



CITY OF HOBART

MINUTES

Open Portion

Monday, 20 February 2023

AT 5.00 pm

Council Chamber, Town Hall



City of HOBART

ORDER OF BUSINESS

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PRESENT:

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

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Councillor Dutta left the meeting at 6.29 pm, returning at 6.32 pm and was not included for the vote on item 11.

Councillor Sherlock left the meeting at 8.08 pm, returning at 8.10 pm.

Councillor Elliot left the meeting at 8.37 pm, returning at 8.39 pm.

Alderman Behrakis left the meeting at 8.53 pm, returning at 8.54 pm.

Councillor Sherlock retired from the meeting at 9.15pm and was not present for items 21, 23, 25, 26 and 30.

Councillor Dutta left the meeting at 9.41pm, returning at 9.44pm.

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson opened the meeting and provided 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, 23 January 2023,
- Finance and Governance Committee meeting held on Tuesday, 23 August 2022,
- City Infrastructure Committee meeting held on Wednesday, 31 August 2022,
- Economic Development and Communications Committee held on Thursday 29 September 2022,
- Community, Culture and Events Committee meeting held on Thursday, 1 September 2022,
- Parks and Recreation Committee meeting held on Thursday, 13 October 2022,

and finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The minutes were signed.

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*?

BURNET
ZUCCO

That items 6, 8 and 11 from the Closed agenda be transferred to the Open agenda and be taken as items 28, 29 and 30 respectively.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

POSSELT

SHERLOCK

That items 22 and 24 be taken after item 9.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

DUTTA

BURNET

That item 27 be taken after item 19

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

4. COMMUNICATION FROM THE CHAIRMAN

4.1 Message of condolence and support for the people of Türkiye

The City of Hobart joins the worldwide outpouring of sadness about the terrible earthquake that hit Türkiye and surrounding countries including Syria on 6 February 2023 that has killed more than 46,000 people with the death toll expected to rise to many more.

The Turkish and Syrian communities of Hobart are understandably very worried about friends and family in their homeland and we want to reassure you of our support.

The City's thoughts are with these communities in Hobart and the city's heartfelt sympathy and condolences go to those who may have suffered a tragic loss through this terrible event.

4.2 Lord Mayor Annual Report

As part of the role as Lord Mayor and the duties set out under the *Local Government Act 1993*, the Lord Mayor produced her 2021-2022 annual report.

It outlined the work that is carried out in her capacity as Lord Mayor to meet the eight specific functions and duties under legislation.

Some interesting statistics in key areas included:

- Receiving and responding to 1,190 individual items of correspondence
- 62 one-on-one constituent meetings, including at 20 Mayor in the Chair sessions held in places around the City.
- 185 additional meetings with organisations, businesses and government agencies and politicians; and
- Launched or opened 169 events, hosted 19 receptions, run 14 Town Hall sessions for schools and provided 91 media interviews.

The Report will be made available on the Council's [website](#).

5. NOTIFICATION OF COUNCIL WORKSHOPS

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

Date: Monday, 30 January 2023
Purpose: E-Scooter Trial Results, Minister Briefing Local Government Reform, Tasmania's Proposed Arts, Entertainment & Sports Precinct, Macquarie Point

Attendance:

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

Apologies: Councillor Dr Z Sherlock and Alderman L Bloomfield

Date: Tuesday, 14 February 2023
Purpose: Central Hobart Precinct Plan, Local Government Reform

Attendance:

The Deputy Lord Mayor Councillor H Burnet, Councillors W F Harvey, M Dutta, Dr Z Sherlock, J Kelly, Alderman L Bloomfield, and Councillor R Posselt.

Apologies:

The Lord Mayor Councillor A M Reynolds and Councillor B Lohberger

6. PUBLIC QUESTION TIME

6.1 Housing and Homelessness - Mr Douglas Cartwright

Mr Douglas Cartwright put the following questions which were taken on notice by the Lord Mayor.

1. *Can Council continue to justify allowing faceless companies to leave inner city buildings empty when so many citizens have no safe place to stay?*
2. *Will Council make orders extinguishing title to buildings we the people considered to be un-utilised?*
3. *Will Council commit all parking revenue towards funding a project to house the homeless in empty buildings?*

7. PETITIONS

No petitions were received.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

9. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

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

No interest was indicated.

Item 22 was then taken.

OFFICER REPORTS

10. Elected Member Model Code of Conduct Review
File Ref: F23/6101; 16/119

BURNET
SHERLOCK

That the recommendation contained in the officer report marked as item 10 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council adopt the model code of conduct marked as Attachment A to item 10 of the Open Council agenda of 20 February 2023.

11. Response to Petition - Keep Council Local
File Ref: F23/6112

HARVEY
POSSELT

That the recommendation contained in the officer report marked as item 11 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

- That: 1. Council notes that the current review of the City's Community Engagement Framework is exploring models of contemporary engagement, including participatory budgeting.
2. Council notes that the Community Engagement Framework will be developed in consultation with community and stakeholders and presented to Council for endorsement in the first half of 2023.
3. The petitioner be advised of the Council's decision.

**12. Response to Petition - Name Change Macquarie Street
File Ref: F22/100102**

BURNET
SHERLOCK

That the recommendation contained in the officer report marked as item 12 of the Open Council agenda of 20 February 2023, be adopted.

AMENDMENT

HARVEY
LOHBERGER

That an additional clause be added to read as follows:

3. That students are encouraged to continue investigation on the topic and should apply for a Creative Hobart Arts Grant to fund an interpretive piece of work.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That:
1. The renaming of Macquarie Street is not pursued any further as it does not comply with the principles detailed in the State Government's Tasmania Place Naming Guidelines.
 2. The petitioners be notified of the Council decision.
 3. That students are encouraged to continue investigation on the topic and should apply for a Creative Hobart Arts Grant to fund an interpretive piece of work.

13. Procurement - Quotation Exemption Report
File Ref: F23/11104

BURNET
HARVEY

That the recommendation contained in the officer report marked as item 13 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That:
1. The report titled 'Procurement – Quotation Exemption Report' be received and noted.
 2. The Council note the exemptions granted from the requirement to seek three written quotations for the period 1 July to 31 December 2022.

14. Parking Discount Scheme Options
File Ref: F22/102447

BURNET
SHERLOCK

That the recommendation contained in the officer report marked as item 14 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That: 1. Council notes the report prepared in relation to shop and save parking incentives.
2. Council consider its preferred approach to parking discounts as an incentive to stimulate retail activity through the Parking Strategy currently under development.

**15. Notice of Motion Response - UTAS Community Consultation
File Ref: F23/11109**

BURNET
HARVEY

That the recommendation contained in the officer report marked as item 15 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Council note the advice:

- (i) That UTAS is not a partner in the Hobart City Deal, however, as with many other organisations in Greater Hobart, their planning and activities can have an impact on the Key Focus Areas of the Hobart City Deal.
- (ii) The change in the description of the UTAS Southern Transformation Project between February 2019 and the release of the City Deal Implementation Plan in October 2019 was made to reflect the evolving nature of this externally driven project progressed by UTAS as a non-partner to the City Deal and outside the Hobart City Deal.

**16. Relocation of Vehicles from Bidendopes Lane to Centrepont Carpark
File Ref: F23/4385; R1006; 7709477**

HARVEY
POSSELT

That the recommendation contained in the officer report marked as item 16 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That :
1. The Council enter into a lease with the owner of that part of Bidendopes Lane shown on Attachment A to item 16 of the Open Council agenda of 20 February 2023, for a period of up to ten (10) years with two options for a further ten (10) years each at a nominal rent.
 2. As part of the agreement, the Council grant a licence to Centrepont for the use of 8 car spaces on ramp one of the Centrepont Carpark.
 3. The Chief Executive Officer be delegated the authority to negotiate and agree to the terms of the agreements.

17. Financial Report as at 31st December 2022
File Ref: F23/12939

BEHRAKIS
SHERLOCK

That the recommendation contained in the officer report marked as item 17 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That:
1. The Financial Report for the period ending 31 December 2022 be noted; and
 2. The proposed Mid-Year Variation Request updates to the City's 2022-23 Budget Estimates be approved.

18. City of Hobart Submission to Wellington Park Visitor Recreation Draft Strategy
File Ref: F23/13198

POSSELT
SHERLOCK

That the recommendation contained in the officer report marked as item 18 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That Council note the City of Hobart's submission to the Wellington Park Visitor Recreation.

19. Request to Install Memorial Plaque - Iranian Community - Women, Life, Freedom Campaign
File Ref: F23/12989

SHERLOCK
BURNET

That the recommendation contained in the officer report marked as item 19 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

- That:
1. Approval be granted for the installation of a plaque and associated tree planting (Cypress tree: Pencil Pine) at a location approved by the Director City Life in consultation with the Iranian Community Tasmania.
 2. All costs for production and installation of the plaque to be met by City of Hobart as part of its International Women's Day and Multicultural Commitments.
 3. The wording and location of the plaque will be to the satisfaction of the Director Connected City and Director City Life.

Item 27 was then taken.

REPORT OF THE CHIEF EXECUTIVE OFFICER

20. Annual General Meeting Motions
File Ref: F23/11319

SHERLOCK
POSSELT

That the recommendation contained in the officer report marked as item 20 of the Open Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

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

- a) The minutes of the Annual General Meeting held on Monday, 22 November 2021, be confirmed as an accurate record.
- b) That the City of Hobart Annual Report for 2021-22 be adopted.

Item 28 was then taken.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

**21. Culture and Workforce - Strategic Plan
File Ref: F23/14171; 13-1-9**

Councillor Elliot

Motion:

“That the Council:

1. note that the successful execution of the Council’s strategy is contingent on the City of Hobart being supported by a healthy organisational culture and a skilled, resilient and appropriately structured and resourced workforce that feels valued, heard, understood, informed and supported and
2. include in its updated Strategic Plan an outcome(s) and strategies that relate to the Council's desired organisational culture and workforce.”

Rationale:

“The achievement of organisational goals is inextricably linked to an organisation’s culture and workforce. Like other organisations, we have a vision we are working towards, a strategy to get there, work to be undertaken, and an organisational culture and workforce with its own strengths and weaknesses.

A staff survey undertaken in July 2021 highlighted a range of areas related to culture and our workforce that require attention. Areas for improvement include how the organisational deals with bullying, gender and mental health issues, and how it manages vacancies, retention, understaffing and loss of expertise. The survey also highlighted the need to ensure that staff feel heard, valued and supported and to improve the organisational culture and staff morale more broadly, particularly in relation to leadership culture and relationships.

The Council is currently undertaking a review of its Strategic Plan. At present, the Strategic Plan does not capture outcomes to work towards that relate to improving the City’s organisational culture and/or ensuring it has a workforce that is structure, resourced and appropriately supported to deliver on the organisational strategy. This motion intends to fill that important gap and elevate the importance of our culture and workforce through inclusion in a pivotal Council publication.

It is intended that the organisational culture and workforce related outcomes and strategies for inclusion in the Strategic Plan will be provided to the Council through the CEO as part of the process currently underway to update the Strategic Plan.”

Administration Response to Notice of Motion

Discussion

As the CEO, it's critically important for me to hear from staff from across the organisation about what's working well, what we need to improve and ideas for the future. Therefore, an extensive engagement process with Elected Members, staff and key agencies and stakeholders commenced in June 2021 to help inform the preparation of an organisational transformation program that realigns the organisation to best deliver the *Hobart: A Community Vision for Our Island Capital*, aspirations ensuring a key focus on areas required to deliver the strategic directions to deliver public value.

The City's organisational structure facilitates the delivery of projects, programs and services to the community. As outlined above, the structure of the City of Hobart was reviewed in 2021 following input from staff across the organisation. An organisation transformation program was developed following the review. The new structure is delivering on strategic goals, fostering a strong culture where high-performing leaders work strategically and staff work collaboratively, to set the course for the City of Hobart becoming an employer of choice.

The City's Executive Leadership Team (ELT) and staff are committed to delivering the best outcomes for our community and as a Capital City Council and Tasmania more broadly. As a Capital City, and the engine room of Tasmania, the Council has an important role to play in evidence-based planning and research underpinned by comprehensive community engagement to influence state and national policy to ensure the needs of our businesses and community are met now and into the future. Our structure helps us deliver on that role. Our organisation's structure allows us to embrace opportunities for growth to leverage all that Hobart has to offer. We are working hard as an organisation to set the foundations for the city we all love for many generations to come.

Council's Executive Leadership recognises that culture plays a critical role in facilitating the alignment of organisational design and positions the organisation to deliver positively on strategic goals as we continue to work alongside staff from across the organisation to ensure we are creating and nurturing high performing leaders.

A whole of Organisation Cultural Program supported by a Leadership Program for 80 of the CoH Leadership Group will be undertaken to strengthen a respectful and positive culture that will support delivery of our Capital City Strategic Plan. At its heart the Culture Program will use the Human Synergistic evidence-based tools (OCI and OEI) to identify our actual culture and our preferred culture and then with organisational input we debrief, assess and build culture and people plans to move us toward our ideal culture to support CoH deliver on our strategic priorities and the growing community needs of the future with confidence and resilience, enabling our organisation to adapt quickly to challenges to ensure we are meeting community expectations that deliver public value.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 8 – Governance and Civic Involvement

Outcome: 8.5 - Quality services are delivered efficiently, effectively and safely.

Strategy: 8.5.2 - Promote a safe, healthy and value-led workplace culture.

8.5.3 - Match workforce capability and fitness to operational requirements, such as through comprehensive workforce planning, professional development and succession planning.

8.5.5 - Optimise service delivery to ensure organisational sustainability and best value for the community.

ELLIOT
ZUCCO

That the motion be adopted.

MOTION LOST

VOTING RECORD

AYES

Zucco
Behrakis
Kelly
Elliot

NOES

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

COUNCIL RESOLUTION:

The motion was lost.

Item 23 was then taken.

22. Change rooms, toilets and showers
File Ref: F23/14202; 13-1-9

Councillor Elliot

Motion:

“That the Council:

1. acknowledge that all community members should be able to feel safe and comfortable using the City’s change rooms, and toilet and shower facilities and
2. adopt a policy position that as the City develops new and/or renovates existing change rooms, and toilet and shower facilities, that:
 - a) where communal shared spaces are offered, that it will seek to provide at least three segregated communal shared spaces; namely a space for females/women, a space for males/men, and a space that is for people of all sexes and genders, noting that this is in addition to (not replacement of) any other spaces where there is a requirement or other need (such as accessible facilities for people with a disability and facilities for parenting and family groups) and
 - b) it will seek to increase the supply of separate, individual change room, toilet and shower facilities which are solely used by an individual or a group known to each other (such as a family group) which can be accessed directly without passing through a segregated communal shared space.”

Rationale:

“Full and active participation in our community, including involvement in sport and recreation activities, necessitates access to public change rooms, toilets and showers where our community can feel safe and comfortable.

Changes to Tasmanian anti-discrimination and gender related legislation have made it legal for people to use facilities that align with their gender identify, opposed to their biological sex. The Council does and must continue to comply with this legislation.

Due to changes in the legislative and social environment, and society more broadly – including the rapid growth of gender-diverse populations, particularly with younger people
<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0202330>,
<https://www.nytimes.com/2022/06/10/science/transgender-teenagers-national-survey.html> – risks, tensions, wants and needs around the access to and use of public change room, toilet and shower facilities will occur and likely and escalate. Council should be proactive in responding to the needs of our community.

At present, the change room, toilet and shower facilities the City provides are typically (with some exceptions) segregated by gender, with separate spaces for men and women, and separate facilities for people with a disability and parenting spaces.

This motion seeks to expand the choice in change room, toilet and shower facilities provided by the City by adding the option of a third space with is open to people of all sexes and genders and increasing the amount of individual facilities available. This motion does not seek to abolish the provision of spaces which are separated by gender. It also does not intend to replace spaces that have another purpose, such as parenting facilities, family facilities and facilities for people with a disability.

At present, there are multiple situations where our community members can feel unsafe and/or uncomfortable using our facilities.

For example, to feel safe and comfortable many women want access to facilities where they can have assurance that the users of that space will be the same biological sex as them (excluding young children, for obvious reasons). Tasmanian law no longer provides women with this assurance.

UK based organisation, Sex Matters, surveyed over 7000 people in 2022, with 97% of respondents saying that they value single-sex spaces and services. 98% of the women who responded said they wanted for themselves and for the girls in their family to be able to change, shower and use the toilet in privacy, away from members of the opposite sex. <https://sex-matters.org/posts/single-sex-services/why-do-single-sex-services-matter/>

The reasons many women feel unsafe or uncomfortable sharing change rooms, toilets and showers with people of the opposite sex are vary and valid. Importantly, it is not for Council to judge the validity of these reasons but to understand that they are the views and experiences of a large portion of the community it has been elected to represent.

Some of the reasons women may feel unsafe or uncomfortable include:

1. having experienced trauma such as rape, sexual abuse, assaults by a male perpetrator, with research showing that:
 - a) 9.4% of women have experienced violence by a stranger since the age of 15 (<https://www.ourwatch.org.au/quick-facts/>) and
 - b) 18% of women have experienced sexual violence since the age of 15 (<https://www.ourwatch.org.au/quick-facts/>) and
 - c) more than one in three Australians experienced violence by a male perpetrator since the age of 15 (36% or 6.7 million), compared to one in ten by a female perpetrator (11% or 2 million) (<https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/latest-release>)
2. having experienced harassment, exhibitionism and voyeurism by a man, in a time where half of women and a quarter of men had experienced sexual harassment <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2016>

3. feeling self-conscious, uncomfortable or traumatised by having to change in front of people the opposite sex (<https://www.foxsports.com.au/more-sports/horrendous-outrage-as-swimmer-left-in-tears-over-transgender-locker-room/news-story/df574f1e87482560168bc9e4d41c5712>)
4. feeling intimidated or threatened from a safety perspective when being in vulnerable spaces with biological men given:
 - a) their inherent physical dominance over females (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3761733/>) and
 - b) the proven patterns of male criminality, particularly in relation to violent crimes <https://findanexpert.unimelb.edu.au/news/16315-men-are-more-likely-to-commit-violent-crimes.-why-is-this-so-and-how-do-we-change-it%3F> which are retained for trans women (including for violent crime), with male-to-females having a significantly increased risk for crime compared to female but not compared to males <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885> and
 - c) that around 97% of Australia's sexual assault offenders are men (<https://www.abs.gov.au/media-centre/media-releases/97-cent-sexual-assault-offenders-are-male>) and that
 - d) that coming out of Canada, the finding that over 80% of gender diverse offenders in their prison system with sexual offence histories were trans-women, with the highest proportion of their victims being children or female (https://publications.gc.ca/collections/collection_2022/scc-csc/PS84-210-2022-eng.pdf).
5. people who cannot be seen out of certain attire by men because of their culture and/or religious beliefs.

Similarly, gender-diverse people can feel unsafe and uncomfortable and face violence, abuse and harassment if they are perceived as using the 'wrong' facility (<https://search.informit.org/doi/abs/10.3316/informit.378342500024203>).

A paper by the Western Australia Equal Opportunity Commission states that 97 percent of gender-diverse people who said they would feel comfortable using an all gender bathroom also said they would prefer to do so over typical gendered facilities (<https://www.wa.gov.au/system/files/2023-02/Changing%20rooms%20for%20gender%20diversity%20issues%20paper%2002.23.pdf>)

Sadly, the rates of depression, anxiety and suicide are significantly higher for gender-diverse people compared to the general population (<https://www.orygen.org.au/About/News-And-Events/2022/Mental-health-and-suicide-risk-in-trans-and-gender>) and toilets are viewed as being among the least safe spaces for gender diverse people (<https://www.mdpi.com/1660->

4601/19/16/10089)

Furthermore, people should not feel forced to use facilities which are intended for individual use by people with a disability or family groups because they feel unsafe or uncomfortable using a communal space.

The motion does not (and cannot) resolve the many and deep tensions around the provision and removal of single-sex change rooms, toilets and showers.

This motion does not intend to restrict or deter gender-diverse people from using the facility of their choosing. It does seek to provide a third option which has the potential to increase the likelihood that more of our community members feel safe and comfortable in their chosen space.

This motion is intended to provide a logical response to a complex issue, within the City's legislative constraints and considering the Council's jurisdiction and authority."

Administration Response to Notice of Motion

Discussion

1. Creating an equitable and inclusive community is a core part of the City's work. Priorities are delivered through a variety of projects, initiatives and partnerships. This work is outlined in a range of strategies and plans across the organisation. One key policy endorsed by Council in 2021 is *Hobart: A city for all* the City of Hobart's Community Inclusion and Equity Framework. It outlines the City's role in creating a city for all and provides a framework for action.
2. To become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We know that there is systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions. We work closely with those who face additional barriers to participation, including Aboriginal people, children and young people, people experiencing homelessness, LGBTIQ+ communities, multicultural communities, older people and people with disability.
3. The City of Hobart is a proud supporter of LGBTIQ+ communities and is guided by the Council-endorsed LGBTIQ+ Commitment 2021-2023.
4. The DKHAC has always been fully compliant with the Tasmania's Anti-Discrimination Act in relation to access to change rooms. Advice from the Anti-Discrimination Commissioner, states that a transgender person should be able to use the change room of whichever gender they identify with (regardless of their stage of transition).

5. It is noted that even if three segregated communal shared spaces; namely a space for females/women, a space for males/men, and a space that is for people of all sexes and genders were made available, transgender community members can still access the change room that matches the gender they identify with. They cannot be directed to use any particular change-rooms.

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: *Hobart: A city for all*

ELLIOT
ZUCCO

That the motion be adopted with the vote for each clause taken separately.

BEHRAKIS
DUTTA

That Councillor Elliot be granted a one minute extension to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

POSSELT

DUTTA

That Councillor Sherlock be granted a one minute extension to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

BEHRAKIS

HARVEY

That Alderman Zucco be granted a one minute extension to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

The Lord Mayor then put clause 1 of the motion.

MOTION LOST
CLAUSE 1

VOTING RECORD

AYES

NOES

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

The Lord Mayor then put clause 2(a) of the motion.

MOTION LOST
CLAUSE 2(a)

VOTING RECORD

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

The Lord Mayor then put clause 2(b) of the motion.

MOTION LOST
CLAUSE 2(b)

VOTING RECORD

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

COUNCIL RESOLUTION:

The motion was lost.
Item 24 was then taken.

23. 'Whole of House' Short Stay Accommodation Permits
File Ref: F23/14210; 13-1-9

Motion:

“That a report be prepared as soon as practicable that considers a range of options to ensure that whole of house/apartment residential properties that are advertised as full time short stay accommodation have permitted use rights.

The report consider a mechanism to be implemented that ensures the above short stay accommodation providers have the required permits in place and monitored by the Council regularly.

The report also considers options that all full time residential converted properties to short stay are registered on a yearly bases similarly to the hospitality industry with inspections in accordance to the health act again similarly to the hospitality industry.

The report further consider options to also regulate and monitor other participants in the industry that use their residence that are not full house/apartments or full time providers that may use their personal residence for short stay accommodation similarly to a home business registrations.”

Rationale:

“A number of operators in the industry have brought to my attention that there are a vast number of whole of house/apartments listed on short stay sites that do not have the appropriate permits and approvals and operating under an “exempt” option on these sites.

I am fully aware of the process to register on short stay provider sites but a number of operators are using the "exempt" options to overcome the permit number option. The other point is who is monitoring the industry to ensure all operators are permitted.

That considering there are those who have pursued appropriate permits it's imperative that the Council regulates and monitors the industry with an intent to shut down those that are operating without permits.

As per generally the council would not allow a hospitality business to operate without the appropriate approvals and registration. So on that basis it is time the Council pursued a far more regulated short stay industry to ensure the industry is operating within their permitted use.

A registration similar to the hospitality industry would play a role in the monitoring of the industry and the fees would provide the council funding to ensure that the industry is monitored appropriately.

There are a vast number of Councils now introducing registrations regulations and also their use for rating the property with one example attached.

[https://www.abc.net.au/news/2023-02-07/warrnambool-introduces-short-stay-accommodation-provider-fee/101938376.](https://www.abc.net.au/news/2023-02-07/warrnambool-introduces-short-stay-accommodation-provider-fee/101938376)”

Administration Response to Notice of Motion

Discussion

1. The Short Stay Accommodation Act 2019 came into effect on 4 June 2019 and places obligations on the owners or occupiers of premises to provide a statement confirming that the short stay accommodation:
 - has the required planning permit and identifies the relevant planning permit number;
 - does not require a planning permit ; or
 - has existing use rights established under section 12 of the *Land Use Planning and Approvals Act 1993*.
2. The Act requires booking platform providers to collect and display the information on their booking platforms and to report the information to the Director of Building Control on a quarterly basis, within 30 days of the end of the quarter.
3. The information provided by the booking platform providers is made available to local government and can be used to assist with ensuring compliance with planning and building requirements.
4. As at the end of June 2022, the following information was provided:

Not Primary Residence			Primary Residence			Total
Permit Required	Permit not required	Total	Permit Required	Permit not required	Total	
88	361	449	692	86	778	1227

See https://cbos.tas.gov.au/_data/assets/pdf_file/0007/697579/Short-Stay-Accommodation-Act-2019-Report-11-Quarter-2-2022.pdf for further details.

5. Council has limited resources in responding to non-compliant activities and matters are investigated in accordance with resourcing limitations and assigned priority level. In accordance with the Council's Compliance and Investigation Policy adopted by Council in 2022, officers prioritise investigation into reported non-compliant activities that involve higher or more significant risk to the community and environment. Officers implement a pro-active monitoring regime where non-compliant activities create significant risk to the health, safety and wellbeing of the community. A more rigorous and proactive investigation to all short stay accommodation will require a significant increase in resourcing levels.

6. Council can only act in accordance with the powers granted to it under legislation. There is no legislative provisions which provide the scope for Council to require registration of short stay accommodation with Council, scope to periodically inspect or the ability to impose a fee. While other jurisdictions have imposed measures, they operate under a different legislative regime. For similar measures to be available in Tasmania, legislative reform is required.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 7 – Built Environment

Outcome: 7.1 Hobart has a diverse supply of housing and affordable homes.

Strategy: 7.1.6 Monitor and respond to the impacts of visitor accommodation

Legislation and Policy

Legislation: Land Use Planning and Approvals Act 1993, Building Act 2016, Short Stay Accommodation Act 2019

Policy: City of Hobart Compliance Investigation Procedure Policy

Financial Implications

1. Any mechanisms which may be recommended or adopted will have resource requirements and consequential financial implications.

ZUCCO
BEHRAKIS

That the motion be adopted.

BEHRAKIS
HARVEY

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

SUBSTANTIVE MOTION LOST

VOTING RECORD

AYES

NOES

Zucco
Behrakis
Kelly
Elliot
Bloomfield

Lord Mayor Reynolds
Deputy Lord Mayor Burnet
Harvey
Dutta
Posselt
Lohberger

MOTION WITHOUT NOTICE

POSSELT

BURNET

“That the Council write to the State Government expressing concerns about the legislative framework on regulation of Short Stay Accommodation across Tasmania and the ability for councils to ensure compliance with the relevant regulation. The letter should also make mention of the desire to charge a fee for service for regulation compliance activity for the purposes of cost recovery and/or as a deterrent mechanism for conversion of whole homes to short stay accommodation.”

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Council write to the State Government expressing concerns about the legislative framework on regulation of Short Stay Accommodation across Tasmania and the ability for councils to ensure compliance with the relevant regulation. The letter should also make mention of the desire to charge a fee for service for regulation compliance activity for the purposes of cost recovery and/or as a deterrent mechanism for conversion of whole homes to short stay accommodation.

Item 25 was then taken.

24. Inclusive and Welcoming City File Ref: F23/15195; 16/119

Motion:

“That 1.

1. Council reaffirms the City’s commitment to inclusion and equal access through the Community Inclusion and Equity Framework AND that the LGBTIQ+ commitment is reviewed and refreshed as a priority this year AND that a LGBTIQ+ reference group is established.
2. The City provide all elected members equality, inclusion and gender diversity training through a formal workshop. Specifically their obligations as they relate to the Council’s Social Inclusion Policy and the *Anti-Discrimination Act 1998* (Tas).
3. Council recognise that gender identity is enshrined in the *Anti-Discrimination Act 1998* and therefore under law, anyone who identifies as a woman should be treated as a woman, anyone who identifies as a man should be treated as a man and non-binary people are non-binary people.
4. The CEO write to the Director of Local Government requesting an investigation into any Councillor who’s conduct as it relates to the LGBTIQ+ community may breach the Code of Conduct and relevant State Legislation, including but not limited to the *Local Government Act 1993* and the *Anti-Discrimination Act 1998* (Tas) (example conduct in Appendix 1).”

Rationale:

“The City’s Community Inclusion and equity framework, LGBTIQ+ commitment states:

In alignment with the Universal Declaration of Human Rights, the Council recognises the fundamental right of every individual to participate socially, culturally, economically, physically, spiritually and politically in society. The Council acknowledges that each member of the community has their own set of strengths, skills and resources and that the contribution of these is of benefit to the whole community. The Council recognises that not everyone’s experience of our community is the same. We acknowledge the systemic barriers within the built, social and information environment that prevent people from thriving and contributing to society. Barriers include lack of employment opportunities, poverty, low literacy and numeracy, ill health, intimate and family violence, inadequate support services, stigma and discrimination and lack of housing affordability. These are challenges which the Council is committed to addressing through advocacy, partnership and direct action. Council commits to building social inclusion and actively reducing discrimination on the ground of any attribute listed under section 16 of the Anti-Discrimination Act 1998. The Council commits to social inclusion and compliance with relevant anti-discrimination legislation in all aspects of council operations including strategic planning, service delivery, communications and design and delivery of public spaces

In 2008, the City of Hobart formally apologised to Tasmania’s Lesbian, Gay, Bisexual, Transgender, Intersex and Queer + (LGBTIQ+) communities for the discriminatory and hurtful behaviour it had undertaken in preventing the campaigning of gay law reform at the Salamanca Market in 1988.

Today, the City of Hobart is a proud supporter of LGBTIQ+ communities, as signified by the Hobart City Council’s decision to fly the Rainbow Flag over the Hobart Council Centre until marriage equality was realised in 2017. However, we recognise that despite social progress, in areas such as marriage equality, LGBTIQ+ people continue to experience harassment, discrimination and violence because of their sexuality and/or gender identity. These experiences can contribute to psychological distress, homelessness, and challenges with alcohol and other drugs that are disproportionately experienced by LGBTIQ+ people

The City celebrates the contributions that LGBTIQ+ individuals and communities make to our municipality and the commitment aims to demonstrate how we continue to support these communities to be proud, visible and responsive to the challenges they face.

Furthermore, under the *Anti-Discrimination Act 1998* (Tas) (“the Act”), it is discrimination when a person is treated worse than other people or disadvantaged because they have a particular characteristic, such as their age, race, sex, or disability. Sexual orientation, Gender, Gender identity and Intersex variations of sex characteristics are in the Act. This would include the organisation of and participation in protests that target minority groups based on those characteristics.

Lastly, section 28(1) of the *Local Government Act 1993* A councillor, in the capacity of an individual councillor, has the following functions:

(a) to represent the community;

(b) to act in the best interests of the community;

The City of Hobart is a welcoming city, our city is a diverse city where everyone should feel welcomed to participate society regardless of their identity, race, religion or sexuality.”

Administration Response to Notice of Motion

Discussion

1. The City of Hobart’s Community Inclusion and Equity Framework, *Hobart: a city for all*, outlines the City's role in creating a city for all and provides a framework for action.
2. To become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We know that there is systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions. We work closely with those who face additional barriers to participation, including Aboriginal people, children and young people, people experiencing homelessness, LGBTIQ+ communities, multicultural communities, older people and people with disability.
3. The City of Hobart is a proud supporter of LGBTIQ+ communities and is guided by the council-endorsed LGBTIQ+ Commitment 2021-2023.
4. Training for elected members can be arranged and should the Council so resolve, the CEO is able to write to the Director of Local Government as contemplated by the motion.

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: *Hobart: A city for all*

Financial Implications

1. Costs would be incurred through the provision of training to elected members, however this would be within current budget parameters.

POSSELT

LOHBERGER

That the motion be adopted amended by the removal of Clause 4.

AMENDMENT

ELLIOT

That clause 3 be amended to read as follows:

“Council note that gender identity is a prescribed attribute in the Anti-Discrimination Act 1998 and that the Act prohibits discrimination based on a range of attributes, including gender identity”

The amendment lapsed for want of a seconder.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

Zucco
Behrakis
Elliot

COUNCIL RESOLUTION:

- That
1. Council reaffirms the City's commitment to inclusion and equal access through the Community Inclusion and Equity Framework AND that the LGBTIQ+ commitment is reviewed and refreshed as a priority this year AND that a LGBTIQ+ reference group is established.
 2. The City provide all elected members equality, inclusion and gender diversity training through a formal workshop. Specifically their obligations as they relate to the Council's Social Inclusion Policy and the *Anti-Discrimination Act 1998* (Tas).
 3. Council recognise that gender identity is enshrined in the *Anti-Discrimination Act 1998* and therefore under law, anyone who identifies as a woman should be treated as a woman, anyone who identifies as a man should be treated as a man and non-binary people are non-binary people.

Item 10 was then taken.

25. QUESTIONS WITHOUT NOTICE

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

No questions were asked.

26. CLOSED PORTION OF THE MEETING

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

- Information of a confidential nature
- Commercial information likely to prejudice the person who supplied it.
- Contracts and tenders
- Proposals for an interest of Council land

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest
Item No. 6	Draft Central Hobart Precincts Structure Plan LG(MP)R 15(2)(g)
Item No. 7	Giblin Street Quarry Site - Expressions of Interest to Sell or Lease Land LG(MP)R 15(2)(c)(i), (d) and (f)
Item No. 8	E-Scooter Trial Findings LG(MP)R 15(2)(c)(iii)
Item No. 9	City of Hobart Elected Member Commitments LG(MP)R 15(2)(g)
Item No. 10	Questions Without Notice
Item No. 11	Trade and Investment Mission to South Korea and Japan LG(MP)R 15(2)(g)

BURNET
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY
ABSOLUTE MAJORITY

VOTING RECORD

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

The Chairman adjourned the meeting at 7.15 pm for a comfort break, resuming at 7.36 pm.

Item 17 was then taken.

There being no further business the Open portion of the meeting closed at 10.09pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
20TH DAY OF MARCH 2023.

CHAIRMAN

SUPPLEMENTARY ITEM

27. Sandy Bay Neighbourhood Plan
File Ref: F23/9176; 23/5

SHERLOCK
POSSELT

That the recommendation contained in the officer report marked as Supplementary item 27 of the Open Council agenda of 20 February 2023, be adopted amended to include the words “and Mount Nelson” after the words “Sandy Bay”.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council endorse the Sandy Bay and Mount Nelson Neighbourhood Plan Boundaries and indicative timing of the key planning milestones of the project.

Item 20 was then taken.

TRANSFERRED ITEMS

In accordance with the resolution passed at item 3, the following item has been transferred from the Closed Council agenda.

28. Draft Central Hobart Precincts Structure Plan File Ref: F23/7555; 19/79

Ref: Closed Council 6, 20/02/2023

BURNET

DUTTA

That the recommendation contained in the officer report marked as item 6 of the Closed Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

COUNCIL RESOLUTION:

That the Council endorse the release of the Central Hobart Precincts Plan Discussion Paper marked as Attachment A in item 6 of the Closed Council agenda of 20 February 2023 and provided as an attachment to these Minutes, for the purpose of public exhibition and further stakeholder and community consultation.

Attachment

A Central Hobart Precincts Structure Plan Discussion Paper ⇒ 

In accordance with the resolution passed at item 3, the following item has been transferred from the Closed Council agenda.

29. E-Scooter Trial Findings
File Ref: F23/13984

Ref: Closed Council 8, 20/02/2023

That the recommendation contained in the officer report marked as item 8 of the Closed Council agenda of 20 February 2023, be adopted.

BURNET
BEHRAKIS

That the recommendation be adopted.

AMENDMENT

LOHBERGER
DUTTA

That the following additional clauses be included, and the vote for each clause be taken separately:

6. A process be run to identify an operator for an eScooter hire business in Hobart, and that the preferred operator demonstrate the ability to meet the following licence conditions:
 - Use a restricted parking model under which eScooters must be returned to set locations around the city that will be identified on the app and through on-ground signage;
 - Prevent the parking of eScooters on footpaths within a 2km radius of the Elizabeth Street Mall in Hobart's CBD. except at the discretion of the CEO of the City of Hobart to address specific issues;
 - Has a high quality and proven geo-fencing technology that can include and enforce total no-ride zones, footpath no-ride zones, no-parking zones, and speed-restricted zones.
 - Meet agreed performance standards for the removal of eScooters within a set timeframe when they are parked within 2km of Elizabeth mall, or are parked in a way that obstructs the public right-of-way, or are left in a position that is irretrievable by the general public;
 - Demonstrates an ability to maintain a local point of contact and service delivery for local residents to lodge complaints or make suggestions;
 - Have high-quality 3rd-party insurance coverage;
 - Offer concessional travel to low-income earners; and,
 - Provide a report back to Council every 12 months regarding the performance of its parking arrangements and mitigation strategies.

7. The City of Hobart will invest all future eScooter licence fees into the provision of shared on-street parking stations and transit lanes for bicycles, eBikes, and eScooters.
8. The Lord Mayor to write to the Tasmanian Government on behalf of the City of Hobart, calling for:
 - legislative and financial support to expedite the construction of separated lanes for bicycles, eBikes, and eScooters in Hobart; and
 - better promotion and enforcement of fines for breaches of Tasmania's road rules by e-scooter riders (eg. doubling, use of helmets, riding under the influence).

The Lord Mayor then put clause 6 of the amendment.

AMENDMENT LOST
CLAUSE 6

VOTING RECORD

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

The Lord Mayor then put clause 7 of the amendment.

AMENDMENT CARRIED
CLAUSE 7

VOTING RECORD

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

The Lord Mayor then put clause 8 of the amendment.

AMENDMENT CARRIED
CLAUSE 8

VOTING RECORD

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

BEHRAKIS
SHERLOCK

That Alderman Zucco be granted a one minute extension to address the meeting.

MOTION CARRIED

VOTING RECORD

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

AMENDMENT

DUTTA
LOHBERGER

That Clause 1 be amended by the addition of the following line after the word “operators”:

“; and that a further report be provided to Council on the license arrangements before finalising”

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

- That: 1. Hire-and-ride micromobility be continued as a service in Hobart under a license arrangement with operational conditions determined by the CEO following the conclusion of the trial under new arrangements between the City and operators; and that a further report be provided to Council on the license arrangements before finalising

2. City officers continue to research and implement solutions to safety and parking issues based on community and stakeholder engagement, and evidence-based analysis;
3. Particular issues of micromobility devices be prioritised in the City's Local Area Mobility Plans, including footpath and path infrastructure improvements.
4. Determination of day-to-day operational conditions of the trial and responsibility for changes to these conditions be delegated to the CEO.
5. In accordance with regulation 15 (8) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council has considered whether any discussion, decision, report or attachment related to this item can be released to the public, taking into account privacy and confidentiality issues, and resolved the item be transferred to the open portion of the meeting.
6. The City of Hobart will invest all future eScooter licence fees into the provision of shared on-street parking stations and transit lanes for bicycles, eBikes, and eScooters.
7. The Lord Mayor to write to the Tasmanian Government on behalf of the City of Hobart, calling for:
 - legislative and financial support to expedite the construction of separated lanes for bicycles, eBikes, and eScooters in Hobart; and better promotion and enforcement of fines for breaches of Tasmania's road rules by e-scooter riders (eg. doubling, use of helmets, riding under the influence).

In accordance with the resolution passed at item 3, the following item has been transferred from the Closed Council agenda.

30. Future of Local Government Review - Phase 2 Submission
File Ref: F23/14423

Ref: Supplementary Closed Council 11, 20/02/2023

BURNET
POSSELT

That the recommendation contained in the officer report marked as Supplementary item 11 of the Closed Council agenda of 20 February 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES


NOES

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

COUNCIL RESOLUTION:

- That:
1. The report presented by the Chief Executive Officer on the future of local government review process and Options Paper (December 2022) be noted.
 2. The Draft Submission prepared in response to the Future of Local Government Options Paper (December 2022), marked as Attachment A in Supplementary item 11 of the Closed Council agenda of 20 February 2023 and provided as an attachment to these Minutes, be endorsed.
 3. The Chief Executive Officer be authorised to finalise and lodge the submission to the Local Government Board.
 4. In accordance with regulation 15 (8) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council has considered whether any discussion, decision, report or attachment related to this item can be released to the public, taking into account privacy and confidentiality issues, and resolved to move the item into the open portion of the meeting.

Attachment

A Draft Submission to the Future of Local Government Options Paper (December 2022) ⇒ 

Item 21 was then taken.