requirements including: parliamentary sitting dates; venue availability; consultation with key stakeholders; availability of Presiding Officer and Elected Member commitments.
- 6.9. It is proposed that an update would be provided to the Council once engagement has been undertaken with the Sandy Bay Regatta and other stakeholders and operational matters have been considered. This update would include the proposed date for the 2024 ceremony.

7. Hobart: A Community Vision For Our Island Capital

- 7.1. This proposal strongly aligns with the City's community vision related to celebrating our diversity and to be a welcoming and inclusive city and a commitment to support authentic reconciliation.

8. Capital City Strategic Plan

- 8.1. This proposal aligns with the *Capital City Strategic Plan 2019-29* in relation to Pillar 2 - **community inclusion, participation and belonging** with particular emphasis on celebrating diversity to reduce social isolation and build social cohesion.
- 8.2. This proposal is very strongly aligned with the Aboriginal Commitment and Action Plan 2020-22 with a specific action to: '*continue to advocate for a change in the date of Australia Day and support the Tasmanian Aboriginal Community's Invasion Day Protest on 26 January in Hobart as appropriate*'
- 8.3. The proposal is also strongly aligned with the *Social Inclusion Policy 2020* and the *Hobart for All: Community Inclusion and Equity Framework*.

9. Regional, State and National Plans and Policies

- 9.1. The Australian Government has empowered the Council to administer citizenship ceremonies on its behalf. Local government must deliver ceremonies in accordance with the Code.
- 9.2. According to the Australian Citizenship Ceremonies Code (the Code), "Citizenship ceremonies are non-commercial, apolitical, bipartisan and secular. They must not be used as forums for political, partisan or religious expression or for the distribution of material which could be perceived to be of a commercial, political or religious nature."
- 9.3. The power to make a sweeping change nationwide to the date of the Australia Day holiday rests with the Prime Minister.
- 9.4. Nevertheless, it is also possible for State Premiers to change the date of the holiday for their populations since dates of all public holidays are decided at the state level. However there are numerous practical challenges which would be faced if the date was unilaterally changed by a state or territory, and it is unlikely that this would happen in Tasmania under the current government.

10. Financial Viability**10.1. Funding Source and Impact on Current Year Operating Result**

- 10.1.1. There would be no impact on the current year's operating result as the 2023 citizenship ceremony will be held on 26 January as planned.

10.2. Impact on Future Years' Financial Result

- 10.2.1. There may be financial implications depending upon whether or not the 2024 ceremony would be held in conjunction with the Sandy Bay Regatta.

- 10.2.1.1. If it continued to be held as part of that event it is considered the budget allocation would remain similar to the current allocation.

- 10.2.1.2. If the citizenship ceremony was not to be held in conjunction with the regatta, the ceremony would most likely be smaller and held in Town Hall with a reduced cost allocation.

10.3. Asset Related Implications

- 10.3.1. There are no asset related implications.

11. Community Engagement

- 11.1. There are mixed community views regarding the date of Australia Day with the Council receiving both positive and negative public response when proposing to change the date of our citizenship ceremony in 2017.
- 11.1.1. It is noted that at that time, the City would have been one of the first councils nationally to take that step.
- 11.1.2. This situation has changed considerably over the past five years with several more mainland councils changing the date of their ceremonies and noting that a change in date would be in line with the amendment to the Code from the Australian Government.
- 11.2. Formal community and stakeholder engagement has not been specifically been undertaken on this matter.
- 11.3. The views of the members of the Aboriginal community involved in the development of the Aboriginal Commitment and Action Plan (ACAP) were very supportive of Council not holding events on 26 January which resulted in a specific action being included in the ACAP.


12. Communications Strategy

- 12.1. A communications strategy has been prepared in conjunction with the communications team.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Kimbra Parker
MANAGER COMMUNITY PROGRAMS



Jacqui Allen
DIRECTOR CONNECTED CITY

Date: 9 January 2023
File Reference: F23/513

Attachment A: Advice from Department of Home Affairs ↓ 

From: NatO Ceremonies <Natoceremonies@homeaffairs.gov.au>
Sent: Friday, 16 December 2022 10:03 AM
To: NatO Ceremonies
Subject: Australia Day 2023 - Changes to the Australian Citizenship Ceremonies Code [SEC=OFFICIAL]

OFFICIAL

Dear Mayors and citizenship ceremony organisers,

Australia Day provides an opportunity for all Australians to reflect, respect and celebrate our national day. Australia Day is marked by events across Australia, including special citizenship ceremonies.

As you may be aware, the Hon Andrew Giles MP, Minister for Immigration, Citizenship and Multicultural Affairs, recently announced an update to the Australian Citizenship Ceremonies Code (the Code) - see [announcement link](#).

The Government expects local government councils to hold a citizenship ceremony as part of their Australia Day celebrations. Many thousands of Australians have had their citizenship conferred on Australia Day, and many Australians would like to receive their citizenship on our national day, in their community.

The amendment to the Code states that Councils must hold a ceremony on Australia Day, or the three days prior or the three days after Australia Day.

Local government councils may require flexibility to plan their citizenship ceremonies. There are higher operational costs involved in hosting a ceremony on a public holiday, and councils might benefit from the ability to schedule their ceremonies as part of a broader program of Australia Day community events, among other reasons.

The requirement for councils to hold a ceremony if they conferred Australian citizenship on 20 or more people in the 2021-22 financial year remains. Councils which have conferred Australian citizenship on fewer than 20 people in the previous year will continue to be exempt from the requirement. However, even where not formally required to do so based on previous conferee numbers, many councils in the past have still chosen to hold citizenship ceremonies on Australia Day and this is still strongly encouraged.

For 2023, this means ceremonies held in the period Monday 23 January 2023 – Sunday 29 January 2023 will meet the requirements of the Code, as per the update.

Should you have any questions in relation to Australia Day 2023, please do not hesitate to contact your local state or territory citizenship ceremonies team.

Kind regards

Libby McDonald
Director, Citizenship Ceremonies Section
Citizenship Program Delivery Branch | Citizenship and Multicultural Affairs Division
Social Cohesion and Citizenship Group
Department of Home Affairs
E: natoceremonies@homeaffairs.gov.au



The Department of Home Affairs and the Australian Border Force acknowledge the Traditional Custodians throughout Australia and their continuing connection to land, sea and the community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their Elders past and present.

18. Queenborough Oval Buildings Concept Plan
File Ref: F22/97352

Report of the Strategic Recreation Planner and the Director City Life of
17 January 2023 and attachments.

Delegation: Council

REPORT TITLE: QUEENBOROUGH OVAL BUILDINGS CONCEPT PLAN**REPORT PROVIDED BY:** Strategic Recreation Planner
Director City Life**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to seek Council endorsement of a proposal to upgrade the changerooms, public toilets and associated facilities at Queenborough Oval.
- 1.2. The proposal utilises funding received from a 2021 State Government election commitment to progress the Queenborough Oval Buildings Concept Plan.
- 1.3. The Oval is very highly utilised and the proposed improvements to the changerooms facilities will be very welcome by the many ground users.

2. Report Summary

- 2.1. Following development of the Queenborough Ovals Masterplan (2015) an Implementation Plan was approved by Council in 2019 to guide future development of the precinct for new facilities for the clubs and sports that use the grounds.
- 2.2. In the 2021 State Government election a commitment of \$2,000,000 funding of a projected \$7million project was made for the construction of new changeroom facilities at Queenborough Oval. The \$2,000,000 commitment has been allocated to the Council to progressively draw on as expended.
- 2.3. Given the amount provided and the amount required for the development of the whole of the Masterplan the City met with the resident clubs and three options to progress the changerooms were explored as the current ones are in poor condition and do not meet modern standards.
- 2.4. Options have been developed for the refurbishment of the current changerooms, partial new buildings for changerooms and a separate and completely new building for new changerooms (Attachment A).
- 2.5. Preference has been given to a new curved building which has a scalable set of changerooms to accommodate multiple teams and separate facilities for male and female game to occur consecutively.
- 2.6. It is also proposed to replace the current antiquated public toilets, kiosk and scorers box at the ground with new facilities above the new changerooms as Council's financial contribution to the project

- 2.7. Approval is sought to progress the improvement works, with the CEO to be delegated to secure all statutory permits for the works.

3. **Recommendation**

That:

1. ***Council endorse the proposal to upgrade player and umpire changerooms, public toilets, a scorers box and kiosk facilities at Queenborough Oval as generally outlined in attachment A and B.***
2. ***Council note the City's current asset replacement budget allocation of \$500,000 for this facility and that a further \$1,000,000 be allocated in the 23/24 financial year to complete this project and these amounts represents the Council's contribution.***
3. ***The CEO be delegated to secure all statutory permits for the development to proceed.***

4. **Background**

- 4.1. The Council approved an implementation plan for Queenborough Oval in 2019, which proposed the demolition of the two existing buildings on the site, including the 'Scott Palfreyman Stand' – photo below.



- 4.2. The original plan was proposing a new building facility that contained a number of functions including four changerooms, umpires facilities, public toilets (including accessible), a function room, kiosk and storage.
- 4.3. The estimated construction cost of the new facility was estimated at around \$7million in 2020.
- 4.4. The Scott Palfreyman Stand is noted in the City's asset register as being constructed in 1965 with a 120 year lifespan, meaning the register notes a remaining depreciable value that currently totals around \$1.2million.
- 4.5. Premature demolition of this facility will have a financial impact to the City.

- 4.6. To enable the building from the 2019 plans to proceed, it would require the full funding to be available as both the existing buildings would be demolished, meaning it could not be staged and the ground remain functional – it is considered unlikely that this will occur.
- 4.7. It would also mean all covered external seating would be lost until full funding was available.
- 4.8. Given the above and the funding allocation of around \$2.15 million, the plans have been reviewed, and it is now proposed to retain the existing buildings.
- 4.9. The changerooms that are currently in the 'Scott Palfreyman Stand' will be refurbished into umpires changes facilities as part of the current project, and into a gym/medical room as a future stage.
- 4.10. The proposal is to construct a new building facility that will accommodate the four new changeroom facilities, which will sit on the eastern side of the existing stands as shown in the plan. The building will enable addition levels to be added which would allow for new public toilets, a scorers box and kiosk to be constructed. The full cost of the project is anticipated to be \$3 million with a 1/3-2/3 contribution from the Council and the State Government respectively.
- 4.11. The revised plans have been discussed and agreed with by the primary stakeholders of the facility which include Hutchins Old Boys Football Club, South Hobart Sandy Bay Cricket Club and Sandy Bay Junior Football Club.

5. Proposal and Implementation

- 5.1. It is proposed that the Council endorse the proposal to significantly upgrade and enhance the player changerooms and supporting facilities at Queenborough Oval, Sandy Bay.
- 5.2. It is proposed that the CEO be delegated authority to secure all statutory permits for the works.

6. Strategic Planning and Policy Considerations

- 6.1. The Capital City Strategic Plan 2019-29 supports the proposal with Strategic outcome 2.3:

Hobart communities are active, healthy and engaged in lifelong learning.

7. Financial Implications

- 7.1. Funding Source and Impact on Current Year Operating Result

7.1.1. An Asset Replacement budget of \$500,000 is allocated in the City's current annual plan to supplement the grant funding of \$2,000,000 provided by the State Government.

7.2. Impact on Future Years' Financial Result

7.2.1. A further \$1,000,000 from the 23/24 capital works budget allocation.

7.2.2. There will be a modest increase in operational costs for future years budgets due to a larger area required for cleaning and increased power usage.

7.3. Asset Related Implications

7.3.1. The buildings will remain as a City assets.

8. Social and Customer Considerations

8.1. The project will have many positive social implications, most notably the increase and improvement in public toilets and amenities and player changerooms to accommodate the largest proportion of female and junior players at the ground within the municipality.

9. Marketing and Media

9.1. There will be a media opportunity at the completion of this project.

10. Community and Stakeholder Engagement

10.1. Engagement has been undertaken with the Sandy Bay Cricket Club, Sandy Bay Junior Football Club and Hutchins Old Boys Football Club.

10.2. The development application will be publicly advertised so the community will have an opportunity to provide comment.

11. Delegation



11.1. The matter is delegated to the Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

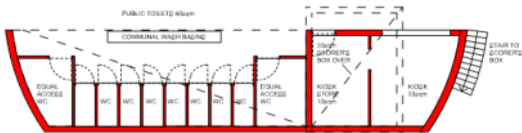
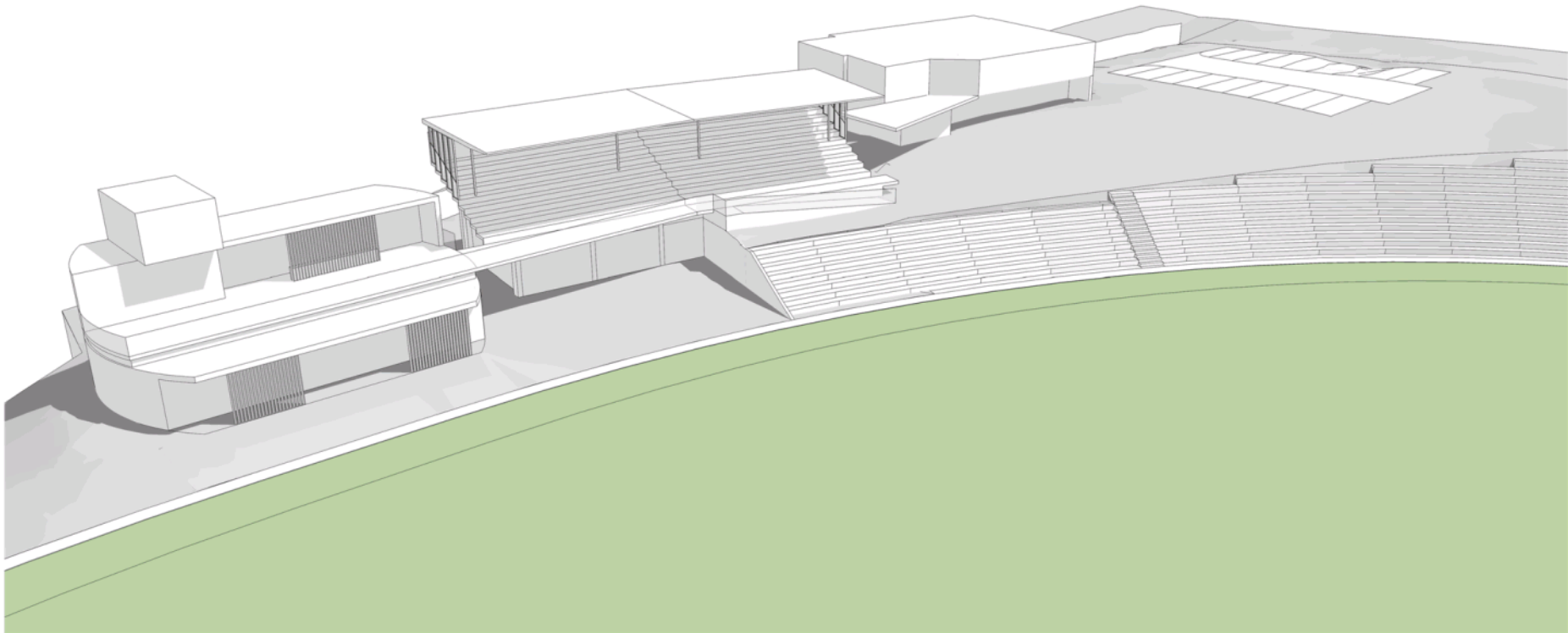
Kellie Williams
STRATEGIC RECREATION PLANNER

Neil Noye
DIRECTOR CITY LIFE

Date: 17 January 2023
File Reference: F22/97352

Attachment A: Queenborough Oval - Concept Update Lower Floor ↓ 
Attachment B: Queenborough Oval - Concep Update Upper Level ↓ 





PLAN UPPER LEVEL

NOTE 1. DO NOT SCALE DIMENSIONS FROM PRINTED DRAWING 2. VERIFY ALL DIMENSIONS ON SITE	REV	DATE	ISSUE/DESCRIPTION	LEGEND	<div>GAETANO PALMESE</div> <div>ARCHITECTS</div> <div>LEVEL: 1/5 MORRISON STREET HOBART TASMANIA 7000 T: 03 6294 0240 CONTACT: G. PALMESE@PALMESE.COM WWW.GAETANOPALMESE.COM</div>	<div><div>PROJECT HCC_QUEENBOROUGH OVAL</div><div>LOCATION SANDY BAY</div><div>DRAWING TITLE CONCEPT UPDATE / 3D VIEW</div><div>DATE 18 NOVEMBER 2022</div><div>SCALE 1:200 @ A3</div><div>DRAWN GP</div><div>CHECKED GP</div><div>PROJECT # X2115 SK-004</div></div>
NOMINATED ARCHITECT: GAETANO PALMESE TASMANIA BOA / REGISTERED ARCHITECT # 888 TASMANIA BUILDING PRACTITIONER ACCREDITATION # 0061640 ARN: 34 954 298 867						
COPYRIGHT: GAETANO PALMESE ARCHITECTS						

19. Mount Stuart Memorial Hall Lease Renewal
File Ref: F23/828; 60-1-6

Report of the Manager Community Programs and the Director Connected City
of 17 January 2023 and attachments.

Delegation: Council

REPORT TITLE: MOUNT STUART MEMORIAL HALL LEASE RENEWAL**REPORT PROVIDED BY:** Manager Community Programs
Director Connected City**1. Report Summary**

- 1.1. The purpose of this report is to consider a request for a lease renewal over the Mount Stuart Memorial Hall, 5a Raymont Terrace, Mount Stuart by the Mount Stuart Hall Inc. The request is provided at **Attachment A** to this report.
- 1.2. The Mount Stuart Memorial hall is a highly utilised facility with over 20 separate hirers/activities providing a broad range of recreational programs to the community.

2. Key Issues

- 2.1. The Mount Stuart Progress Association (entity now called the Mount Stuart Hall Inc.) has leased the Mount Stuart Memorial Hall, which is on Council property, since 1950.
- 2.2. Mount Stuart Inc. has met all of the obligations of their previous lease and have complied with the conditions of the agreement to a high standard.
- 2.3. The information provided by Mount Stuart Hall Inc. demonstrates that the hall is highly utilised with 20 groups or activities operating from the facility.

3. Recommendation***That:***

1. ***The Council grant a lease of five years to Mount Stuart Hall Inc. (ABN 48 639 071 260) for the Mount Stuart Memorial Hall, located at 5a Raymont Terrace, Mount Stuart at \$50.00 per annum (plus GST) in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
2. ***As part of the lease, Mount Stuart Hall Inc. is to be responsible for the full internal maintenance of 5a Raymont Terrace, Mount Stuart.***
3. ***The benefit provided by the Council be reported in the Council's Annual Report in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
4. ***The Chief Executive Officer be delegated the authority to negotiate and agree to the final lease terms.***

4. Background

- 4.1. The Mount Stuart Progress Association has leased the Mount Stuart Memorial Hall, which is on Council property, since 1950.
- 4.2. The most recent lease agreement which was for a five year term expired in 2020. Previously the lease was for a 21 year term that expired in 2009.
- 4.3. Council officers are in regular contact with the Association and an inspection of the buildings and surrounds has revealed that the lessee is complying with the conditions of the most recent agreement to a high standard.
 - 4.3.1. The Association's most recent audited financial statement, certificate of currency – public liability and CBOS annual return 2021 are attached at **Attachment B** to this report.
- 4.4. The lease agreement is similar to those in place for a number of community organisations where minimal rent is paid, proposed to be \$50 per annum, however it is proposed that full maintenance responsibilities for the internal areas of the facility (as detailed in the lease agreement) are undertaken by the lessee.
- 4.5. Assessment of the request was undertaken in accordance with Council Policy *Leases to Non Profit Organisations*.
- 4.6. Opteon was engaged to undertake a market valuation of the facility. The market rental value for the building determined by the valuer is \$44,000 (GST exclusive) per annum.
- 4.7. The benefit of reduced rental would be noted in the 2022/2023 Annual Report in accordance with the Council's policy in respect to grants and benefits disclosure.
- 4.8. It is proposed that the request for a new lease agreement be approved with conditions to be determined by the Chief Executive Officer.

5. Legal, Risk and Legislative Considerations

- 5.1. Any lease agreement will require the lessee to hold public liability insurance for the full term of the lease.

6. Discussion

- 6.1. It is proposed that the Council approve a new five year lease for the Mount Stuart Memorial Hall, located at 5a Raymont Terrace, Mount Stuart.
- 6.2. It is proposed that the lessee be charged \$50 per annum in rent, with full internal maintenance responsibilities being borne by the lessee.

- 6.3. The benefit of a reduced rental would be noted in the 2022/2023 Annual Report in accordance with the Council's policy in respect to grants and benefits disclosure.
- 6.4. The specific terms and conditions in the lease agreement be to the satisfaction of the Chief Executive Officer.
- 6.5. The new lease agreement will be developed by the Council's Legal Services Officer.

7. Hobart: A Community Vision For Our Island Capital

- 7.1. The provision and high utilisation of our community facilities is strongly aligned with multiple aspects of the community vision including community connection health and wellbeing.

8. Capital City Strategic Plan

- 8.1. This proposal is strongly aligned with many pillars and actions included in the *Capital City Strategic Plan 2019-29* specifically in the areas of community connections and wellbeing and is in direct alignment with the *City for All: Community Inclusion and Equity Framework*.

9. Financial Viability

- 9.1. Funding Source and Impact on Current Year Operating Result
 - 9.1.1. This proposal would not impact on the current year operating result.
- 9.2. Impact on Future Years' Financial Result
 - 9.2.1. This proposal would not impact on future years' operating result.
- 9.3. Asset Related Implications
 - 9.3.1. This proposal continues the existing asset management and maintenance arrangements.

10. Sustainability Considerations

- 10.1. The building services and asset management team consider opportunities to improve energy efficiency and minimise environmental impacts for the City's building assets.

11. Community Engagement

- 11.1. The members of Mount Stuart Hall Inc. have been engaged to provide information to assist in the development of this report.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.






Kimbra Parker
MANAGER COMMUNITY PROGRAMS



Jacqui Allen
DIRECTOR CONNECTED CITY

Date: 17 January 2023
File Reference: F23/828; 60-1-6

Attachment A: Mount Stuart Hall Inc Lease Request ↓ 
Attachment B: Mount Stuart Inc. Lease Documentation ↓ 
Attachment C: Criteria Assessment Mt Stuart Hall ↓ 



MOUNT STUART HALL INC

14 BYARD St, Mount Stuart, Tas. 7000.....ABN 48 639 071 260

President: Lynden Howells Ph 6234 1024

Secretary: Stewart Gardner Ph 0427 783560

Treasurer & Public Officer: Eric Pinkard Ph 0409 285 743

26 May 2022

The Chief Executive Officer
City of Hobart
GPO Box 503
HOBART TAS 7000

Dear Ms Grigsby

re LEASE OF MOUNT STUART MEMORIAL HALL

This representation letter is provided in connection with of the application for a lease arrangement for Mount Stuart Hall Inc ('the entity'). We recognise that obtaining representations from us concerning the information contained in this letter is a significant procedure in enabling you to form an opinion as to whether we meet the requirements of the Council's Leases to non-profit Organisations policy ("Policy").

Accordingly, we make the following representations, which are true to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

A. Compliance with Laws, Regulations and Council Policy

We have disclosed to you all known actual or suspected non-compliance with laws and regulations.

We confirm that we are a Not-for-profit Organisation for the purposes of the Policy and that we comply with the terms of the Policy.

B. Information Provided and Completeness of Information and Transactions

We confirm the completeness of information provided regarding the identification of related parties. We have disclosed to you the identity of the entity's Directors or Committee Members, related parties and all related parties and related party transactions of which we are aware, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements, guarantees, non-monetary transactions and transactions for no consideration for the period ended, as well as related balances due to or from such parties at the year end.

C. Not for profit status

We confirm our not-for-profit purpose and intent. We confirm we have obtained CBOS and ATO registration. If the purpose of our entity changes, we confirm we are under obligation to inform the Council and we understand that this can mean we no longer satisfy the terms of the Council's policy or lease agreement in place.

Booking Officer Gwen Vonk Ph 0478 983 624

Email: hallbookings@mountstuarttas.org.au

Further to the above we advise:

- a. A copy of our Annual Return (CBOS) for last year is attached.
- b. Current committee members are:
 - Lynden Howells (President)
 - Stewart Gardner (Secretary)
 - Eric Pinkard (Treasurer and Public Officer)
 - David Reeve
 - Louis Barnett
 - Rosemary Gardner
 - Scott Faulkner
- c. The only related party is Mount Stuart Residents Inc.
- d. The only conflicts of interest are:
 - i. We do not charge rent for Mount Stuart Residents Inc monthly meetings.
 - ii. We rent the Hall to Mount Stuart Scout Group at concessional rates
- e. Summary of hall users and benefits:
 - i. Community Hall
 - ii. The community benefits as we provide the Hall to regular tenants including:
 - a. Mount Stuart Scout Group
 - b. T'meika Knapp (Kimekai Tas Karate)
 - c. Sue Naden (Tai Chi)
 - d. Hobart Walking Club (meetings only)
 - e. Forward in Faith Ministry (Church)
 - f. Faith Baptist Church (Church)
 - g. Vicki Sauvage (Tai Chi)
 - h. Clare Sullivan (Yoga and wellness)
 - i. Mary Norman (Yoga)
 - j. Peter Hampson (Boot Camp)
 - k. Inado Masato (Kendo martial arts)
 - l. Katrina Keane (Belly dancing)
 - m. YuanYuan He (Dancing)
 - n. Margaret Egan (Yoga)
 - o. Meeta Gupta
 - p. Gilda Taurian (Dog training)
 - q. Dianne Gillie
 - r. Elise Dewar (Yoga)
 - s. Lee Kwang Ho (Kendo martial arts)
 - t. Wendy Hartshorn (Fitness and Exercise)
 - iii. Mount Stuart Hall Inc aligns with the following aspects of the Council's Strategic plan by providing opportunities for others:
 - a. To welcome people of all backgrounds
 - b. To facilitate inclusion, participation and belonging
 - c. To establish connections between nature, history, culture, businesses and each other
 - d. To develop meaningful experiences for residents
 - e. For entrepreneurs to grow and flourish
 - f. To encourage community engagement
 - g. To encouraging residents to be active, healthy and engaged in life-long learning
 - iv. Whilst no information has been provided on the annual rent Mount Stuart Hall Inc will be required to pay, we do not believe we will have any difficulty being able to meet this if the annual rent remains much the same as currently. We recommend a tenure period of 10 years.

We look forward to your response and finalisation of a new lease.

Yours faithfully

Stewart Gardner (Sec)

MOUNT STUART HALL INC

ABN 48 639 071 260

**NOTES TO AND FORMING PART OF THE ACCOUNTS
FOR THE YEAR ENDED 31st DECEMBER 2021****NOTE 1: STATEMENT OF ACCOUNTING POLICIES**

The following summary of significant accounting policies is given in order to assist in understanding the figures presented in the accounts:

A) BASIS OF ACCOUNTING

The accounts are general purpose financial reports that have been prepared in accordance with applicable Accounting Standards and other mandatory professional reporting requirements (Urgent Issues Group Consensus Views) and the requirements of the Associations Incorporations Act (1964). The accounts have been prepared in accordance with conventional historical cost principles and are not adjusted to take account of either changes in general purchasing power of the dollar or changes in the value of specific assets.

B) INCOME TAX

The Association pays no income tax, as it believes it is exempt from income tax under Section 23(g) of the Income Tax Assessment Act (1936).

C) GOODS & SERVICES TAX (GST)

The Association is not required to and has not registered for GST, but does have an Australian Business Number (ABN). Consequently, it must pay GST on some outgoings, but is unable to claim this back.

**NOTE 2: REMUNERATION OF COMMITTEE MEMBERS AND
EXECUTIVES AND RELATED PARTY TRANSACTIONS**

The names of the Committee Members who have held office during the year are:

Lynden Howells	Linley Grant
Eric Pinkard	Stewart Gardner
Leo Foley	Scott Faulkner
Rosemary Gardner	Louis Barnett
David Reeve	

Apart from reimbursements paid to the Committee Members to cover out-of-pocket expenditure no remuneration was paid to any Committee Member.

The Association has not undertaken, other than strictly on a commercial basis, any related party transactions with any Committee Member, spouse of a Committee Member, relative of a Committee Member or spouse, or Committee Member-related entities during the year.

**NOTE 3: SIGNIFICANT TRANSACTIONS SINCE THE END OF THE
FINANCIAL YEAR: Nil**

The accompanying notes form part of these financial statements

MOUNT STUART HALL INC

ABN 48 639 071 260

LIST OF COMMITTEE MEMBERS AS AT 31st DECEMBER 2021

PRESIDENT	Lynden Howells 9 Weerona Ave Mount Stuart Tas 7000	
SECRETARY	Stewart Gardner 34 Elphinstone Rd Mount Stuart Tas 7000	
TREASURER & PUBLIC OFFICER	Eric Pinkard 7 Ogilvie St Mount Stuart Tas 7000	
COMMITTEE	Linley Grant 79 Mount Stuart Road Mount Stuart Tas 7000	Leo Foley 8 Rosina Court Mount Stuart Tas 7000
	Scott Faulkner 3 Newlands Ave Lenah Valley Tas 7008	Rosemary Gardner 34 Elphinstone Rd Mount Stuart Tas 7000
	David Reeve 9 Darling Pde Mount Stuart Tas 7000	Louis Barnett 2/10 Auvergne Ave Mount Stuart Tas 7000

Dated at Bellerive this16th.....day ofMARCH.....2022


 (Auditor)



06 September 2022

Certificate of Currency - General Liability

NAMED INSURED: Mount Stuart Hall Inc

INTERESTED PARTIES: Hobart City Council

POLICY NUMBER: SFTAS000016

PERIOD OF INSURANCE: From 4:00 pm on 30 Aug 2022 to 4:00 pm on 30 Aug 2023

LIMIT OF INDEMNITY:


Public Liability In respect of any one occurrence during the period of insurance.	\$20,000,000
Products Liability In respect of all claims during the period of insurance and in the aggregate.	\$20,000,000

SUBLIMITS:

Property in your Physical or Legal Control In respect of any one occurrence during the period of insurance	\$250,000
Claims Preparation Costs.	\$50,000

GEOGRAPHICAL LIMITS: Worldwide excluding North America.

ISSUED BY: Community Underwriting on behalf of Berkley Insurance Company Trading as Berkley Insurance Australia


Sarogini Millott
Chief Underwriting Officer

MOUNT STUART HALL INC

ABN 48 639 071 260

INCOME & EXPENDITURE STATEMENT YEAR ENDED 31 DECEMBER 2021

	2021	2020
INCOME		
Rent Received	\$71,796.50	\$39,578.00
Interest Income ING Direct	35.01	158.85
Heater Meter Receipts	689.35	255.05
Grants Received		19,500.00
Miscellaneous Income	100.00	
TOTAL INCOME	\$72,620.86	\$59,491.90
EXPENDITURE		
Annual Fee	\$64.80	\$64.80
Annual Lease	55.00	55.00
Caretaker's Wages	8,000.00	22,000.00
Caretaker's Super	1,529.06	1,963.38
Cleaning	16,127.50	12,155.00
Commissions	7,639.50	2,530.95
Copyright Fees	27.28	
Electricity	4,979.27	3,578.37
Insurance	2,554.85	2,263.05
Miscellaneous Expenses	122.22	100.00
Rates	966.97	913.43
Repairs & Maintenance	4,485.74	27,015.01
Stationery	29.96	63.65
Supplies	1,058.62	1,542.87
Telephone	280.00	240.00
Water & Sewerage Charges	1,310.46	943.52
TOTAL EXPENSES	\$49,231.23	\$75,429.03
SURPLUS/(DEFICIT) FOR THE YEAR	\$23,389.63	-\$15,937.13

The accompanying notes form part of these financial statements

MOUNT STUART HALL INC

ABN 48 639 071 260

STATEMENT OF ASSETS & LIABILITIES AS AT 31 DECEMBER 2021

	2021	2020
ACCUMULATED FUNDS		
Opening Balance	\$47,737.10	\$63,674.23
Surplus/(Deficit) for the Year	23,389.63	-15,937.13
Closing Balance	<u>\$71,126.73</u>	<u>\$47,737.10</u>
This is represented by:-		
<u>Assets</u>		
Cash on Hand	\$100.00	\$100.00
ANZ Bank	35,351.40	17,096.78
ING Direct Account	37,625.33	32,590.32
Mount Stuart Residents Inc		
Total Assets	\$73,076.73	\$49,787.10
<u>Less Liabilities</u>		
Key Bonds	\$1,600.00	\$1,500.00
Security Bonds	350.00	550.00
Unspent Grants		
Total Liabilities	1,950.00	2,050.00
Net Assets	<u>\$71,126.73</u>	<u>\$47,737.10</u>

The accompanying notes form part of these financial statements

AUDITORS REPORT TO MEMBERSMOUNT STUART HALL INC.

I have examined the financial records and supporting documents of Mount Stuart Residents Inc., for the financial year ended 31st December 2021.

I report as follows;

I have obtained all the information required to complete the audit.

The attached Financial Statement of Receipts and Expenditure are properly drawn up to exhibit a true and correct view of the financial position, according to the information at my disposal and explanations provided to me.

The rules relating to the administration of the funds appear to have been observed.



*Alan R. Beardwood
(Hon. Auditor.)*

16th March 2022.

MOUNT STUART HALL INC

ABN 48 639 071 260


STATEMENT BY MEMBERS OF THE COMMITTEE

In the opinion of the Committee, the financial statements as set out on Pages 2 to 4:

1. Present fairly the financial position of Mount Stuart Hall Inc as at 31st December 2021 and the results of the Association for the year ended on that date.
2. At the date of this statement, there are reasonable grounds to believe that Mount Stuart Hall Inc. will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

President 
Lynden Howells

Treasurer 
Eric Pinkard

The accompanying notes form part of these financial statements

Page 1 of 4

Department of Justice

Justice Building, 100 Waterfront Way, Hobart TAS 7000



Fees payable when lodged:

- * Less than 6 months after the end of the financial year = \$66.00
- * More than 6 months but less than 7 months after the financial year = \$74.25
- * More than 7 months after the end of the financial year = \$90.75

MOUNT STUART HALL INC.
14 BYARD STREET
MOUNT STUART TAS 7000

PRODUCT CODE: BAAR

ANNUAL RETURN OF ASSOCIATION

Registration Number: 02480C
Financial Year Date: 31 December 2021
Name of Association: MOUNT STUART HALL INC.

1. DATE OF ANNUAL GENERAL MEETING 7th day of May year 2022
being the meeting at which the association's audited financial statements for the above financial year were presented.

2. POSTAL ADDRESS: 14 BYARD STREET MOUNT STUART TAS 7000
If recorded details have changed please complete below.

Date of Change / /

3. REGISTERED OFFICE: 14 BYARD STREET MOUNT STUART TAS 7000
If recorded details have changed please complete below. (A Post Office box is not acceptable)

Date of Change / /

4. CURRENT OFFICE BEARERS: If recorded details of any officer have changed please complete below)
President: LYNDEN HOWELLS, 9 WEERONA AVENUE, MOUNT STUART TAS 7000

Name:
Address:

Date of Change / /

(A Post Office box is not acceptable)

Public Officer: ERIC STANLEY PINKARD, 7 OGILVIE ST, MOUNT STUART TAS 7000

Name:
Address:

Date of Change / /

(A Post Office box is not acceptable)

Secretary: STEWART GARDNER, 34 ELPHINSTONE ROAD, MOUNT STUART TAS 7000

Name:
Address:

Date of Change / /

(A Post Office box is not acceptable)

Treasurer: ERIC PINKARD, 7 OGILVIE STREET, MOUNT STUART TAS 7000

Name:
Address:

Date of Change / /

(A Post Office box is not acceptable)

PLEASE READ OTHER SIDE

SEE REVERSE

ANNUAL RETURN

5. DETAILS OF AUDITORFull Name: Alan BeardwoodAddress: 1 Waverley Court Bellerive Tas 7018**6. CHANGE OF PUBLIC OFFICER DETAILS (signature required)**

Full Name of Public Officer: _____

Residential Address: _____

Suburb: _____ Postcode: _____

Daytime Contact Phone No: (____) _____

Email: _____

Was on the _____ day of _____ 20 _____ appointed Public Officer of the Association.

Signature of Public Officer: _____

LEGAL correspondence will be sent to the Public Officer's residential address.**GENERAL** correspondence will also be sent to the Public Officer's residential address unless a postal address is provided on the front of this annual return form.

PLEASE ATTACH THE FOLLOWING	PERSONAL INFORMATION PROTECTION STATEMENT
<ul style="list-style-type: none"> Income and expenditure statements List of committee members for the reporting period (this must include residential address and be signed by the auditor if required) Auditors report (if revenue over \$250,000 or if rules require an audit to be completed) Lodgement fee 	<p>Criminal, Building and Taxation Services (CBOS) will collect personal information from you for the purpose of processing this application. You are requested to provide this information by the Association in accordance with the Privacy Act. Failure to provide this information may result in your application not being processed. Your personal information will be used for the primary purpose to which it is collected and may be disclosed to other authorised organisations. Personal information will be managed in accordance with the Personal Information Protection Act 2004 and may be accessed by the individual to whom it relates or request to CBOS. You may be charged a fee for this service.</p>
PAYMENT	
FILING FEE: Fees increase 1 July each year. Documents printed prior to this date may be subject to a higher fee.	PAYING BY POST Payment can be forwarded by post to: CBOS Registration Services PO Box 56 Rosny Park TAS 7018 Enquiries Phone: 1300 654 499
PAYING IN PERSON Payment can be made in person at Service Tasmania outlets Payments can be made by: Cash (Service Tasmania) Eftpos (Service Tasmania) Money Order made payable to Registration Services Cheque made payable to Registration Services Credit Card (Master, Visa, Bankcard)	
ONLINE LODGEMENT There are new online forms and our preference is to submit the form online with credit card details.	

For further information visit our website at

www.cbos.tas.gov.au

or email CBOS at

registration.services@justice.tas.gov.au

The Mount Stuart Hall president's report for the AGM held in April 2022.

The hall continues to be utilised more and more, providing an attractive and welcoming venue for both ongoing and new tenants. Additionally, it has hosted cultural events and meetings, children's birthday parties, weaning ceremonies, a hockey club annual fundraiser, and our monthly recycling drop off day on the first Saturday of each month. Particular thanks go to Stewart Gardner in this regard, not only for pioneering and launching the concept, but being a physical presence on these Saturdays (along with David Reeve and other committee members from time to time) on a very regular basis.

We farewelled three groups during the past year but retained the other nine or ten.

Thanks in no small part to the incredible efforts and time commitment of Gwen Vonk, our booking officer, we now have 12 additional groups – four yoga teachers, tai chi, kendo, two belly dancing classes, Lenah Valley and New Town Probus, regular Mindfulness workshops, and private dancing tuition. We are so lucky to have Gwen's services and express our deep thanks to her.

On the financial side, we spent \$4,500, mostly on essential repairs and maintenance. Our regular cleaning service, Helping Hands, has been with us since July 2016, and provides excellent, exemplary work – keeping everything spic and span. Hobart City Council replaced the cover to the downstairs entrance, which was demolished by very strong winds.

Lastly, may I pay tribute to all the present committee members: Scott Faulkner, Stewart and Rosemary Gardner, Eric Pinkard, David Reeve, Linley Grant, and (most recently) Louis Barnett. At the risk of singling one person out, I need to restate that Eric continues to provide hours and hours of time and labour every week, month in and month out – way past what one could normally expect. Sincere thanks, Eric.

Thanks all of you,

Lynden Howells.

Mount Stuart Memorial Hall**Leases to Non-Profit Organisations – Criteria Response**

Criteria	Comments
Use, or proposed use of the property	Community hall
Alignment with the Council Strategic Plan and other relevant Council strategic documents	This proposal is strongly aligned with many pillars and actions included in the <i>Capital City Strategic Plan 2019-29</i> specifically in the areas of community connections and wellbeing and is in direct alignment with the <i>City for All: Community Inclusion and Equity Framework</i> .
Level of community benefit – proposed or provided, which could include one or more of the following: <ul style="list-style-type: none"> • Health and wellbeing • Lifelong learning • Arts and culture • Social inclusion • Heritage and history • Economic • Environment / environment management • Welfare 	<p>The community hall is highly utilised for a broad range of community programs. There are approximately 20 regular hirers delivering activities for community members of all ages from scout groups to programs for older people.</p> <p>The hall is available for hire at a reasonable community rate and is accessible for all community members with access improvements completed approximately five years ago.</p> <p>The hall is managed by a team of community volunteers who contribute a significant amount of time and energy to maintaining, protecting and utilising this venue for community use.</p>
Value of land and buildings	\$44,000 (per annum)
Potential for alternative use	This facility has been built has a multipurpose community facility.
Viability and capability of the organisation	Mount Stuart Hall Inc. (previously the Progress Association) have been managing this facility to a high standard for many years with an active volunteer management group.
Capacity to pay, after all income and expenditure is taken into account	Mount Stuart Hall Inc. have demonstrated capacity to pay for all outgoings required to manage this facility.

Criteria	Comments
Capacity to invest in and maintain the asset, or degree of capital investment undertaken	Mount Stuart Inc. are responsible for internal maintenance and have managed this to a high standard. Capital investment in the asset is the responsibility of the City.
Type of facility	Community Hall
Capacity to invest in the community, or level of community investment provided, through disbursement of surplus funds to local community groups, organisations or activities	Funds received through the hiring of the facility are invested back into the maintenance and running costs of the premises.
Length of tenure sought	5 years
For lease renewals only, the level of compliance with existing lease terms and conditions	Mount Stuart Inc. have fully complied with existing lease terms and conditions.

20. Sandy Bay Scout Hall Lease Renewal
File Ref: F23/1638

Report of the Manager Community Programs and the Director Connected City
of 17 January 2023 and attachments.

Delegation: Council

REPORT TITLE: SANDY BAY SCOUT HALL LEASE RENEWAL

REPORT PROVIDED BY: Manager Community Programs
Director Connected City

1. Report Summary

- 1.1. The purpose of this report is to consider a request for a lease renewal over the Sandy Bay Scout Hall, 617 Sandy Bay Road, Sandy Bay by Scouts Australia. The request is provided at **Attachment A** to this report.
- 1.2. The Sandy Bay Scout Hall has been home to Sandy Bay Scout Group (SBSG) for over 50 years - with members both youth and parents representing generations who've been involved in the Scouts. Currently providing youth activities for 35 youth in the area, the young people who go through the programme develop into strong community participants and leaders.

2. Key Issues

- 2.1. Scouts Australia has leased this facility for over 50 years.
- 2.2. SBSG is a community of volunteers (typically parents of the youth), coming together to create a shared experience for youth members. They represent a wide range of values and experiences, and the group itself is accessible to families of all incomes and means.
- 2.3. The Sandy Bay Scout Group uses the hall to run Scout Group activities for youth members aged 5 through to 18 years of age. This program develops self confidence, leadership, outdoor skills and civic responsibility through youth leadership supported by adults. They currently run three sections (Cubs, Scouts, and Venturers) with weekly/fortnightly meeting nights depending on adult volunteer availability, and the hall also stores gear for our various outdoor activities.
- 2.4. Beyond Scout Group activity, they are also in the process of developing ties with local business and community - for now they have a friendly arrangement with the Hobart Twilight Market to help store their trailer and other items - and over time they would like to help manage the hall towards availability as a community resource when it's not being used for Scouting activities.

3. **Recommendation**

That:

1. ***The Council grant a lease of five years to Scouts Australia (ABN 88 43651 823 348) for the Sandy Bay Scout Hall, located 617 Sandy Bay Road, Sandy Bay at \$50.00 per annum (plus GST) in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
2. ***As part of the lease, Scouts Australia is to be responsible for the internal and external maintenance of 617 Sandy Bay Road, Sandy Bay.***
3. ***The benefit provided by the Council be reported in the Council's Annual Report in accordance with the Council's Policy: Leases to Non-Profit Organisations.***
4. ***The Chief Executive Officer be delegated the authority to negotiate and agree to the final lease terms.***

4. **Background**

- 4.1. Scouts Australia has leased the Sandy Bay Scout Hall, which is on Council property, for over 50 years.
- 4.2. The most recent lease agreement which was for a five plus five year term expiring in March 2021.
- 4.3. The operational management of this facility has recently transferred to the Community Programs Unit and Council officers have been in regular contact with Scouts Australia with recent maintenance works being undertaken.
- 4.4. Scouts Australia's most recent ACNC Registration, ASIC Registration, Board Member listing and additional information sheet are attached at **Attachment B** to this report.
- 4.5. The lease agreement is similar to those in place for a number of community organisations where minimal rent is paid, proposed to be \$50 per annum, however it is proposed that full maintenance responsibilities for the internal and external areas of the facility (as detailed in the lease agreement) are undertaken by the lessee.
- 4.6. Assessment of the request was undertaken in accordance with Council Policy Leases to Non Profit Organisations with the assessment of the criteria shown at **Attachment C**.

- 4.7. Opteon was engaged to undertake a market valuation of the facility. The market rental value for the building determined by the valuer is \$17,000 (GST exclusive) per annum.
- 4.8. The benefit of a reduced rental would be noted in the 2022/2023 Annual Report in accordance with the Council's policy in respect to grants and benefits disclosure.
- 4.9. It is proposed that the request for a new lease agreement be approved with conditions to be determined by the Chief Executive Officer.

5. Legal, Risk and Legislative Considerations

- 5.1. Any lease agreement will require the lessee to hold public liability insurance for the full term of the lease.

6. Discussion

- 6.1. It is proposed that the Council approve a new five year lease for the Sandy Bay Scout Hall, located at 617 Sandy Bay Road, Sandy Bay.
- 6.2. It is proposed that the lessee be charged \$50 per annum in rent, with full internal and external maintenance responsibilities being borne by the lessee.
- 6.3. The benefit of a reduce rental would be noted in the 2022/2023 Annual Report in accordance with the Council's policy in respect to grants and benefits disclosure.
- 6.4. The specific terms and conditions in the lease agreement be to the satisfaction of the Chief Executive Officer.
- 6.5. The new lease agreement will be developed by the Council's Legal Services Officer.

7. Hobart: A Community Vision For Our Island Capital

- 7.1. The provision and high utilisation of our community facilities is strongly aligned with multiple aspects of the community vision related to provision of appropriate, well maintained community facilities that support community connection, health and wellbeing.

8. Capital City Strategic Plan

- 8.1. This proposal is strongly aligned with many pillars and actions included in the *Capital City Strategic Plan 2019-29* in the areas of community connection and social cohesion, health and wellbeing and is in direct alignment with the *City for All: Community Inclusion and Equity Framework*.

9. Financial Viability**9.1. Funding Source and Impact on Current Year Operating Result**

9.1.1. This proposal would not impact on the current year operating result.

9.2. Impact on Future Years' Financial Result

9.2.1. This proposal would not impact on future years' operating result.

9.3. Asset Related Implications

9.3.1. This proposal continues the existing asset management and maintenance arrangements.

10. Sustainability Considerations

10.1. The building services and asset management team consider opportunities to improve energy efficiency and minimise environmental impacts for the City's building assets.

11. Community Engagement

11.1. Scouts Australia has been engaged to provide information to assist in the development of this report.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.






Kimbra Parker
MANAGER COMMUNITY PROGRAMS



Jacqui Allen
DIRECTOR CONNECTED CITY

Date: 17 January 2023
File Reference: F23/1638

Attachment A: Sandy Bay Scout Hall - Lease Letter ↓ 
Attachment B: Scouts Tasmania Documents ↓ 
Attachment C: Criteria Assessment Sandy Bay Scout Hall ↓ 



Tasmanian Branch
The Lea Scout Centre
330 Proctors Road
Kingston 7050

Phone 03 6229 9385 or 1800 072 688
Email office@tas.scouts.com.au
ABN 88 436 518 233

30th June 2022

Kelly Grigsby
Chief Executive Officer
Hobart City Council
50 Macquarie Street
Hobart TAS 7000

Dear Kelly

Scouts Australia (Tasmania Branch)

This representation letter is provided in connection with of the application for a lease arrangement for *Scouts Australia (Tasmania Branch)* ('the entity'). We recognise that obtaining representations from us concerning the information contained in this letter is a significant procedure in enabling you to form an opinion as to whether we meet the requirements of the Council's Leases to non-profit Organisations policy ("Policy").

Accordingly, we make the following representations, which are true to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

A. Compliance with Laws, Regulations and Council Policy

We have disclosed to you all known actual or suspected noncompliance with laws and regulations.

We confirm that we are a Not-for-profit Organisation for the purposes of the Policy and that we comply with the terms of the Policy.

B. Information Provided and Completeness of Information and Transactions

We confirm the completeness of information provided regarding the identification of related parties. We have disclosed to you the identity of the entity's Directors or Committee Members, related parties and all related parties and related party transactions of which we are aware, including sales, purchases, loans, transfers of assets, liabilities and services, leasing arrangements, guarantees, non-monetary transactions and transactions for no consideration for the period ended, as well as related balances due to or from such parties at the year end.

C. Not for profit status

We confirm our not-for-profit purpose and intent. We confirm we have obtained CBOS or ACNC registration. If the purpose of our entity changes, we confirm we are under obligation to inform the Council and we understand that this can mean we no longer satisfy the terms of the Council's policy or lease agreement in place.

D. Enclosures

We have provided the following as an appendix to this letter:

- Evidence of ACNC or CBOS registration.
- List of all past and present Directors or Committee Members.
- List of all related parties, transactions and arrangements in place; and
- details of any conflicts of interest within the governance of the Entity (including, but not limited to, the provision of services)

Yours faithfully,



Nigel Clutterbuck
Branch President
Scouts Tasmania



Phil Harper
Board Member / Chief Commissioner
Scouts Tasmania

The Scout Association Of Australia Tasmanian Branch

✓ Charity is registered.

✓ Charity reporting is up to date.

Charity details

Also known as:	Hobart Bush Cabins Scouts Tasmania
ABN:	88436518233
Address:	330 Proctors Rd Kingston TAS, 7050, Australia
Email:	office@tas.scouts.com.au
Address For Service email:	office@tas.scouts.com.au
Website:	tas.scouts.com.au
Phone:	(03) 6229 9385
Charity Size:	Medium
Who the charity helps:	Adults - aged 25 to under 65 Adults - aged 65 and over Children - aged 6 to under 15 Early childhood - aged under 6 Environment Families Females General community in Australia Males Youth - 15 to under 25
Date established:	1 January 1969
Last reported:	6 May 2022
Next report due:	30 June 2023
Financial year end:	31/12

Summary of activities

The Mission for Scouting is to contribute to the education of young people, through a value system based on the Scout Promise and Law, to help build a better world where people are self-fulfilled as individuals and play a constructive role in society. This is achieved by involving them throughout their formative years in a non-formal educational process. Using a specific method that makes each individual the principal agent in his or her development as a self-reliant, supportive, responsible, and committed person. Assisting them to establish a value system based upon spiritual, social, and personal principles as expressed in the Promise and Law.

Charity programs

Scouts Tasmania
Scouts Australia

Where the charity operates

States: Tasmania

Using the information on the Register

Information on the Charity Register has been provided to the ACNC by charities. If information is not shown, this may be because it has not yet been provided. The ACNC may also approve information be withheld from the Charity Register in certain circumstances. [Read more about information on the Charity Register.](#)

**ASIC**

Australian Securities & Investments Commission

Record of Registration for Business Name

Business name information for:

Hobart Bush Cabins

This Record of Registration contains information recorded on the Australian Securities and Investments Commission's (ASIC) register under section 33(8) of the Business Names Registration Act 2011.

Date: 8 September 2015

Next renewal date: 8 September 2024

Record of registration issued by the Australian Securities and Investments Commission on 12 August 2021

Rosanne Bell
Senior Executive Leader
Registry

RECORD OF REGISTRATION

**ASIC**

Australian Securities & Investments Commission

Summary of business name details

Business name: Hobart Bush Cabins**Registration date:** 8 September 2015**Status:** Registered**Period of registration:** 3 Years**Next renewal date:** 8 September 2024

Business name holder details

Business name holder: The Scout Association Of Australia Tasmanian Branch**Holder type:** Other Unincorporated Entity**ABN:** 88436518233**Organisational representative:** Jeannette Vogels**Residential address:** 330 Proctors Rd Kingston TAS 7050 Australia**Email address:** tas.bhq@tas.scouts.com.au**Organisational representative:** Jan Stewart**Residential address:** lvl 1 160 Collins St Hobart TAS 7000 Australia**Email address:** jan.stewart@wlf.com.au

Addresses

Address for service of documents

330 Proctors Rd
Kingston TAS 7050
Australia

Principal place of business

330 Proctors Rd
Kingston TAS 7050
Australia

Email

RECORD OF REGISTRATION



ASIC

Australian Securities & Investments Commission

office@tas.scouts.com

RECORD OF REGISTRATION

Disclaimer

While every effort has been made to ensure the reliability and accuracy of the information in this record, ASIC does not guarantee or warrant the accuracy or authenticity of the information. ASIC will not be liable for any damage or loss arising from any incorrect or incomplete information provided.

Sandy Bay Scout Hall – additional information

- (e) a summary of the:
 - (i) intended use of the Hall;
 - (ii) level of community benefit of Scouts Tasmania;
 - (iii) alignment of Scouts Tasmania with the Council's Strategic Plan;
 - (iv) Scouts Tasmania's capacity to pay rent; and
- (f) the length of tenure being sought.

Intended use of the hall.

The Sandy Bay Scout Group uses the hall to run Scout Group activities for youth members aged 5 through to 18 years of age. This program develops self confidence, leadership, outdoor skills and civic responsibility through youth leadership supported by adults. We currently run three sections (Cubs, Scouts, and Venturers) with weekly/fortnightly meeting nights depending on adult volunteer availability, and the hall also stores gear for our various outdoor activities.

Beyond Scout Group activity, we are also in the process of developing ties with local business and community - for now we have a friendly arrangement with the Hobart Twilight Market to help store their trailer and other items - and over time we'd like to help manage the hall towards availability as a community resource when it's not being used for Scouting activities.

Community Benefit

The Sandy Bay Scout Hall has been home to Sandy Bay Scout Group for over 50 years - our members both youth and parents represent generations who've been involved in the Scouts. Currently providing youth activities for 35 youth in the area, the young people who go through our programme develop into strong community participants and leaders.

We also appreciate the recent joint investment in the Hall by Council and the Scout Group - between us renewing the electrical and plumbing of the Hall, and would hope with appropriate effort the hall can be developed into a community asset for other activities alongside Scouting.

Alignment with Council Strategic Plan

Sandy Bay Scout Group activities align strongly with many aspects of the Council Strategic Plan.

Pillar 1 - Sense of place

SBSG's history and heritage, and the hall itself are a long standing part of Lower Sandy Bay. The activities we undertake are deeply rooted in the history of this city, and its natural environment.

Pillar 2 - Community inclusion, participation and belonging

SBSG is a community of volunteers (typically parents of the youth), coming together to create a shared experience for our youth members. We represent a wide range of values and experiences, and the group itself is accessible to families of all incomes and means.

Pillar 6 - Natural environment

Scouts has many outdoor activities as part of its focus, and that provides our youth members an avenue to understand, appreciate, make use of, and protect the natural environment that makes Hobart such a wonderful place to live.

Scouts Capacity to Pay Rent

Scouts is a not for profit organisation, and the Sandy Bay Scout Group generally runs either break even, or at a slight loss. Our income is primarily comprised of yearly levies and community fundraising, and our outgoings include insurance, hall utilities and maintenance, and gear for our activity programs.

We are sustained entirely by the generous volunteer labour of our members, and our ability to run a youth program and grow sustainably would be significant curtailed by a high rental cost - and also impact our ability to retain members in financial hardship.

Length of Tenure being sought

Sandy Bay Scout Group has deep roots in this hall, as previously stated it's been our home for over 50 years. While the Group ebbs and flows as our volunteers come and go, we are growing our youth membership and building the hall's viability as a community resource over the coming years. Stability provides support to that endeavour and we would welcome the longest duration Council deems suitable for this kind of community resource.

BEC MEMBERS as at 22 April 2021									
	Title	Name	Surname	Status	Position	Note	1st term	2nd Term	Expiring
1	Mr	Mike	Hovington	Uniform	Ex-off	Chief	2016	2019	2022
2	Mr	Phil	Harper	Uniform	Ex-off	Dep Chief	2021		
3	Mr	Nigel	Clutterbuck	Elected member		President	2021		
4	Mr	Stuart	Morse	Elected member		Treasurer	2020		
5	Mr	Griffin	Blizzard	Elected member		Vice- President	2021		
6	Mr	Owen	Hollaway	Elected member		Uniformed	2019	2021	
7	Ms	Ruth	Harderson	Elected member		Uniformed	2020	2023	
9				Elected member		Uniformed			
9	Mr	Jeremy	Kerr	Elected member		Non-uniformed	2019	2022	
10				Elected member		Non-uniformed			
11	Mrs	Nikole	Wright	Elected member		Non-uniformed	2020	2023	
12	Miss	Emily	Ezzy	Uniform Ex-off		Youth member	2018		
13	Ms	Bec	Edson	Uniform Ex-off		North DC rep	2021		
14	Mr	Alan	Dolbey	Uniform Ex-off		NW DC rep	2021		
15	Ms	Maria	Dreen	Uniform Ex-off		Sth DC rep	2021		
<p>PRINCIPLES</p> <p>Constitution</p> <p>C9.3 Elected members, of whom not more than three (3) may be uniformed members. Elected members need not be members of the Branch Council.</p> <p>One third of the elected members shall retire on completion of their term of office subject to no elected members serving for more than six (6) consecutive years. The elected members shall be men and women who, in the opinion of the Council, offer expertise which will be of benefit to the Branch Executive Committee in the exercise of its responsibilities.</p> <p>Interpretation: This means that (1) there may be no more than 3 Elected uniformed members. (2) that in respect of all elected members (uniformed and non-uniformed) the term of office is 3 years after which one third of elected members may retire and the other two thirds are eligible to re-nominated for a 2nd and final term.</p> <p>Implication: The Branch must separately advertise for members to fill one term vacancy and up to two-term vacancy</p>									

BEC MEMBERS as at May 2022									
Title	Name	Surname	Status	Position	Note	1st term	2nd Term	Expiring	
1	Mr	Phil	Harper	Uniform Ex-off	Chief		2022	2025	
2	Mr	Murat	Diakic	Uniform Ex-off	Dep Chief		2022	2025	
3	Mr	Nigel	Clutterbuck	Elected member	President		2022	2025	2021 Caretaker President
4	Mr	Stuart	Morse	Elected member	Treasurer		2020	2023	
5	Mr	Griffin	Blizzard	Elected member	Vice- President		2022	2025	2021 Caretaker Vice President
6	Mrs	Gerardine	Harwood	Elected member	Uniformed		2022	2024	
7	Mr	Michael	Hoxington	Elected member	Uniformed		2020	2022	
9	Ms	Ruth	Henderson	Elected member	Uniformed		2019	2025	
9	Mr	Jeremy	Kerr	Elected member	Non-uniformed		2022	2024	
10	Mr	Harry	Quirk	Elected member	Non-uniformed				
11	Miss	Emily	Ezzy	Uniform Ex-off	Youth member		2018		
13	Ms	Bec	Edson	Uniform Ex-off	North DC rep		2021	2025	
14	Mr	Alan	Dolbey	Uniform Ex-off	NW DC rep		2021	2025	
15	Ms	Maria	Direan	Uniform Ex-off	Sth DC rep		2021	2025	
					2 Term Expiry				
					Can be re-elected				
PRINCIPLES									
Constitution									
C9.3 Elected members, of whom not more than three (3) may be uniformed members. Elected members need not be members of the Branch Council.									
One third of the elected members shall retire on completion of their term of office subject to no elected members serving for more than six (6) consecutive years. The elected members shall be men and women who, in the opinion of the Council, offer expertise which will be of benefit to the Branch Executive Committee in the exercise of its responsibilities.									
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Implication: The Branch must separately advertise for members to fill one term vacancy and up to two-term vacancy									

Sandy Bay Scout Hall**Leases to Non-Profit Organisations – Criteria Response**

Criteria	Comments
Use, or proposed use of the property	Community hall
Alignment with the Council Strategic Plan and other relevant Council strategic documents	This proposal is strongly aligned with many pillars and actions included in the <i>Capital City Strategic Plan 2019-29</i> specifically in the areas of community connections and wellbeing and is in direct alignment with the <i>City for All: Community Inclusion and Equity Framework</i> .
<p>Level of community benefit – proposed or provided, which could include one or more of the following:</p> <ul style="list-style-type: none"> • Health and wellbeing • Lifelong learning • Arts and culture • Social inclusion • Heritage and history • Economic • Environment / environment management • Welfare 	<p>The Sandy Bay Scout Group uses the hall to run Scout Group activities for youth members aged 5 through to 18 years of age. This program develops self confidence, leadership, outdoor skills and civic responsibility through youth leadership supported by adults. They currently run three sections (Cubs, Scouts, and Venturers) with weekly/fortnightly meeting nights depending on adult volunteer availability, and the hall also stores gear for our various outdoor activities.</p> <p>Beyond Scout Group activity, they are also in the process of developing ties with local business and community - for now we have a friendly arrangement with the Hobart Twilight Market to help store their trailer and other items - and over time they would like to help manage the hall towards availability as a community resource when it's not being used for Scouting activities.</p> <p>The Sandy Bay Scout Hall has been home to Sandy Bay Scout Group for over 50 years - members both youth and parents represent generations who've been involved in the Scouts. Currently providing youth activities for 35 youth in the area, the young people who go through the program develop into strong community participants and leaders</p>
Value of land and buildings	\$17,000 (per annum)
Potential for alternative use	This facility was built specifically as a facility for scouting activities.

Criteria	Comments
Viability and capability of the organisation	The Sandy Bay Scout Group sits under Scouts Tasmania and Scouts Australia which is a national organisation with strong history and capacity to manage this facility.
Capacity to pay, after all income and expenditure is taken into account	Scouts Tasmania have the capacity to pay for all outgoings required to manage this facility.
Capacity to invest in and maintain the asset, or degree of capital investment undertaken	Mount Stuart Inc. are responsible for maintenance of the facility. Capital investment in the asset is the responsibility of the City.
Type of facility	Community Facility
Capacity to invest in the community, or level of community investment provided, through disbursement of surplus funds to local community groups, organisations or activities	Any funds received through the operation of the scout hall would be invested back into the maintenance and running costs of the premises.
Length of tenure sought	As long as possible
For lease renewals only, the level of compliance with existing lease terms and conditions	Scouts Tasmania has fully complied with existing lease terms and conditions.

**21. Long Beach Reserve Sandy Bay - Request to install memorial plaque for
175th anniversary of Sandy Bay Regatta Association
File Ref: F23/1163; 5601657R**

Report of the Program Leader Arboriculture & Nursery, the Parks and Reserves
Program Officer and the Director City Life of 17 January 2023 and attachments.

Delegation: Council

**REPORT TITLE: LONG BEACH RESERVE SANDY BAY - REQUEST TO
INSTALL MEMORIAL PLAQUE FOR 175TH
ANNIVERSARY OF SANDY BAY REGATTA
ASSOCIATION**

REPORT PROVIDED BY: Program Leader Arboriculture & Nursery
Parks and Reserves Program Officer
Director City Life

1. Report Summary

- 1.1. The purpose of this report is to seek approval for the installation of a memorial plaque associated with a tree planting at the Long Beach Reserve.
- 1.2. The request is from Peter Douglas Chairman of the Sandy Bay Regatta Association (SBRA) as part of a commemorative ceremony to mark the 175th Regatta to be held on 26th January 2023. This is understood to be the longest running, continuously operating regatta of its type in the southern hemisphere, commencing in 1848.
- 1.3. It is proposed that Her Excellency, the Governor of Tasmania, will undertake the tree planting and unveil the plaque.

2. Key Issues

- 2.1. The installation of plaques is governed by the 'Donation of Park Furniture and Equipment, Memorial Plaques and Tree Plantings in Parks, Bushland and Reserves' Policy (F17/165062).

2.1.1. This policy details that:

Plaques be only installed to commemorate historically important national or state events, or people who have made a significant contribution to the social, political and cultural life of Hobart subject to the approval of the Parks and Recreation Committee.

- 2.2. Given that the Sandy Bay Regatta is thought to be the longest running, continuously operating regatta of its type in the southern hemisphere (since commencing in 1848) it is considered that this event is of appropriate significance to warrant a commemorative plaque.
- 2.3. It is intended that Her Excellency, the Governor of Tasmania will plant a tree and unveil the plaque as part of the ceremonial events on the day

3. **Recommendation**

That:

1. ***Approval of the request from the Sandy Bay Regatta Association be granted for the installation of a plaque and associated tree planting at Long Beach Reserve, Sandy Bay to commemorate the 175th Sandy Bay Regatta.***
2. ***All costs for production and installation of the plaque to be met by the applicant.***
3. ***The wording and location of the plaque will be to the satisfaction of the Director City Life.***

4. **Background**

- 4.1. A request has been received to install a memorial plaque and associated tree planting at Long Beach Reserve, Sandy Bay (refer **Attachment A**).
- 4.2. The request is from the Sandy Bay Regatta Association and the planting ceremony and unveiling of the plaque will take place as part of the celebrations of their 175 year anniversary, to be held on 26th January 2023.
- 4.3. The City of Hobart is a primary supporter of the Sandy Bay Regatta and provides a sponsorship grant for the Regatta. The City of Hobart has previously hosted Citizenship Ceremonies as part of the event.
- 4.4. The request meets the criteria of the City's Policy 'Donation of Park Furniture and Equipment, Memorial Plaques and Tree Planting in Parks, Bushland and Reserves', specifically:
 - 4.4.1. Clause 3(1)(ii) states:

Plaques be only installed to commemorate historically important national or state events, or people who have made a significant contribution to the social, political and cultural life of Hobart subject to the approval of the Parks and Recreation Committee.

The request is deemed to meet this criteria.
 - 4.4.2. Clause 3(1)(v) states:

The application for a plaque be supported by a minimum of three third parties, one of which must be a local community group.

The request includes endorsement from the Royal Yacht Club Tasmania, Carlton Beach Surf Life Saving Club and Sandy Bay Sailing Club (refer **Attachments B, C and D**).

5. Discussion

- 5.1. If approved, the wording and location for the plaque will be decided in consultation with the Director City Life.
- 5.2. The location of the proposed tree planting has been agreed upon in consultation with the SBRA and the Bushland, Biodiversity and Waterways team. The location will not affect any management plans, park values or needs of park users.
- 5.3. The SBRA will provide the commemorative plaque and plinth for its mounting.
- 5.4. City of Hobart will provide a tree of an appropriate size and species for the event and will provide ongoing maintenance of the tree post planting. SBRA will be responsible for all associated planting costs. Such costs will be compiled by the City and accumulated with the value of any other "in kind" support, which will then be deducted from the City of Hobart sponsorship grant to SBRA. It is expected that this will amount to approximately \$500.

6. Hobart: A Community Vision For Our Island Capital

- 6.1. Section 2.3.3: We are connected to our histories, honouring and learning from our past and keeping future generations at the heart of our thinking.
- 6.2. Section 3.5.2: We incorporate culture, recognition of our history and story-telling into our public spaces and significant private developments, inspiring spontaneous and planned creativity and performance

7. Regional, State and National Plans and Policies

- 7.1. The proposed installation of a plaque is within guidelines of the Council policy titled 'Donation of Park Furniture and Equipment, Memorial Plaques and Tree Planting in Parks, Bushland and Reserves' (refer **Attachment E**).
- 7.2. The location of the plaque will not affect any management plans, park values or needs of park users.

8. Financial Viability

- 8.1. Funding Source and Impact on Current Year Operating Result
 - 8.1.1. All costs of the plaque and installation will be met by the SBRA.
- 8.2. Impact on Future Years' Financial Result
 - 8.2.1. Ongoing maintenance costs will be negligible.
- 8.3. Asset Related Implications
 - 8.3.1. The plaque will be in place for a minimum of 10 years

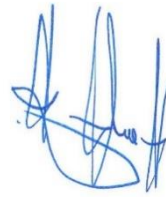
9. Community Engagement

- 9.1. There will be opportunities leading up to and post the event to note the City of Hobarts support in the event, and the significance of the 175th anniversary.

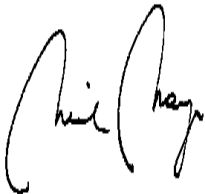
As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Ruby Wilson
**PROGRAM LEADER
ARBORICULTURE & NURSERY**





Heather Huxley
**PARKS AND RESERVES PROGRAM
OFFICER**



Neil Noye
DIRECTOR CITY LIFE

Date: 17 January 2023
File Reference: F23/1163; 5601657R

- Attachment A: Request for commemorative plaque and tree - SBRA ↓ 
- Attachment B: Letter of Support - Clifton beach Surf Life Saving Club ↓ 
- Attachment C: Letter of Support - The Royal Yacht Club of Tasmania ↓ 
- Attachment D: Letter of Support - Sandy Bay Sailing Club ↓ 
- Attachment E: Policy- Donation of park furniture and equipment, memorial plaques and tree planting in parks, bushland and reserves ↓ 

**SANDY BAY
REGATTA ASSOCIATION**

PO Box 478, Hobart 7001

The Director City Amenity
City of Hobart
GPO Box 503
Hobart, Tas, 7001

Sandy Bay Regatta 2023 – Ceremony and Plaque commemorating 175yrs of the Regatta

Dear Sir/Madam,

The Sandy Bay Regatta Association will be holding its annual Regatta at Sandown Park and Long Beach on Australia Day, 26th January 2023. This Regatta will mark a significant milestone for our Association, being the 175th event.

In recognition of the significance of our 175 years, the Association has proposed a commemorative ceremony be held on the day, in conjunction with CoH. It is proposed that this event comprise;

- Official opening of the Association's marquee of SBRA historical memorabilia by Her Excellency, the Governor of Tasmania
- The planting of a tree and unveiling of a commemorative plaque by the Governor, attended by the Lord Mayor and other invited dignitaries

I understand that it is necessary for the Association to seek Council's approval to the tree and commemorative plaque (through the Parks and Recreation Committee). That is the purpose of this correspondence.

Accordingly, please note the following aspects of our proposal for your approval;

- The Association will meet all costs including supply and installation of the plaque, supply of the tree, tree guard, excavation / backfill, and initial maintenance. The last five items will be provided by CoH and charged back to SBRA
- The tree will be selected by CoH . Its location has been agreed with CoH following an onsite inspection with Ruby Wilson (CoH). The tree will be maintained by Council using standard arboriculture practices.
- The plaque will be maintained by CoH for a minimum of 10 yrs
- Three third parties have endorsed the commemoration and provision of the plaque, viz, Royal Yacht Club Tas, Carlton Beach Surf Life Saving Club, Sandy Bay Sailing Club. Please see their respective letters of support attached.
- The plaque will be bronze and wording on the plaque will be;
**Planted by Her Excellency the Hon Barbara Baker AC Governor of Tasmania
commemorating 175 years of the Sandy Bay Regatta 26th January 2023**
Dimensions of the wording will be 250 mm x 75 mm (i.e. within the 300x300 limit)

Would you kindly consider this application for approval.

Kind Regards,

Peter Douglas
Chairman SBRA
13 November 2022

“Celebrating 175 Years in 2023”



**SANDY BAY
REGATTA ASSOCIATION**

“Celebrating 175 Years in 2023”

Clifton Beach Surf Life Saving Club
465 Clifton Beach Road, Clifton Beach, TAS 7020
GPO Box 1491 Eastern Shore Delivery Centre, TAS 7018
nippers@cliftonbeachslsc.com.au
www.cliftonbeachslsc.com.au



The Director, City Life
City of Hobart,
GPO Box 503,
Hobart, Tas 7001

**Sandy Bay Regatta Association - Proposal for Commemorative Tree and Plaque celebrating
175yrs**

Dear Sir,

The purpose of this letter is to offer our organisation's support to the Sandy Bay Regatta Association's (SBRA) proposal to plant a tree on the grounds of Sandown Park commemorating 175yrs of the Sandy Bay Regatta on 26th January ,2023.

We understand the tree planting ceremony will be performed by Her Excellency, The Governor of Tasmania, accompanied by the Lord Mayor City of Hobart (subject to availability).

Our organisation believes this commemorative service to be an appropriate means of recognising and celebrating the SBRA's significant, and long term, contribution to the Hobart community.

Yours Faithfully,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Anthony Chapman

President

Clifton Beach Surf Lifesaving Club

Date: 30th October, 2022



THE ROYAL YACHT CLUB OF TASMANIA

11 November 2022

The Director, City Amenity
City of Hobart
GPO Box 503
Hobart Tas 7001

**Sandy Bay Regatta Association - Proposal for Commemorative Tree and
Plaque celebrating 175yrs**

Dear Sir,

The purpose of this letter is to offer of our organisation's support to the Sandy Bay Regatta Association's (SBRA) proposal to plant a tree on the grounds of Sandown Park commemorating 175yrs of the Sandy Bay Regatta on 26th January 2023.

We understand the tree planting ceremony will be performed by Her Excellency, The Governor of Tasmania, accompanied by the Lord Mayor City of Hobart (subject to availability).

Our organisation believes this commemorative service to be an appropriate means of recognising and celebrating the SBRA's significant, and long term, contribution to the Hobart community.

Yours Faithfully,

A handwritten signature in black ink, appearing to be 'J. Brown'.

Commodore

The Director, City Amenity
City of Hobart,
GPO Box 503,
Hobart, Tas 7001

Sandy Bay Regatta Association - Proposal for Commemorative Tree and Plaque celebrating 175yrs

Dear Sir,

The purpose of this letter is to offer of our organisation's support to the Sandy Bay Regatta Association's (SBRA) proposal to plant a tree on the grounds of Sandown Park commemorating 175yrs of the Sandy Bay Regatta on 26th January ,2023.

We understand the tree planting ceremony will be performed by Her Excellency, The Governor of Tasmania, accompanied by the Lord Mayor City of Hobart (subject to availability).



Our organisation believes this commemorative service to be an appropriate means of recognising and celebrating the SBRA's significant, and long term, contribution to the Hobart community.

Yours Faithfully,



SBSC Commodore

Date: 17/10/2022



City of Hobart

Policy

Title: **Donation of Park Furniture and Equipment, Memorial Plaques and Tree Plantings in Parks, Bushland and Reserves**

Category: **Recreation, Parks, Bushland and Reserves**

Date Last Adopted: 26 April 2021

1. Objectives

To provide clear guidance when determining requests in respect to the donation of park furniture, equipment and the installation of memorial plaques or the planting of trees as memorials in City-owned parks, bushland and reserves.

2. Background

The City periodically receives requests to accept donated furniture and/or equipment for installation in parks, bushland and reserves. Requests are also received for the installation of plaques to commemorate events or individuals

This policy was developed to provide consistency and clear guidance when such applications are received.

3. Policy

That:

1. Memorial Plaques

The installation of plaques in suitable areas be permitted on the following basis:

- (i) All costs being met by the applicant.
- (ii) Plaques be only installed to commemorate historically important national or state events, or people who have made a significant contribution to the social, political and cultural life of Hobart subject to the approval of the Parks and Recreation Committee.

- (iii) The location be to the satisfaction of the Director City Amenity with due regard to any management or master plans, the values of the park, bushland or reserve and needs of users.
- (iv) The plaque be maintained by the City in accordance with its standard level of service for a minimum of 10 years.
- (v) The application for a plaque be supported by a minimum of three third parties, one of which must be a local community group.
- (vi) The City reserves the right to remove the plaque. The applicant shall be consulted, where appropriate, in such circumstances.
- (vii) The City may reposition a plaque if necessary for any future park or reserve improvements. The applicant shall be consulted, where appropriate, in such circumstances.
- (viii) Where an organisation has previously installed a plaque commemorating a significant milestone or event that plaque may be updated if another milestone is achieved. Unless with the approval of the Director City Amenity, the size of the new plaque must remain the same as the original plaque.
- (ix) Wording should avoid terminology used in cemeteries and be uplifting. Where applicable, the wording would recognise the nominee and their qualities. The final format and wording is to be approved by the Director City Amenity.
- (x) The size of the plaque is to be 150 mm x 100 mm for infrastructure and 300mm x 300mm for trees. The Director City Amenity may approve a variation of the size due to the location of the plaque and the associated infrastructure.
- (xi) The material of the plaque is to be to the satisfaction of the Director City Amenity.
- (xii) The City is to maintain a register of memorial plaques, tree plantings, and donated furniture and equipment.

2. Planting of commemorative trees

The planting of trees as memorials is permitted in suitable areas on the following basis:

- (i) All costs being met by the applicant.

- (ii) Trees be only installed to commemorate historically important national or state events and people subject to the approval of the Parks and Recreation Committee.
- (iii) The location and tree species be to the satisfaction of the Director City Amenity with due regard to any management or master plans, the values of the park, bushland or reserve and needs of users.
- (iv) Memorial Trees can only be planted during the winter months.
- (v) The tree will be maintained by the City using standard arboricultural practices. Should the tree or related plaque be required to be removed, the applicant shall be consulted, where appropriate, in such circumstances.

3. Donation of park furniture and equipment.

The City welcomes the donation of park benches and other furniture (tables, barbeques, drinking fountains etc.) on the following basis:

- (i) All costs, including installation, being met by the applicant.
- (ii) The item of furniture or equipment is of appropriate quality, standard and design to the satisfaction of the Director City Amenity for the location.
- (iii) The location selected be to the satisfaction of the Director City Amenity and will have due regard to any management or master plan, the values of the park and the needs of the users.
- (iv) Where the City is upgrading facilities and community groups wish to contribute towards the upgrade, a plaque may be placed in recognition of the support.
- (v) The City reserves the right to remove any donated item that has been damaged with the City to subsequently replace the damaged item as soon as practical.
- (vi) The City will maintain the item in accordance with its standard level of service for that type of item for a minimum period of ten years, or until the item is no longer functional.
- (vii) Any replacement costs being at the discretion of the Director.
- (viii) The party making the donation be permitted to have a plaque installed in recognition of the contribution, with the size and wording of the plaque to be to the satisfaction of the Director City Amenity



4. Legislation, Terminology and References

Responsible Officer:	Director City Amenity
Policy first adopted by the Council:	20/11/2017
History	
Amended by Council	23/9/2019
Biannual Policy Review	26/04/2021
Next Review Date:	April 2023
File Reference:	F17/165062

22. Community Advisory Groups - Elected Member Representatives
File Ref: F23/1120

Report of the Manager Community Programs and the Director Connected City
of 17 January 2023 and attachments.

Delegation: Council

REPORT TITLE: COMMUNITY ADVISORY GROUPS - ELECTED MEMBER REPRESENTATIVES**REPORT PROVIDED BY:** Manager Community Programs
Director Connected City**1. Report Summary**

- 1.1. The purpose of this report is to seek Council representation on two internal committees of Council being the Hobart Access Advisory Committee and the Housing with Dignity Reference Group following the recent Council elections.
 - 1.1.1. These two community committees are actively involved in providing advice to the City and supporting the delivery of initiatives and projects.
- 1.2. Representation on these committees are reviewed after each local government election.
- 1.3. The Council has already resolved membership on some external bodies at its meeting of 21 November 2021.
- 1.4. The Access Advisory Committee (AAC) has been established for approximately 30 years and its role is to provide advice to the City of Hobart on matters relating to accessibility, with a focus on access for people with disability. The ACC meets quarterly, with additional sub-committee meetings, on-site visits and working groups convened as required. The Terms of Reference for the AAC are shown at **Attachment A**.
- 1.5. On 18 February 2019, Council approved the establishment of a Housing with Dignity Reference Group (HWDRG) comprising of community members with a lived experience of homelessness or extreme housing stress. A review of the HWDRG was undertaken in July 2020 with the Council approving the ongoing support and development of the group. The group meet formally quarterly with additional working group meetings. The Terms of Reference and Statement of Commitment for the HWDRG are shown at **Attachment B**.

2. Key Issues

- 2.1. Both the AAC and HWDRG groups have always had Elected Member representatives, with an Elected Member chairing the AAC and co-chairing the HWDRG along with a community member.
- 2.2. It would suggested that there be a maximum of two Elected Member representatives for each committee/group. This is particularly important for the HWDRG noting the smaller number of community members and the heightened vulnerability of participants.

2.3. It is considered that both of these lived experience reference groups are very important to continue to ensure effective and authentic engagement with community members.

2.3.1. It is anticipated that these groups will provide a valuable engagement mechanism with the new portfolio structure, particularly with the Welcoming and Inclusive City and Housing and Homelessness Portfolios.

3. Recommendation

That the Council call for nominations from Elected Members to participate in the following community reference groups:

- (i) Access Advisory Committee – Chair and Deputy Chair***
- (ii) Housing with Dignity Reference Group – Co-Chair and Deputy Co-Chair***

4. Background

Access Advisory Committee

4.1. The role of the Access Advisory Committee over the past 30 years has been to provide advice and assistance to the City of Hobart on matters related to access, specifically:

- 4.1.1. in the implementation of the City of Hobart's Social Inclusion Policy, Community Inclusion and Equity Framework and Equal Access Commitment;
- 4.1.2. in setting priorities each year for works to improve access for all in parks and streetscapes;
- 4.1.3. through identifying and recommending solutions to access issues in any relevant Council projects, events, new Council works or upgrades to Council facilities or services;
- 4.1.4. by identifying and advising the Council of other access issues in the City for which Council has an interest and/or responsibility; and
- 4.1.5. by identifying and supporting participation programs and projects through funding for International Day of People with Disability and Ability to Create initiatives.

- 4.2. The Advisory Committee comprises community members and sector representatives who have an interest in access issues in the City. There are approximately 20 community representatives on the AAC with staff from across the organisation whose work requires accessibility considerations also regularly attending the meetings.
- 4.3. The ACC meets quarterly, with additional sub-committee meetings, on-site visits and working groups convened as required. The AAC quarterly meetings for 2024 are to be held on 1 February, 3 May, 2 August and 6 December. The meetings are in the Elizabeth Street Conference Room between 12.30pm – 2.00pm.

Housing with Dignity Reference Group

- 4.4. The Housing with Dignity Reference Group was established in April 2019 in order to strengthen the City's engagement in the areas of Affordable Housing and Homelessness and to provide a voice to members of our community who may be marginalised or who have personally experienced housing stress.
- 4.5. A review of the HWDRG was undertaken in July 2020 with the Council approving the ongoing support and development of the group.
- 4.6. The purpose of the Housing with Dignity Reference Group is to offer an opportunity to people with a lived experience of homelessness to have a voice, and to provide a place to be heard.
- 4.7. The group:
 - 4.7.1. Supports the Council in the review of the Housing and Homelessness Strategy as well as other relevant strategies and plans.
 - 4.7.2. Is represented by the Community and Council Co-Chairs on the Greater Hobart Regional Homelessness Alliance.
 - 4.7.3. Is a crucial reference point, and place for consultation for decisions made by Council about homelessness.
 - 4.7.4. Identifies priorities for people without a home to advocate and lobby the State and Federal Governments.
 - 4.7.5. Identifies and participates in promotional and media opportunities to advocate for people without a home.
 - 4.7.6. Develops submissions and strategic documents where appropriate.
 - 4.7.7. Has the scope to invite experts and develop working groups in areas of interest for sharing relevant information and/or for forming policy direction.

- 4.7.8. Develop and implement initiatives and projects.
- 4.7.9. Meet quarterly (with additional working group meetings when required).
- 4.7.10. Review the Community Co-Chair every 12 months.
- 4.8. The reference group comprises representatives and community members and support people where appropriate, from the following groups who have an interest in homelessness issues in the City:
 - 4.8.1. Primary homelessness - where a person has an improvised dwelling, tent or no accommodation at all; also known as rough sleeping.
 - 4.8.2. Secondary homelessness - where a person is accommodated in a hostel, shelter, refuge or another person's home on a temporary basis.
 - 4.8.3. Tertiary homelessness - where a person is accommodated in a boarding house, shelter or hotel on a medium basis.
 - 4.8.4. People who are housed, but have experienced homelessness or severe housing stress.
- 4.9. The HWDRG provides an opportunity for deeper consultation with the community experiencing, or having previously experienced homelessness or severe housing stress. This reference group has provided a mechanism for these often ignored voices to be heard and an opportunity to advocate and lobby State and Federal governments for improved housing opportunities and homelessness support.
- 4.10. Although the members of this group can be transient, and attendance can be variable, the core HWDRG members have demonstrated passion and commitment to the group and have indicated a strong desire to continue with the group. They consider that they continue to have a strong role to play in providing a voice for people without a home and people living in housing stress.
- 4.11. The HWDRG meets quarterly, usually on a Wednesday morning at 10am at the Town Hall but does on occasions hold meetings at alternate sites such as Safe Space and Common Ground etc. The next meeting on 25 January will be held at the social housing units in Goulburn Street.
 - 4.11.1. The group also forms working groups for specific projects or initiatives such as Homelessness Week and the *I am Somebody* project.

5. Legal, Risk and Legislative Considerations

- 5.1. The AAC provides a valuable engagement mechanism to present projects and initiatives and to obtain valuable feedback from the disability community to mitigate potential issues in relation to the DDA.

6. Discussion

- 6.1. It is proposed that the Council call for nominations from Elected Members to participate in the following community reference groups:
- a. Access Advisory Committee - Chair and Deputy Chair
 - b. Housing with Dignity Reference Group - Co-Chair and Deputy Co-Chair
- 6.2. The appointments would be for the term of the Council.

7. Hobart: A Community Vision For Our Island Capital

- 7.1. This proposal strongly aligns with many elements of the *Hobart: A Community Vision for Our Island Capital* with particular emphasis on inclusive practices ensure all can access and contribute to Hobart life and recognising inequalities, poverty and disadvantage.

8. Capital City Strategic Plan

- 8.1. The AAC and HWDRG strongly align with many actions and areas of the Capital City Strategic Plan 2019-29 related to Pillars 2, 5, 7 and 8 with particular emphasis on activities that support inclusion, equity, community engagement, housing and homelessness.
- 8.2. The AAC and HWDRG are also very strongly aligned with the City's *A city for All: Community Inclusion and Equity Framework; Equal Access Commitment*, and *Affordable Housing and Homelessness Commitment*.

9. Financial Viability

- 9.1. Funding Source and Impact on Current Year Operating Result
- 9.1.1. The AAC and HWDRG are supported through existing staff resource allocation in the Community Programs unit.
 - 9.1.2. There is a small catering cost associated with hosting the community meetings.
 - 9.1.3. Funding allocations have been included in the 2022/23 budget to deliver a range of homelessness and accessibility initiatives, events and activities.

9.2. Impact on Future Years' Financial Result

9.2.1. It is anticipated that annual initiative allocations would continue in future years.

9.3. Asset Related Implications

9.3.1. There are no specific asset related implications, however it is noted that accessibility concerns are identified in relation to the City's assets from members of the AAC and the broader community.

10. Community Engagement

10.1. The City convening both the AAC and the HWDRG demonstrates a strong commitment to community engagement, providing mechanism for people with lived experience to actively contribute to the City.

11. Collaboration

11.1. The AAC and HWDRG are an engagement tool that is able to be utilised across the organisation to ensure the voice of the community is included in the development of projects and programs.

11.1.1. City staff from across the organisation regularly attend meetings to present projects and obtain feedback from people with lived experience.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.





Kimbra Parker
MANAGER COMMUNITY PROGRAMS



Jacqui Allen
DIRECTOR CONNECTED CITY

Date: 17 January 2023
File Reference: F23/1120

Attachment A: Access Advisory Committee Terms of Reference 2023 ↓ 
Attachment B: Housing with Dignity Reference Group Terms of Reference and Statement of Commitment ↓ 



City of Hobart
Access Advisory Committee
Terms of Reference

The role of the Access Advisory Committee is to provide advice and assistance to the City of Hobart on matters related to access, specifically:

- in the implementation of the City of Hobart's Social Inclusion Policy, Community Inclusion and Equity Framework and Equal Access Commitment;

- in setting priorities each year for works to improve access for all in parks and streetscapes;

- through identifying and recommending solutions to access issues in any relevant Council projects, events, new Council works or upgrades to Council facilities or services;

- by identifying and advising the Council of other access issues in the City for which Council has an interest and/or responsibility;

- by identifying and supporting participation programs and projects through funding for International Day of People with Disability and Ability to Create initiatives.

Membership

The Advisory Committee will comprise of community members, from the following groups who have an interest in access issues in the City:

- people with physical, sensory, intellectual and psychological disability;

- older people;

people from other cultural backgrounds (people of Non-English Speaking background, Indigenous people and Torres Strait Islanders);

advocates for children and families;

relevant public sector agencies;

City of Hobart Elected Members and staff.

City of Hobart staff in the areas of Road Engineering, Smart Cities, Building Services, Parks and Recreation and Community Programs will attend and participate in meetings. Staff from other areas of the Council, including Parking and Customer Services, Bushlands, Environmental Services and Events and Activation will participate on the Committee when required.

Community members representing organisations or as individuals are considered to be City of Hobart volunteers. The Volunteer Management System Manual – October 2017 provides a comprehensive resource to ensure consistent management of volunteers across the whole of Council. Copies of the manual are accessible for all City of Hobart volunteers.

The role of a community member is detailed in the attached role description. Community members are required to complete a volunteer registration form and sign a volunteer agreement.

Membership of the Advisory Committee will be reviewed every two years to ensure all sectors are represented on the Committee and to confirm that organisations are happy for their representative to continue on the Committee.

Administration

The Advisory Committee will be chaired by an Elected Member of the Council.

Secretarial and other administrative support will be provided by the Connected City Division.

The Advisory Committee will meet every three months, with additional sub-committee meetings, on-site visits, workshops and working groups convened if / as required.

Housing with Dignity Reference Group

Terms of Reference & Statement of Commitment

Purpose:

The purpose of the Housing with Dignity Reference Group is to offer an opportunity to people with a lived experience of homelessness to have a voice, and to provide a place to be heard.

The group will:

- Support the Council in the review of the *Housing and Homelessness Strategy* as well as other relevant strategies and plans.
- Be represented by the Community and Council Co-Chairs on the *Greater Hobart Regional Homelessness Alliance*.
- Be a crucial reference point, and place for consultation for decisions made by Council about homelessness.
- Identify priorities for people without a home to advocate and lobby the State and Federal Governments.
- Identify and participate in promotional and media opportunities to advocate for people without a home.
- Develop submissions and strategic documents where appropriate.
- Have the scope to invite experts and develop working groups in areas of interest for sharing relevant information and/or for forming policy direction.
- Develop and implement initiatives and projects.
- Meet bi-monthly (with additional working group meetings when required).
- Review the Community Co-Chair every 12 months.

Membership:

The reference group will comprise representatives and community members and support people where appropriate, from the following groups who have an interest in homelessness issues in the City:

- Primary homelessness - where a person has an improvised dwelling, tent or no accommodation at all; also known as rough sleeping.
- Secondary homelessness - where a person is accommodated in a hostel, shelter, refuge or another person's home on a temporary basis.
- Tertiary homelessness - where a person is accommodated in a boarding house, shelter or hotel on a medium basis.
- People who are housed, but have experienced homelessness or severe housing stress.

Elected Members nominated by the Council will participate on this reference group, with one elected member holding the position of Co-Chair.

The group (maximum 16 people) to be established through self-selection, and targeted invitation to ensure a diverse range of voices are being heard.

New members are welcome to join the group, with new community member nominations to be discussed by the group prior to them joining.

Housing with Dignity Reference Group

Terms of Reference & Statement of Commitment

Communication:

The Community Co-Chair of the group will be the only member to speak to the media or at public events on behalf of the whole group.

The Community Co-Chair, at their discretion and in communication with other members, may nominate another member to speak on behalf of the group if it is agreed that member is the best person to represent the group on a particular topic, issue or project.

Administration:

- Administrative support will be provided by the City of Hobart.
- The reference group will be reviewed every 12 months.

Member Commitment:

As a Housing with Dignity Reference Group member I agree to work in the following way while participating in group meetings, activities and projects:

- To acknowledge and respect each member's lived experience.
- To ensure confidentiality and respect each member's privacy (Chatham House Rule.)*
- To contribute to creating a safe space so each member can have their say.
- To work collaboratively with a focus on consensus decision making.
- To focus on each member's strengths and what each member can contribute.
- To be inclusive of each member - even when they can't attend meetings.
- To listen to each member with an open mind, even if I disagree with them.
- To look towards the future while learning from every member's experience.
- To be focussed and to keep on track during meetings. (Turn off my phone!)
- To have fun and to not take myself too seriously while acknowledging the seriousness of the issues being discussed.

Name: _____

Signed: _____

Date: _____

* 'Under the Chatham House Rule, anyone who comes to a meeting is free to use information from the discussion, but is not allowed to reveal who made any comment. It is designed to increase openness of discussion, as it allows people to express and discuss controversial opinions and arguments without suffering the risk of stalling their career or even dismissal from their job, and with a clear separation from the opinion and the view of their employer.' ([Wikipedia](https://en.wikipedia.org/wiki/Chatham_House_Rule))

REPORT OF THE CHIEF EXECUTIVE OFFICER
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**23. Code of Conduct Determination Report
Ms Lynne Robertson v Councillor Bill Harvey
File Ref: F22/130438**

Memorandum of the Chief Executive Officer of 6 January 2023 and attachment.

Delegation: Council

City of **HOBART****MEMORANDUM: COUNCIL****Code of Conduct Determination Report
Ms Lynne Robertson v Councillor Bill Harvey**

Pursuant to section 28ZK(2) of the *Local Government Act 1993* I have been provided with a copy of a determination report from the Code of Conduct Panel in respect to a complaint lodged by Ms Lynne Robertson against Councillor Bill Harvey.

The Act requires that I table this at the first meeting of the Council which is practicable to do so and which is open to the public. As such, a copy of the determination report is included as **Attachment A** to this report.

RECOMMENDATION

That the Council receive and note the Code of Conduct Determination Report in respect to a complaint lodged by Ms Lynne Robertson against Councillor Bill Harvey, shown as Attachment A to this memorandum.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.

Kelly Grigsby
CHIEF EXECUTIVE OFFICER

Date: 6 January 2023
File Reference: F22/130438

Attachment A: Code of Conduct Determination Report - Ms Lynne Robertson
against Councillor Bill Harvey ↓

Local Government Code of Conduct Panel

Executive Building, 15 Murray Street, HOBART TAS 7000 Australia

GPO Box 123, HOBART TAS 7001 Australia

Ph: (03) 6232 7220 Email: lgconduct@dpac.tas.gov.au**PRIVATE AND CONFIDENTIAL**

Ms Kelly Grigsby
Chief Executive Officer
Hobart City Council
ceo@hobartcity.com.au

Dear Ms Grigsby

**Code of Conduct Panel Determination Report –
Local Government Act 1993(Section 28ZJ)**

In accordance with section 28ZK of the *Local Government Act 1993* (the Act) the Code of Conduct Panel (the Panel) has made its determination in relation to the complaint lodged by Ms Lynne Robertson against Councillor Bill Harvey. I have enclosed a copy of the determination report dated 19 December 2022.

As per section 28ZK(2) of the Act, copies have also been provided today to the Ms Robertson, the Councillor Harvey against whom the complaint was made, and to the Director of Local Government.

Under section 28ZK (4) of the Act, you must ensure that a copy of the determination report is tabled at the first open meeting of Council at which it is practicable to do so.

Section 28ZK (7) of the *Local Government Act 1993* requires any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council.

Please contact me on (03) 6232 7335 or by email at lgconduct@dpac.tas.gov.au if you have any queries.

Yours sincerely



Saroj Gharti Chhetri
Executive Officer
Code of Conduct Panel

19 December 2022

Encl. Determination Report of the Code of Conduct complaint

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

Local Government Act 1993

CODE OF CONDUCT PANEL DETERMINATION REPORT

CITY OF HOBART ELECTED MEMBER CODE OF CONDUCT

Complaint made by Ms Lynne Robertson against Cr Bill Harvey

Code of Conduct Panel

- Lynn Mason (Chairperson)
- David Sales (Local Government Member)
- Frank Neasey (Legal Member)

Date of Determination: 19 December 2022

Content Manager Reference: C24208

Summary of the complaint

The Code of Conduct complaint (the complaint) related to Cr Harvey's alleged conduct at a public event (Gender Identity in Law, Impacts on Women, Children, and People with Gender Dysphoria), held at the Hobart Town Hall on 26 February 2022. It is alleged that at that event, in particular in the Town Hall foyer, Cr Harvey denigrated and made a verbal threat against the future employment of a security firm contracted by the event organisers allegedly as a condition of their rental agreement with the Council, to (i.e.; in the presence of) Council staff members. Additionally, it is alleged that Cr Harvey behaved aggressively, and that his behaviour towards Council employees and members of the public (in particular event organisers) was bombastic, disrespectful and unreasonable. It alleged that Cr Harvey spoke abusively to the complainant and to another member of the organising committee of the public event.

In the part of the complaint being investigated it is alleged that Cr Harvey had breached the following sections of the Code of Conduct (the Code):

Part 2 - Conflict of interests that are not pecuniary

2. An Elected Member must act openly and honestly in the public interest.

Part 3 – Use of Office

1. The actions of an Elected Member must not bring the Council or the office of Elected Member into disrepute.
2. An Elected Member must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.
3. In their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), an Elected Member must not expect nor request, expressly or implicitly, preferential treatment for themselves or any other person or body.

Part 7 - Relationships with community, Elected Members, and Council employees

- 7.1. An Elected Member –
 - (a) must treat all persons fairly; and

(b) must not cause any reasonable person offence or embarrassment; and

(c) must not bully or harass any person.

- 7.3 *An Elected Member must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.*
- 7.4 *An Elected Member must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.*

Part 8 – Representation

5. *An Elected Member's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *An Elected Member must show respect when expressing personal views publicly.*
7. *The personal conduct of an Elected Member must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

Initial assessment of the complaint

Following receipt of the complaint, the Chairperson of Code of Conduct Panel conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA (1) of the *Local Government Act 1993* (the Act). Having assessed the complaint against the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined that:

- part of the complaint, namely that part alleging a breach of Part 1 of the Code and Part 2 of the Code (except clause (2)), be dismissed on the basis that that part of the complaint did not substantially relate to a contravention of the Code, in accordance with section 28ZB(1)(b) of the Act. Further it was determined that the part of the complaint alleging a breach of Part 8 of the Code (except clauses (5), (6) and (7)) also be dismissed, on the basis that that part of the complaint was frivolous, in accordance with section 28ZB(1)(a) of the Act.
- the balance of the complaint substantially related to a contravention of the Council's Code of Conduct. If the allegations therein were substantiated, they would constitute a breach of the Code;
- the complaint was not frivolous, vexatious or trivial. The complaint appeared to relate to matters of substance under the Council's Code of Conduct and did not appear to be trifling, insignificant or a misuse of the Panel's resources;
- the reasons for not attempting to resolve the complaint directly with the respondent were adequately explained; and
- the complaint was not made in contravention of
 - a determination made by the Chairperson under subsection (2); or
 - a determination of the Code of Conduct made under section 28Z(3).

On this basis, the Chairperson determined to investigate the complaint.

The complainant, respondent councillor and the Chief Executive Officer (CEO) of Hobart City Council were notified of the outcome of the initial assessment by letter dated 28 June 2022.

Material considered by the Panel

- The City of Hobart Elected Member Code of Conduct 18 February 2019;
- The complaint from Ms Lynne Robertson, undated, accompanied by a Statutory Declaration dated 23 May 2022;

- Statutory Declaration from Cr Bill Harvey, 57pp, 17 August 2022;
- Statutory Declaration from Ms Kimbra Parker, Council employee, July 2022;
- Statutory Declaration from Mr Paul Synott, Council employee, 16 August 2022;
- Handwritten statement of the incident by Ms Robertson and Ms Isla McGregor, 4 pp, 29 August 2022; and
- Response from Ms Robertson to Cr Harvey's response, received 29 August 2022.

Procedure

In accordance with section 28ZE of the Act, the Code of Conduct Panel investigated the complaint as it related to the clauses of the Code cited above.

On 10 August 2022 the Panel received a request from Cr Harvey for an extension of time to provide his response to the Panel. This was granted and the response received on 17 August 2022. The Panel met on 19 August 2022 to consider the complaint and the response, and Cr Harvey's response was sent to Ms Robertson for her information and response, if she wished to provide one. A response from Ms Robertson was received on 29 August 2022.

The Panel met again on 2 September 2022, and on 5 September 2022 the first attempt to set a date for a hearing into the complaint was made (in accordance with section 28ZG of the Act). On 5 October 2022 the parties were notified that a hearing would be held on 9 December 2022.

The Hearing

The hearing was conducted on 9 December 2022 in Hobart, at the Hobart Town Hall, with Ms Robertson attending by video conference. Cr Harvey was accompanied by Cr Dr Zelinda Sherlock as his support person. **Cr Dr Sherlock did not attend the entire hearing, but left at 10.18 am, 46 minutes after the hearing started.** The complainant, the respondent and his support person were all sworn/affirmed at the outset of the hearing.

Ms Robertson and Cr Harvey gave evidence and each was permitted to question the other. The Panel asked questions of the parties. Two witnesses were called by the Panel: Mr Paul Synott and Ms Kimbra Parker. Both Ms Parker and Mr Synott are employees of the Council. Both witnesses were sworn or affirmed prior to answering questions from the complainant and respondent, and from the Panel. Neither Ms Robertson nor Cr Harvey called witnesses.

The parties then made closing submissions, after which Cr Harvey was offered the chance to make a submission on sanction, in the event that any or all of the complaint was upheld. Cr Harvey submitted that if any part or all of the complaint were upheld, a caution would be the most appropriate sanction, if a sanction were to be imposed at all.

Determination

Pursuant to section 28ZI(1)(b), the Panel dismisses the complaint against Cr Harvey.

Reasons for determination

Introduction

- I. The Panel heard (and received) a number of statements from the complainant and the respondent concerning the events on 26 February 2022. Many of these statements were directly contradictory. The Panel's task was to weigh the evidence before it and to determine what weight to give to each of the statements made, including those of other witnesses, and to determine whether, on the whole of the evidence, it was persuaded that such conduct as it found Cr Harvey to have engaged in constituted a breach or breaches of the Code.

2. The Panel accepted that Cr Harvey had attended the protest in Franklin Square prior to arriving at the Town Hall, and that he had stood with the protestors in front of the Town Hall before he entered the building.
3. The Panel accepted Ms Robertson's statement that she did not recognise Cr Harvey as an elected member of the Council, and that as a result, she asked him to sign in to attend the public forum being held in the Ball Room at the Town Hall, as she regarded him as a member of the public with no other reason to be entering the building. Her task at the forum was to ensure that those people attending the forum were ticketed and signed in for the event.
4. Ms Robertson asserted that Cr Harvey had gone up the staircase from the foyer, and had returned to the foyer shortly afterwards. Both parties agreed that this had happened, although they disagreed on whether or not Cr Harvey had been 'escorted' up the staircase by security guards, or whether he had simply walked upstairs. The Panel considered this difference of opinion immaterial to its determination of the complaint.
5. Ms Robertson asserted that on Cr Harvey's return he spoke to both Mr Synott and Ms Parker (the Council employees) regarding the security firm engaged by the forum organisers. The Panel accepts that Cr Harvey had a conversation with Ms Parker at that time. The Panel is not persuaded that Mr Synott was included in that conversation, nor that he was aware of what was said. The evidence of neither Cr Harvey, Ms Parker nor Mr Synott supports that contention.

Specific clauses of the Code

Part 2 – An Elected member must act openly and honestly in the public interest.

2. An Elected Member must act openly and honestly in the public interest.

Ms Robertson considered that by attending the protest against the forum in both Franklin Square and in front of the Town Hall, Cr Harvey was not acting in the public interest, since the intention of the forum was to provide factual information about Gender Identity in Law, Impacts on Women, Children, and People with Gender Dysphoria. She considered that Cr Harvey, as an elected member and community leader, had a duty in public to remain neutral on the issues under discussion.

The Panel disagrees with this view. Cr Harvey was not an active participant in the protests; as an elected member, Cr Harvey is not constrained by his office, provided he ensures that he abides by Council policies. He did not fail to act openly and honestly in the public interest in listening to the views of those opposed to the forum.

No evidence was presented to substantiate the allegation that Cr Harvey had made 'false accusations against the speakers and organisers of the forum' and that he had branded them as 'bigoted and transphobic', such allegation(s) being made by Ms Robertson in her complaint in reference to alleged breaches of Part 2 of the Code.

Part 3 – Use of Office

1. The actions of an Elected Member must not bring the Council or the office of Elected Member into disrepute.

2. An Elected Member must not take advantage, or seek to take advantage, of their office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for themselves or any other person or body.

3. In their personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), an Elected Member must not expect nor request, expressly or implicitly, preferential treatment for themselves or any other person or body.

3.1 The Panel determines that Cr Harvey did not bring the Council or his office into disrepute; no evidence was presented to indicate that this had happened, other than the statements made by the complainant, and the handwritten record jointly signed by Ms Robertson and Ms McGregor. In the Panel's view it required some

evidence, beyond a bald allegation, that either the Council or Cr Harvey's office had, as a matter of fact, been brought into disrepute by his conduct.

3.2 Ms Robertson alleged that Cr Harvey had said to Ms Parker and Mr Synott that 'he was going to make sure that the security company ...should never be allowed to work at the venue again.' Ms Robertson described this statement as the nub of her complaint. The Panel is not persuaded that Cr Harvey said these words. The allegation was denied by Cr Harvey, and refuted by Ms Parker, who was the only person (the Panel finds) close enough to Cr Harvey to have been able to hear what he said. The Panel accepts that Mr Synott, as he said at the hearing, could not hear the conversation, as he was not only otherwise engaged in his duties, he was several metres away.

In conclusion, the Panel is not satisfied that Ms Robertson was close enough to Cr Harvey and Ms Parker to hear such a threat being made. When asked by the Panel about her recollection of hearing those words, Ms Robertson was only able to answer with words to the effect of 'Well, if he didn't say it, it wouldn't be in the complaint.'

Cr Harvey stated that what he had said in the conversation with Ms Parker was to raise his concerns about the apparent lack of understanding by the security personnel of the rights of elected members to enter the Town Hall at any time to attend to their duties; he denied having threatened to ensure that they could not work at the Town Hall again.

The Panel accepts that this was the gist of Cr Harvey's conversation with Ms Parker, who also supported that account in her statutory declaration and at the hearing.

3.3 In addition, the Panel determines that Cr Harvey did not breach Part 3 (3). There was simply no evidence before the Panel at all to substantiate this allegation.

Part 7 - Relationships with community, Elected Members, and Council employees

7.1. An Elected Member –

- (a) must treat all persons fairly; and*
- (b) must not cause any reasonable person offence or embarrassment; and*
- (c) must not bully or harass any person.*

7.3 *An Elected Member must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.*

7.4 *An Elected Member must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.*

7.1 The Panel accepts that Cr Harvey was frustrated and annoyed when he was stopped from entering his place of work (the Town Hall) by an unidentified woman (Ms Robertson). Cr Harvey had been on the Council for many years and knew that in practice as an elected member he had 24/7 access to the Town Hall. However, the Panel is not persuaded that he treated Ms Robertson unfairly, caused her any offence or embarrassment, nor that he bullied or harassed her, nor that he acted in any of these ways in respect of any other person once he entered the Town Hall foyer. The Panel is not persuaded that Cr Harvey's refusal to allow Ms McGregor to record a private conversation with Ms Parker on his return to the foyer was a breach of any part of this clause.

7.3 Ms Robertson was questioned by the Panel regarding the alleged breach of clause 7.3. Ms Robertson agreed that this part of her complaint could not be substantiated and was not pursued.

7.4 The Panel heard that Cr Harvey had spoken to the Council CEO while he was in the elected members' area of the Town Hall, to report his concern about being stopped from entering the building. When he returned to the foyer, he also spoke to Ms Parker about the incident. The Panel does not consider that Cr Harvey needed the General Manager's authority to hold a conversation privately about his treatment by security personnel engaged by forum organisers, as it is not satisfied that such a conversation involved a

discussion of 'a council matter' as such. The holding of such a conversation therefore could not amount to a breach of clause 7.4.

Part 8 – Representation

5. *An Elected Member's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
6. *An Elected Member must show respect when expressing personal views publicly.*
7. *The personal conduct of an Elected Member must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

There was no evidence at all before the Panel of Cr Harvey expressing any personal views publicly. Further, as stated earlier in this determination, no evidence persuaded the Panel that he had brought the Council into disrepute by his conduct.

The Panel is also satisfied that nothing in Cr Harvey's conduct had the potential to reflect adversely on the Council's reputation. He admitted that at times during the incident he was frustrated and annoyed, but no evidence was presented to affirm that he had been abusive or disrespectful.

For the above reasons, the Panel dismisses the complaint against Cr Harvey in accordance with section 28Z(1)(b) of the Act.

Additional matters

Evidence was given during the hearing that, as a matter of course, hirers of the Town Hall were not advised of the rights of other persons, including elected members, to access the building during the conduct of private events in the Town Hall. Had this information been provided to the hirers and their security personnel, it is likely that this complaint would not have eventuated. It is suggested that Hobart City Council may wish to review policy in this area.

Timing of the Determination

The time taken to reach a determination in this matter has exceeded five months. It is unusual for an investigation and subsequent determination to take this amount of time. In this case the delays were owing to the unavailability of the Panel, the parties, and the witnesses to attend a hearing at an earlier time.

Right to review

A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination.



Lynn Mason AM
Chairperson



Frank Neasey
Legal Member



David Sales
Member

Date: 19 December 2022

24. QUESTIONS WITHOUT NOTICE

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

1. A councillor at a meeting may ask a question without notice –
 - (a) of the chairperson; or
 - (b) through the chairperson, of –
 - (i) another councillor; or
 - (ii) the chief executive officer.
2. In putting a question without notice at a meeting, a councillor must not –
 - (a) offer an argument or opinion; or
 - (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.
3. The chairperson of a meeting must not permit any debate of a question without notice or its answer.
4. The chairperson, councillor or chief executive officer who is asked a question without notice at a meeting may decline to answer the question.
5. The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.
6. Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.
7. The chairperson of a meeting may require a councillor to put a question without notice in writing.

25. CLOSED PORTION OF THE MEETING

RECOMMENDATION

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:

- Leave of absence
- A matter relating to personnel

The following items are listed for discussion:-

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	Personnel Policy LG(MP)R 15(2)(a)