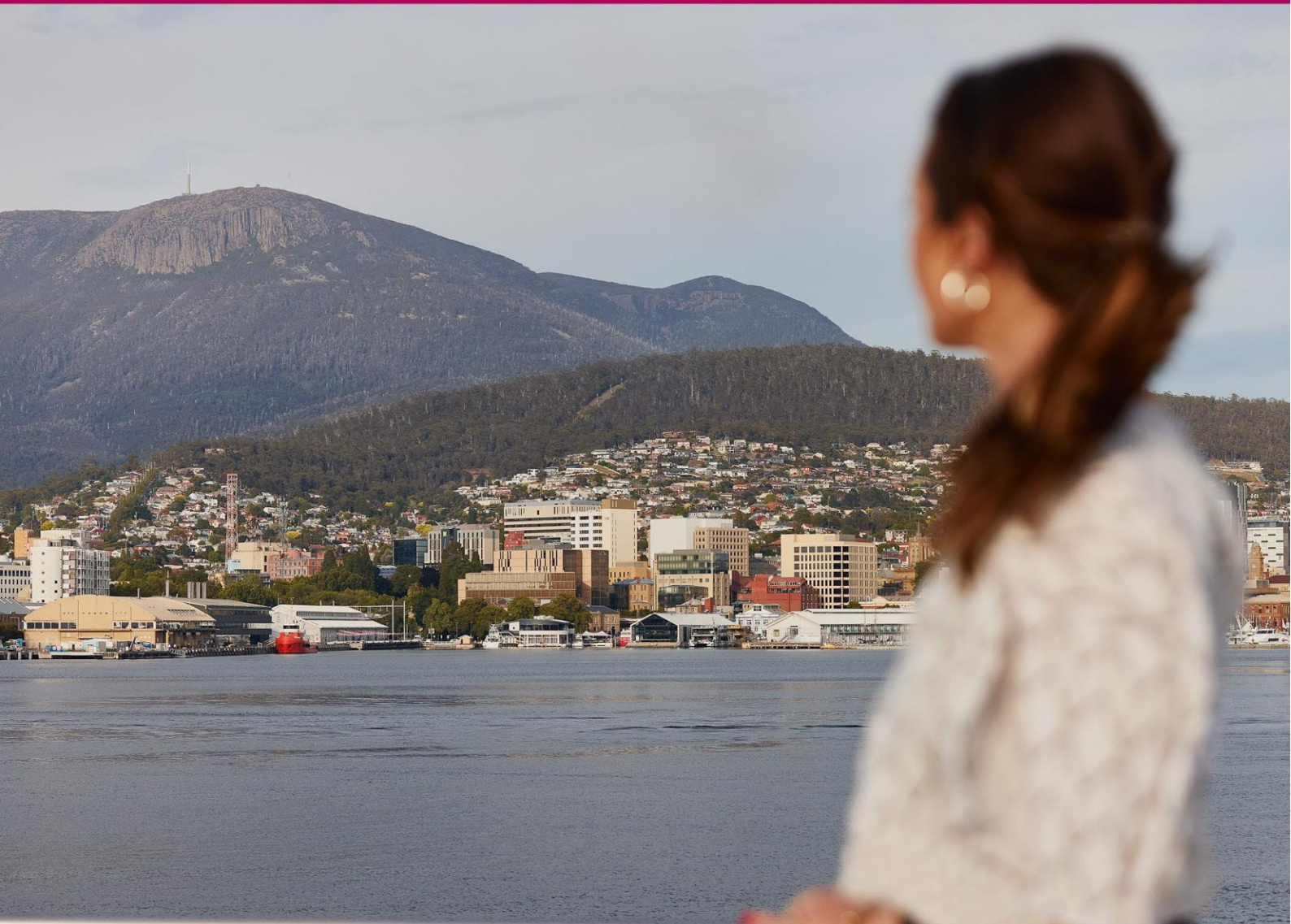




CITY OF HOBART

MINUTES

OPEN PORTION
MONDAY, 27 MAY 2024
AT 5.00 PM
COUNCIL CHAMBER, TOWN HALL



ORDER OF BUSINESS

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PRESENT:

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

APOLOGIES:

Nil.

LEAVE OF ABSENCE:

Nil.

Alderman Zucco left the meeting at 5.16pm, returning at 5.17pm.

The Deputy Lord Mayor left the meeting at 6.38pm, returning at 6.41pm.

Alderman Zucco retired from the meeting at 6.48pm and was not present for items 16 to 29.

Councillor Posselt left the meeting at 7.23pm, returning at 7.24pm.

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson provided an acknowledgement to Country.

2. CONFIRMATION OF MINUTES

The Chairperson reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 29 April 2024](#), and finds them, together with item 19.3, as amended, of the Open Portion of the Council meeting held on [Monday, 19 March 2024](#), to be a true record and recommends that they be taken as read and signed as a correct record.

SHERLOCK
DUTTA

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

The minutes were signed.

3. TRANSFER OF AGENDA ITEMS

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

No items were transferred.

4. COMMUNICATION FROM THE CHAIRPERSON

4.1 Art Work - Qin Sheng

The Lord Mayor reported that on Saturday 27 April 2024, Alderman Bloomfield attended the official opening of 'Ancient Charm, Splendid Colours' exhibiting art works from Chinese artist, Qin Sheng. The event was hosted by the Federation of the Chinese Associations Tasmania and held at Wrest Point.

Qin Sheng is considered one of the best ink painting calligraphy artists in the world. His art works display a very contemporary fusion style of eastern and western art, retain elements of traditional ink paint calligraphy that have stretched back hundreds of years.

Alderman Bloomfield was presented with two beautiful pieces of work which the Lord Mayor presented to the Chamber.

4.2 Yellow Ribbon Road Safety Council

The Lord Mayor presented a Certificate of Welcome that was received from Safer Australian Roads and Highways to welcome the City of Hobart as a 2024 Yellow Ribbon Road Safety Council. The certificate also thanks the Council and staff for “their steadfast commitment to improving road safety.”

4.3 Tony Foster - former Mayor of Brighton

The Lord Mayor acknowledged the passing of Tony Foster, former Mayor of Brighton. Tony was Tasmania’s longest serving Mayor, who made a significant contribution to the local government sector. The Lord Mayor, on behalf of the council extended thoughts and wishes to his family and friends.

The Chamber observed one minute of silence.

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, 6 May 2024
Purpose: 2024-25 Budget

Attendance:

The Lord Mayor Councillor A Reynolds, Deputy Lord Mayor Councillor Dr Z Sherlock, Alderman M Zucco, Councillors B Harvey, M Dutta, J Kelly, L Elliot, W Coats and G Kitsos.

Apologies:

Alderman L Bloomfield, Councillor R Posselt

Alderman Bloomfield and Councillor Posselt attended a makeup session on the 2024-25 Budget on the evening of 6 May 2024.

Date: Monday, 20 May 2024
Purpose: Memorials Policy and Budget Feedback Session

Attendance:

The Lord Mayor Councillor A Reynolds, Deputy Lord Mayor Councillor Dr Z Sherlock, Alderman M Zucco, Councillors B Harvey, M Dutta, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt, and G Kitsos.

Apologies:

Councillor B Lohberger

6. PUBLIC QUESTION TIME

No public questions were received.

7. PETITIONS

7.1 Collins Street Tactical Cycleways File Ref: 16/119

The Chief Executive Officer tabled a petition from Alison Hetherington Public Affairs Manager Bicycle Network, Hobart calling for the Council to commence work on the tactical trial for an active transport link in Collins Street.

There were 1298 signatories to the petition.

HARVEY
DUTTA

That the petition be received and noted, and a report be provided back to a future Council meeting, following consideration by the relevant portfolio committee.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

Attachment

A Petition - Collins Street Tactical Cycleways - May 2024 ⇨ 

8. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

No supplementary items were received.

9. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Members of the Council 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.

OFFICER REPORTS

10. Collins Street Tactical Bicycle Infrastructure
File Ref: F24/30445

POSSELT
LOHBERGER

That the recommendation contained within the officer report, marked as item 10 of the Open Council Agenda of 27 May 2024, be adopted.

ZUCCO
DUTTA

That Councillor Posselt be granted an extra two minutes to address the item.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

PROCEDURAL MOTION

ELLIOT
BLOOMFIELD

That the item be deferred to allow further engagement to be undertaken.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES

Zucco
Kelly
Elliot
Bloomfield
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Kitsos

SHERLOCK
DUTTA

That Alderman Zucco be granted an extra two minutes to address the item.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

NOES

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Kitsos

NOES

Zucco
Kelly
Elliot
Bloomfield
Coats

COUNCIL RESOLUTION:

That:

1. The Council endorse the concept plan for tactical bicycle lanes on Collins Street, between Molle Street and Murray Street, to proceed to further project communications and engagement, and detailed design.
2. Following implementation of the above recommendation, an Engagement Summary report be provided to the Council for consideration, and approval sought for the installation of the Collins Street Tactical Bicycle Infrastructure.

11. Central Hobart Plan - Implementation Program - Year One
File Ref: F24/21522; 19/79

HARVEY
SHERLOCK

That the recommendation contained within the officer report, marked as item 11 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Sherlock	Kelly
Harvey	Elliot
Dutta	Bloomfield
Posselt	Coats
Lohberger	
Kitsos	

COUNCIL RESOLUTION:

That:

1. The Council endorse the Central Hobart Plan Implementation Program year one report, marked as Attachment A to item 11 of the Open Council Agenda of 27 May 2024.
2. The Council note the public release and sharing of the report to facilitate the communication and delivery of the priority actions.

12. Stormwater Management Policy for Development
File Ref: F24/32092

LOHBERGER
POSSELT

That the recommendation contained within the officer report, marked as item 12 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

That the Council endorse the Stormwater Management Policy for Development, marked as Attachment A to item 12 of the Open Council Agenda of 27 May 2024.

13. Quarterly Financial Report - 31 March 2024
File Ref: F24/42366

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 13 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

That:

1. The Council note the Quarterly Financial Report – 31 March 2024; and
2. Approve the following proposed Operational and Capital Works variation requests to update the City's 2023-24 Budget Estimates:

Operational Variations:

Category	Amount (\$'000)	Reason
Revenue (Decrease)	(100)	Reduction to The Southern Tasmanian Regional Land Use Strategy (STRLUS) budgeted grant revenue, as the grant payment was received up front and it is not all expected to be used this financial year.

Expenditure (Decrease)	(100)	Reduction to The Southern Tasmanian Regional Land Use Strategy (STRLUS) materials and service budget in line with the decrease to the grant revenue as it is not all expected to be used this financial year.
Expenditure Increase	181	Transfer of budget from Materials and Services to Labour to ensure critical roles across the organisation are funded.
Expenditure (Decrease)	(181)	Reduction in Materials and Services to Labour to ensure critical roles across the organisation are funded.
Revenue Increase	24	A transfer from Other Fees and Charges to Operating Grants for the Learn to Swim Grant.
Revenue (Decrease)	(24)	A transfer from Other Fees and Charges to Operating Grants for the Learn to Swim Grant.
Revenue (Decrease)	(18)	A reduction in Other Fees and Charges relating to the Department of Education, Children and Young People for lane hire at the Doone Kennedy Hobart Aquatic Centre.

Capital Works Variations:

Category	Amount (\$'000)	Transfer From	Transfer To
Capital Expenditure Increase	270		J001941 - Creek Road - No. 101 to Maria – Overlay - \$269,834
Capital Revenue Increase (Other Contributions)	270		J001941 - Creek Road - No. 101 to Maria – Overlay - \$269,834
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$11,516	J002362- Parks - Pavements 2023-24 - \$11,516
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$4,238	J001164 - Argyle and Campbell Bicycle Facilities - \$4,238

Capital Transfer	0	J002287-Program Contingency 2023-24 - \$15,000	J002400- Queens Domain Parking Voucher Machines - Update to 4G- \$15,000
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$47,500	J001307- Zig Zag Track Renewal (Stage 3)- \$47,500
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$12,901	J002360- Parks - Fences, Walls and Edges 2023-24- \$12,901
Capital Transfer	0	J001718- Tower Road Bridge Guardrail- \$15,000	J002287-Program Contingency 2023-24 - \$19,000
Capital Transfer	0	J002288- Fire Trail Upgrade and Renewal 2023-24- \$13,000	J002264- Nicholas Fire Trail- \$13,000
Category	Amount (\$'000)	Transfer From	Transfer To
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$8,500	J002105- Domain BBQ Replacement- \$8,500
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$15,000	J001898- Council Centre - Lift Number 1 and 2 Renewal- \$15,000
Capital Transfer	0	J002287-Program Contingency 2023-24 - \$15,000	J002411- DAC Synthetic Track - Emergency Repairs- \$15,000

14. 2024-25 Fees and Charges
File Ref: F24/42364

HARVEY
SHERLOCK

That the recommendation contained within the officer report, marked as item 14 of the Open Council Agenda of 27 May 2024, be adopted, as amended by the deferral of the proposed fees and charges relating to information request fees to be subject to a report for further information.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

That the recommendation contained within the officer report, marked as item 14 of the Open Council Agenda of 27 May 2024, be adopted, as amended by the deferral of the proposed fees and charges relating to information request fees to be subject to a report for further information.

15. Procurement - Quotation Exemption Report
File Ref: F24/39482

POSSELT
SHERLOCK

That the recommendation contained within the officer report, marked as item 15 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Zucco
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

That the Council note the exemptions granted from the requirement to seek three written quotations for the period 1 January to 31 March 2024, marked as Attachment A to item 15 of the Open Council Agenda of 27 May 2024.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

16. Menopause
File Ref: F24/24344; 16/119

Motion

“That Council:

1. Sign a Menopause Workplace Pledge; and
2. Request the CEO to:
 - (a) undertake steps to possibly nominate a dedicated Menopause Champion amongst the staff, so the City of Hobart can be a Menopause Friendly Employer;
 - (b) facilitate regular support and advice sessions on peri-menopause and menopause that can be accessed by both staff and Councillors/Alderman; and
 - (c) work with health care providers to facilitate improved access to information and advice on peri-menopause and menopause in the community
 - (d) Seek feedback on the initiative from the Healthy Hobart Portfolio Committee”

Rationale:

“Recently the Lord Mayor noted that “At the City of Hobart, we are committed to fostering an inclusive environment where women thrive. With 41% of our workforce comprising women, including those in non-traditional roles, we are proud of the progress we've made in promoting gender equality. Our city is privileged to have women in prominent leadership positions, including myself as Lord Mayor and Cr Helen Burnet as Deputy Lord Mayor, alongside many others in senior management and director roles.¹

The current Australian Government has supported a motion for a Senate inquiry into the effects of menopause.²

The inquiry appears to encompass both perimenopause and menopause. ‘People experiencing physically and mentally debilitating menopause and perimenopause symptoms have for too long been forced to suffer in silence,’ says Senator Larissa Waters, who is the Greens leader in the Senate and the spokesperson for women.³

New South Wales has also launched a Perimenopause and Menopause

Toolkit. 'A free resource, which is designed to address the issues that women face by raising awareness in culturally and linguistically diverse communities. This toolkit is part of a \$37.3 million, four-year campaign designed to support people experiencing severe symptoms of menopause.'⁴

In the UK, the Borough Council of King's Lynn and West Norfolk⁵ recognised that peri-menopause and menopause and the 'wide ranging symptoms involved can be a difficult time for women, [leading] to a loss of confidence which may then lead to women leaving the workforce. The Borough Council of King's Lynn and West Norfolk also proposed a similar motion, which was aimed at fully supporting both staff and councillors experiencing menopause and wished to be a Menopause Friendly Employer.'⁶

¹ <https://www.miragenews.com/hobart-city-dress-for-success-join-forces-to-1187385/#:~:text=%22At%20the%20City%20of%20Hobart,made%20in%20promoting%20gender%20equality.>

² https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/27136/&sid=0167

³ <https://globalwomen.org.nz/inclusive-cultures/australia-menopause-policy/>

⁴ Ibid.

⁵ <https://democracy.west-norfolk.gov.uk/mgAi.aspx?ID=33184>

⁶ <https://democracy.west-norfolk.gov.uk/mgAi.aspx?ID=33184>

Administration Response to Notice of Motion

Discussion

Recent research from the McKinsey Health Institute and World Economic Forum notes the disparities in mental health support for women in the workplace, especially those from marginalised backgrounds. Workplace challenges due to menopausal symptoms and other women's health issues and the inability to openly address them, impacts productivity, employee engagement and presenteeism.

Addressing these issues requires a holistic approach that integrates hormonal and mental health considerations into workplace wellness programs.

Current global precedents indicate that at potentially little cost to the organisation, employers who are the forefront of best practise in gender equality and wellbeing in the workplace reap the benefits of increased productivity, retention, loyalty, and employee engagement as well as fostering a culture of inclusivity, trust and empowerment.

It is recommended that:

- This proposal forms part of a broader, integrated Wellness Program

that is administered by People and Culture through the Diversity, Equity and Inclusion framework that is currently being developed.

- This proposal also encompasses other wellness initiatives including menstrual, post-partum depression, healthy ageing, mindful movement for energy, physical relief and sleep, meditation and relaxation activities.
- These programs can be delivered through interactive workshops, webinars, building Leader and First Aider wellness capability to provide support and have sensitive conversations, resources, templates and articles that can be disseminated to employees and Elected Members through a range of communication channels.
- Practical support includes promoting flexible work arrangements, providing extended employee assistance (EAP) support, making reasonable adjustments to a work environment or work practises.
- These program initiatives can be promoted through the talent acquisition page on the City's Internet page to promote women's wellness and inclusivity as an attraction and retention initiative.
- People and Culture develop and promote gender equity awareness and inclusive policies as part of the DEI framework.

In terms of community, it is recommended that a focus be applied to drawing greater attention to pre-existing programs through organisations like Women's Health Tasmania. Based in North Hobart they provide a free/low-cost community service dedicated to women's health. This organisation provides programs, support and expert advice to women on a whole range of health issues including menopause and perimenopause.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 2 – Community inclusion, participation and belonging.
Outcome: 2.3 – Hobart Communities are active, have good health and wellbeing and are engaged in lifelong learning.

Strategy: 2.3.1 Provide diverse activities and programs that reduce social isolation and build social cohesion and improve health and wellbeing
2.3.7 Consider mental, physical, and social health and wellbeing in the development of strategies, policies, projects and initiatives

Legislation and Policy

Legislation: Not Applicable
Policy: Inclusion and Wellbeing

Financial Implications

1. Any proposed programs will require a cost analysis to determine whether it can be funded with in existing resources.

SHERLOCK
POSSELT

That the motion be adopted.

PROCEDURAL MOTION

COATS
ELLIOT

That the item be deferred to allow consultation with the Healthy Hobart Portfolio Committee.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES

Kelly
Elliot
Bloomfield
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Kitsos

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Coats
Kitsos

NOES

Kelly
Elliot
Bloomfield

COUNCIL RESOLUTION:

That Council:

1. Sign a Menopause Workplace Pledge; and
2. Request the CEO to:
 - (a) undertake steps to possibly nominate a dedicated Menopause Champion amongst the staff, so the City of Hobart can be a Menopause Friendly Employer;
 - (b) facilitate regular support and advice sessions on peri-menopause and menopause that can be accessed by both staff and Councillors/Alderman; and
 - (c) work with health care providers to facilitate improved access to information and advice on peri-menopause and menopause in the community
 - (d) Seek feedback on the initiative from the Healthy Hobart Portfolio Committee.

17. Support for updating the Local Government Act 1993 and Code of Conduct
File Ref: F24/45902

Motion

“That the Council supports the Lord Mayor to write to the Minister for Local Government and Director of Local Government advocating for the *Local Government Act 1993* and Code of Conduct policies and processes to be updated:

- a) to provide Code of Conduct respondents with a reasonable timeframe in which they can lodge a review of a decision (such as a 30-day appeal period from the date the Determination Report is received)
- b) to ensure that a Determination Report is not to be published on a Council agenda until the appeal period expires (if no review has been lodged) or until the review of the decision has been resolved (if a review of the decision has been accepted)
- c) to ensure that any sanction resulting from the Determination Report is not implemented until the Determination Report has been published on a Council agenda
- d) to ensure that any Determination Report and associated sanction is to be treated with the utmost confidentiality until the Determination Report is published on a Council agenda.”

Rationale:

“Recent events have shown that the *Local Government Act 1993* and policies and processes associated with Code of Conduct determinations and have major deficiencies in relation to Code of Conduct Determination Reports and their associated sanctions and appeal rights.

On 22 January 2024, Cr Elliot was notified that she was suspended with immediate effect for one month. On 24 January an appeal of the decision was lodged with the Magistrates Court, and soon after an application to have the suspension stayed was lodged and successfully granted. Later, the Determination Report was set aside after the State did not contest that natural justice had not been afforded.

It is critical that all parties are afforded natural justice and that respondents are not unfairly impacted by determinations that are flawed. In Cr Elliot’s situation, she served two weeks of a suspension that was publicly announced by the Council, despite the decision being under review, and from a determination that was later declared null and void.”

Administration Response to Notice of Motion

Discussion:

Officers are generally supportive of the four elements of the motion and have had informal discussions with the Office of Local Government (OLG) following the January 22 Code of Conduct determination that Cr Elliot references.

Regards (a) the January 22 decision, it was highly unusual in that it was both a suspension and handed down with immediate effect following the Determination Report. Ordinarily a Panel Determination doesn't take effect until the Determination Report is published in the agenda of the first council meeting where it's practicable to do so as provided for under section 28ZK(4). Cr Elliot is correct in her view that regards to her case the Act is presently lacking, and she was denied procedural fairness, as ultimately conceded by the Office of Crown Law and Office of Local Government as part of her appeal.

Officers may hold a different view had the Panel determined that the suspension didn't commence until after the publication of the agenda and/or the expiry of the appeal window per section 28ZJ(1)(f) and 28ZP.

Another consideration is the nature of the sanction itself. If the Panel had handed down any other form of sanction open to it (per section 28ZI(2)), such as a caution or requirement to attend training then Cr Elliot could have been restored to her original position if either an appeal was upheld, or as occurred, the Crown conceded that the decision was fatally flawed and should be set aside.

As around 50 per cent of the suspension had been served prior to the conclusion to the appeal process, Cr Elliot cannot be fully restored to her previous position regarding reputational damage caused by the Panel's flawed decision.

Regards (b) officers are also generally supportive of the Motion. Section 28ZK(4) requires the CEO to publish the Determination Report on the first ordinary agenda where practicable and is taken as confidential until such time as this occurs (there are offences for unauthorised disclosure). Section 28ZK(4) is overridden by 28ZK(6)(4) if the Determination is the subject of a review.

While supportive of the intent of (b) officers advise caution as to how the existing deficiencies in the Act are addressed to avoid unforeseen consequences such as an increase in appeals of Panel Determinations for the purpose of delaying publication and/or sanction, but this is ultimately an issue for the Office of Local Government.

Regards (c) officers are generally supportive of refining the existing legislative provisions as proposed if it occurs in such a way as to avoid an unintended consequence of vexatious appeals for the purpose of delaying publication/sanction from the Panel.

Regards (d) officers are of the view the Act presently adequately provides for this under section 28ZK, which also has offence provisions for unauthorised disclosure of Panel decisions.

However, in relation to the circumstances surrounding the Panel's January 22 Determination officers agree it was highly unusual that the Determination Report was to be treated as confidential while the associated suspension (as contained within the Report) wasn't confidential. Had the sanction been anything other than a suspension there would have been no reason for Council to comment at all as Cr Elliot would have still been serving in her role while exercising her appeal rights.

Given the sanction was an immediate suspension, officers took external legal advice at the time and sought advice from the Director of Local Government as to what (if anything) Council should say to explain why Cr Elliot was unable to attend council meetings or represent herself as a councillor – either in person or via social media.

The advice confirmed Council's internal advice that the suspension was a statement of fact and therefore not confidential but that the reasons for the suspension (as contained in the Determination Report) were confidential per section 28ZK.

While sympathetic to Cr Elliot's concerns Council had no choice but to make a statement confirming the suspension (having repeatedly advocated for the Minister and/or Review Panel to make a public statement as the suspension was a product of their process, not Council's), both ultimately declined.

A brief public statement of fact was essential to provide for transparency and good governance as ratepayers had a right to know why Cr Elliot wasn't undertaking her role and why also barred from calling herself a councillor. This is a central tenant of open and representative government in addition to a fundamental element of the rule of law. Those foundational principles needed to be balanced carefully against a right to procedural fairness, which includes confidentiality until the process is concluded. Officers remain of the view the advice and associated statement were appropriate but agree the Act appears to be deficient regarding the circumstances pertaining to Cr Elliot's matter.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: Pillar 8 – Governance and civic involvement
Outcome: 8.1 – Hobart is a city of best practice, ethical governance and transparent decision making.
Strategy: 8.1.1 – Practise integrity, accountability, strong ethics and transparency in the City's governance, policymaking and operations.
8.1.2 – Practise and communicate good city governance and decision-making.

Legislation and Policy

Legislation: Local Government Act 1993
Policy: Code of Conduct Policy

Financial Implications

There are no financial implications other than officer time to draft the letter.

Councillor Elliot elected to allow the motion to lapse

COUNCIL RESOLUTION:

The motion lapsed.

18. Elizabeth Street Mall Information Booth
File Ref: F24/45894

Motion

“That a report be prepared for Council that outlines the options for the future use of the Elizabeth Street Mall Information Booth, including examining the feasibility of the asset being offered for commercial lease.”

Rationale:

“The Information Booth in the Elizabeth Street Mall has been in place for many years but is rarely staffed, which reflects poorly on the City and presents considerable opportunity cost.

Given the Council’s financial situation and good practice more broadly, it is important that all opportunities to maximise revenue and make use of the Council’s assets are examined.

If the Council was to offer the Information Booth location for an alternative use through a commercial lease, this could activate a rarely used asset, deliver a new revenue stream, and provide a reliable presence in a high foot traffic location that can be prone to anti-social behaviour.

The report prepared could consider the potential for the Information Booth to be leased to a long-term tenant and the possibility of the Booth being used on a rolling calendar as a shopfront for local start-up and micro businesses.”

Administration Response to Notice of Motion
--

<p>Discussion</p>

<p>The City is currently undertaking a review of activities at the Tasmanian Travel and Information Centre (TTIC) Mall Hub (the Hub). This review follows an operational decision made on 7 February 2024 to pause staffing the Hub in the interest of staff wellbeing. This pause is the result of an incident where staff members were harassed by a number of youths.</p>
--

<p>This is not the first incident of this nature at this location and the responsible business unit is currently reviewing operations including resourcing implications and infrastructure interdependencies through working with an internal stakeholder group comprising Program Leader Safe City, Principal Work Health & Safety, Design Services and City ICT and Data team teams to develop a set of recommendations for future activities at the Hub.</p>

<p>The first meeting of the internal stakeholder group is scheduled for Thursday, 23 May 2024. It is anticipated that, in the first instance, the group</p>

will deliver a report with a series of recommendations around the Hub to Council ahead of the summer visitor season.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	Pillar 2: Community inclusion, participation and belonging
Outcome:	2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.
Strategy:	2.4.5 Ensure that Hobart is a safe and liveable city by enhancing community and public safety and security, working in partnership with key stakeholders.
Legislation and Policy	
Legislation:	Not applicable
Policy:	Not applicable

Financial Implications

1. It is anticipated that the preparation of a report will have no cost beyond officer time

ELLIOT
COATS

That the motion be adopted.

MOTION CARRIED

VOTING RECORD

AYES

Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kitsos

COUNCIL RESOLUTION:

That a report be prepared for Council that outlines the options for the future use of the Elizabeth Street Mall Information Booth, including examining the feasibility of the asset being offered for commercial lease.

19. Breastfeeding is Welcome Everywhere File Ref: F24/43714; 16/119

Motion

“This motion seeks the City of Hobart to:

1. Be part of the *Breastfeeding is Welcome Everywhere* initiative.
2. Take the necessary steps, on Council owned property and community public spaces, to use the resources that promote the *Breastfeeding is Welcome Everywhere* initiative.
3. Pro-actively consider inviting other Hobart City Council stakeholder businesses to be part of the initiative
4. Seek feedback on the initiative from the Healthy Hobart Portfolio Committee.”

Rationale:

“This is a free program - an initiative of the Australian Breastfeeding Association (ABA) – Australia’s peak breastfeeding organisation. The *Breastfeeding is Welcome Everywhere* program is a local, simple, no-fuss way to contribute broad-scale education and inclusion of breastfeeding women and parents, and therefore to the enhancement of family-friendly, inclusive, welcoming and healthy communities. Venues need only check some simple criteria and register – and be provided with sticker/s, and other resources. The program sparks an opportunity for conversations to educate venue staff about women’s’ right to breastfeed in public - all in a low-key and positive way. This is an easily actionable initiative to foster inclusion and community-mindedness. The display of the program sticker at venue entrances (up to 5 stickers are available per venue) signals to **everyone**, not just mothers and families (who may otherwise experience vulnerability) that mothers and parents are welcome to breastfeed.



This program is one of a range of advocacy initiatives from the ABA designed to include and support women and parents to breastfeed their babies in accordance with their own autonomy and personal wishes/plans. These initiatives support the establishment and maintenance of breastfeeding in

accordance with best-practice health guidelines. The *Breastfeeding is Welcome Everywhere* program is a simple program that enhances family-friendliness in our community and strengthens community ties.

Participation in the *Breastfeeding is Welcome Everywhere* recognition is beneficial to the community in a variety of ways. They include:

- Expanded customer base and loyalty to participating venues. Venues who display the sticker widen their appeal as a family-friendly venue, as mothers and parents recognise the welcoming attitude of the venue to families resulting in greater participation and engagement with local venues and services from earlier in the parental and family phase of life.
- Education of the broader community as to the worth, acceptability and inherent good of breastfeeding.
- Increased wellbeing of our community's breastfeeding mothers and parents. The *Breastfeeding is Welcome Everywhere* program asserts and confirms the rights of mothers to breastfeed as protected in the federal Sex Discrimination Act 1984.

*Why is the **Breastfeeding is Welcome Everywhere** initiative important?*

The relatively few incidents of discrimination or hostility towards breastfeeding in Australian society that occur often gain significant exposure in the media and on social media. This attention to these discriminatory incidents – and debate in reaction to them – may contribute to negative views of breastfeeding in public. However, breastfeeding in public is not a privilege, it is a right.

In Tasmania breastfeeding is a protected attribute. Discrimination or 'prohibited conduct' is illegal on the basis of breastfeeding in the areas of education, employment, provision of goods, facilities and services, clubs, state laws and programs, awards and industrial agreements. 'Prohibited conduct' is any conduct that offends, humiliates, intimidates, insults or ridicules a reasonable person on basis of a protected attribute.

According to the ABA, it is not uncommon for mothers and parents to cease breastfeeding before they planned to, and concerns about "breastfeeding in public" are cited by those who feel limited or vulnerable in their capacity to engage in the community when they perceive or fear their breastfeeding may be viewed as unacceptable. The *Breastfeeding is Welcome Everywhere* program – and the venues who participate in it – increase knowledge of the legal and ethical protection of the right to breastfeed, and of the inclusion of breastfeeding mothers and parents in our community.

Further *Breastfeeding is Welcome Everywhere* program information is available at <https://www.breastfeeding.asn.au/bwe>

Sign-up to the FREE Breastfeeding is Welcome Everywhere recognition with the Australian Breastfeeding Association!

This recognition shines a spotlight on spaces venues and spaces where mums can feel comfortable and confident breastfeeding on the go. From shopping trips to exploring new areas or attending appointments, Breastfeeding is Welcome Everywhere recognises locations offering a safe, welcoming and respectful environment for breastfeeding

References

Breastfeeding is Welcome Everywhere program – Australian Breastfeeding Association <https://www.breastfeeding.asn.au/bwe>

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Breastfeeding in Public – Australian Breastfeeding Association 2022
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<https://www.breastfeeding.asn.au/resources/breastfeeding-and-law>

Australian Breastfeeding Association, (2022) *Breastfeeding for a healthy baby and mum*. <https://www.breastfeeding.asn.au/resources/breastfeeding-healthy-baby-and-mum>

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Smith, J. P., Thompson, J. F., & Ellwood, D. A. (2002). Hospital system costs of artificial infant feeding: estimates for the Australian Capital Territory. *Australian and New Zealand Journal of Public Health*, 26(6), 543-551.

WBTI Breastfeeding Trends UK (n.d). Open letter on the current crisis in breastfeeding in the UK –UK mothers are being let down.
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Tasmanian Government, Climate Action 21: Climate Action Report Card 2021, https://www.stategrowth.tas.gov.au/__data/assets/pdf_file/0005/348971/Climate_Action_21_Report_Card_2021.pdf

Tasmanian Food Security Council 2012 *Food for all Tasmanians A food security strategy*
[Food_for_all_Tasmanians_A_food_Security_Strategy_DoHTasmania.pdf](#)

*The Tasmania Project Is high food insecurity the new normal in Tasmania?
Report number: 45 Authors: Dr Katherine Kent, Sandra Murray, Dr Denis
Visentin Date: 4 June 2021."*

Administration Response to Notice of Motion

Discussion

The *Breastfeeding is Welcome Everywhere* program is strongly aligned to the Capital City Strategic Plan 2023 as shown below:

- 2.2.1 Support people from all backgrounds and life experiences to participate in Hobart life.
- 2.3.2 Provide and progressively enhance a range of accessible quality places, facilities and infrastructure that support healthy living and where people can enjoy social, education and recreation activities and events.
- 2.3.5 Ensure neighbourhoods, streets and public spaces help all people to be healthy and physically active.
- 2.4.2 Ensure that Hobart is a safe and liveable city by enhancing community wellbeing and public safety and security.
- 4.2.1 Support ways of welcoming people of all backgrounds to participate in Hobart's economy and professional communities.

This proposal is also strongly aligned with Hobart: A City for All – Community Inclusion and Equity Framework

Our natural and built spaces and facilities enable activity and support and enhance our health and wellbeing... Our infrastructure, services and other aspects of our built environment support equal access for all. (Pillars 2.5.3 and 7.3.2)

We believe that everyone has the right to participate fully in Hobart life. Regardless of background, gender, identity or life situation, our community should provide opportunities to connect, share and express one's identity. We should all be able to thrive in Hobart and have the chance to belong.

Officers have identified that stickers and posters can be displayed in the City's publicly accessible buildings, and that we could further recommend and encourage this program to local businesses through the City's Hello Hobart program.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 2 – Community inclusion, participation and belonging.

Outcome:	<p>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.</p> <p>2.4 Hobart communities are safe and resilient, ensuring people can support one another and flourish in times of hardship.</p>
Strategy:	<p>2.2.1 Support people from all backgrounds and life experiences to participate in Hobart life</p> <p>2.2.3 Provide and support activities and programs that celebrate diversity to reduce social isolation and build social cohesion</p> <p>2.4.6 Deliver and support initiatives, activities and programs that build community resilience, wellbeing and safety.</p>
Legislation and Policy	
Legislation:	<i>Anti-Discrimination Act 1998</i>
Policy:	Not applicable

Financial Implications

1. To be determined.

SHERLOCK
HARVEY

That the motion be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds	Coats
Deputy Lord Mayor Sherlock	
Harvey	
Dutta	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	
Kitsos	

COUNCIL RESOLUTION:

That the City of Hobart:

1. Be part of the *Breastfeeding is Welcome Everywhere* initiative.
2. Take the necessary steps, on Council owned property and community public spaces, to use the resources that promote the *Breastfeeding is Welcome Everywhere* initiative.
3. Pro-actively consider inviting other Hobart City Council stakeholder businesses to be part of the initiative
4. Seek feedback on the initiative from the Healthy Hobart Portfolio Committee.

20. Virgin Australia and Air New Zealand
File Ref: F24/45431; 13-1-9

Motion

“This motion calls upon the Council;

To empower the CEO to make a submission to the ACCC to support the proposed tie up between Virgin Australia and Air New Zealand on Council’s behalf following discussions with relevant stakeholders.”

Rationale:

We know that the direct link to New Zealand is a benefit to our community and provides for savings on cost, time, convenience, and emissions reduction. As an island state, transport links and the ability to easily get on and off island are critical to our ability to engage with work, leisure, attend events and host family and friends. For Tasmanians, air links are more than just a means to travel from point A to point B, they represent our freedom to explore, to engage with the world and to likewise showcase the best of Tassie to those who arrive here.

It was with great celebration that Hobart welcomed flights directly from New Zealand with an Auckland service being seen pre COVID for the first time in some twenty years.

This service has since seen disruption due to COVID, and then further disruption due to technical difficulties encountered by Air New Zealand with their Pratt & Whitney engine maintenance program.

It is obvious that the service is relatively marginal and with capacity constraints it was one of the routes that was unfortunately chosen for suspension.

For Tasmania it is incredibly welcome to see a proposal for Virgin Australia to be able to market and sell flights operated by Air New Zealand on trans-Tasman routes. This proposed arrangement will mean that Virgin flyers and Velocity members will be more likely to make the journey across the Tasman via an Air New Zealand flight and will make the Hobart to Auckland service more viable and provide a deeper pool of potential flyers to access the service. It potentially opens Hobart as a transit destination for travellers from Perth and Adelaide who need to travel east.

It is a fact that many Tasmanians currently need to travel via the ‘hubs’ of Melbourne and Sydney to get where they need to go. Encouraging direct services and flights from Tasmania to bespoke destinations allows for savings on cost, time, and emissions. The proposed alliance for trans-Tasman services will, all else being equal, mean that Air New Zealand has an increased chance of filling its plane and justifying its service.

As healthy Hobart chair, I consistently am on the lookout to promote the

interests of the community. We have had loneliness raised as a concern. Better and direct links provide for family and friend reunions as well as the ability to travel and help combat the scourge of loneliness.

I note the benefits of the proposed tie up to Hobart and the wider community on business, tourism, leisure, and environmental grounds.

Administration Response to Notice of Motion

Summary

On 17 November 2023, Virgin Australia Airlines Pty Ltd on behalf of itself and its related bodies corporate, Virgin Australia International Airlines Pty Ltd and its related bodies corporate (collectively, Virgin Australia) and Air New Zealand Limited (Air New Zealand) (together, the Applicants) lodged an application for authorisation to authorisation in respect of a unilateral trans-Tasman code share arrangement for a period of five (5) years.

Arrangements include:

- A unilateral codeshare arrangement on a free sale basis on Air New Zealand operated Trans-Tasman services on routes where Virgin Australia does not operate.
- Related arrangements regarding fare rules and conditions, extension of Virgin's loyalty program and access to Air New Zealand international lounge and reciprocal staff travel.
- Joint identification and targeting of corporate and SME customers with discounts and other fare offers.
- Interim authorisation is also sought to allow for planning, discussions and coordination (Interim authorisation granted by ACCC on 1 May 2024 to commence planning and preparation of authorised conduct).
- The request for authorisation is proposed for a period of five (5) years.

Rationale

- According to the ACCC, applicants submit that:
- New Zealand is one of Australia's largest international travel markets and a key business and leisure destination.
- Customers value the ability to travel to New Zealand, earn and redeem points, which is seen as part of the corporate traveller need.
- Virgin Australia does not currently have a trans-Tasman offer beyond services to and from Queensland, thus leaving a gap in the network.
- Applicants submit that SME and high frequency travellers provide important revenue for airlines, however given Virgin's identified gap, limitations exist upon Virgin Australia's ability to compete for domestic and international services.
- Proposal will drive additional passenger numbers into trans-Tasman services and improve distribution channels via stronger marketing, loyalty and sales programs.

Economic Benefits

Air New Zealand currently offers three (3) flights per week using narrow body aircraft between Hobart and Auckland (the only carrier to currently do so).

In its interim authorisation of 1 May, 2024, the ACCC considers 'the Proposed Conduct' (i.e. Trans-Tasman code sharing, marketing and fare rules) 'will likely result in public benefit from enhanced products and services', and 'while on balance is likely to result in minimal, if any, public detriment' (ACCC: 2024, pp.29).

The ACCC notes that public benefit falls in to three (3) broad categories:

- Enhanced products and services
- Increased efficiencies to Air New Zealand trans-Tasman operations
- Promotion of competition

From a Tasmanian visitation point of view, one should consider the increase in choice and convenience; improved loyalty programs and access to international lounge for eligible Virgin Australia customers (currently Christchurch only).

The ACCC Draft Determination of 1 May, 2024 does not provide any in-depth detail on the benefits to the Tasmanian market, nor does it examine the relative attraction of the public benefits noted above to customers considering Tasmania as a destination.

However, when considering the relevant benefit to Hobart, it is worth noting the continuing strong Business Events sector and leisure tourist market, and more specifically solid accommodation, inbound flight bookings for 2024/25. The Tasmanian Government is continuing to invest in the promotion and attraction of Business Events and Hobart is well placed with a range of contemporary new conference facilities and excellent pre/post event tour experiences available to delegates. This potentially bodes well for Hobart in factoring in the importance and attractiveness of expanded loyalty programs and convenience for SME and corporate travellers, as referenced by both Air New Zealand and Virgin Australia.

Moreover, Hobart Airport has recently embarked on a \$130M upgrade to effectively double the size of the existing passenger terminal, increase retail and food and beverage offerings, expanded bagging handling, enhanced security requirements, new lounge facilities and to strengthen the existing runway to accommodate wide body aircraft Code C and Code E aircraft operations. Such works will meet a forecasted increase in passenger capacity of 50% by 2030.

Proposed code share arrangement, combined with expanded airport facilities, may create new opportunities for freight and collaboration in Antarctic supply and science activities between the two Antarctic Gateways of Hobart and Christchurch. The code share arrangements may also facilitate increased connections to Antarctic and science programs, and educational placements.

Public Submissions

The ACCC received 5 public submissions from interested parties, including:

- New Zealand Airports not supportive
- Sydney Airport Corporation not supportive
- Queensland Airports supportive
- Australian Travel Industry Association does not oppose
- Canberra Airport supportive*

**Notes 5 year period would 'limit the incentive for Virgin Australia to enter the Trans-Tasman market and thus supports a period of 3 years'.*

Hobart Airport do not appear to have lodged a submission.

Next Steps

As the formal submission period to the Draft Determination regarding unilateral trans-Tasman code sharing between Virgin Australian and Air New Zealand closed on 8 May 2024, items (1) and (2) of the NoM are no longer possible through the ACCC submission process.

There is however opportunity to publicly support the interim authorisation by the ACCC and (perhaps more importantly) highlight the direct/indirect benefit of the Hobart - Auckland route, including the following:

- 17,000 New Zealanders visited Tasmania in 2023
- These visitors had the highest average spend of any international visitor group
- The Hobart – Auckland route also provides a one-stop connection to key US cities including Los Angeles; San Francisco; Houston; New York and Vancouver in Canada
- With the code sharing arrangement in place, the trans-Tasman route will offer greater appeal to business and conference delegates to Hobart
- Business conferences are worth around \$150M to the Tasmanian economy (Source: BET)

Media

Given Hobart Airport do not appear to have lodged a submission, the City will need to reach out to them prior to submitting any formal commentary.

Any public support should also be negotiated with other key stakeholders. In addition to Hobart Airport, this would include TICT, BET and THA. It is considered that public support may be best presented as joint statement supporting the interim authorisation.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	4 – City economies
Outcome:	4.1 Hobart's economy reflects its unique environment, culture and identity.
Strategy:	4.1.1 Identify and support Hobart's niche industries, which reflect the geography, climate, places or particular skills found in Tasmania.
Outcome:	4.2 People have a range of opportunities to participate in the economic life of the city
Strategy:	4.2.1 Support ways of welcoming people of all backgrounds to participate in Hobart's economy and professional communities.
	4.2.3 Increase internship, research and work experience opportunities at the City of Hobart.
Outcome:	4.3 Diverse connections help Hobart's economy, businesses and workers thrive.
Strategy:	4.3.1 Develop and maintain relationships with key institutions and stakeholders in the Hobart economy.
Pillar:	5 – Movement and connectivity
Outcome:	5.1 An accessible and connected city environment helps maintain Hobart's pace of life.
Strategy:	5.1.2 Consider social, environmental and economic elements in transport and technology decision-making.
Legislation and Policy	
Legislation:	Not applicable
Policy:	Not applicable

Financial Implications

1. It is anticipated that there are no direct costs beyond officer time in stakeholder liaison and preparation of a statement.

COATS
ELLIOT

That the motion be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

That the Council empower the CEO to make a submission to the ACCC to support the proposed tie up between Virgin Australia and Air New Zealand on Council's behalf following discussions with relevant stakeholders.

21. Upholding Integrity in Planning Decisions
File Ref: F24/45858

Motion

“This motion is in response to recent public commentary surrounding the refusal by the planning committee of a development application in Argyle Street.

That Council:

1. Note that recently a highly contentious planning application for a development on Argyle Street was refused by the planning committee.
2. Note that the refusal was a planning decision made after multiple representations received from the community providing evidence against the item, an expert UDAP report critical of the proposal, and finally that the application fell within the discretionary provisions of the planning scheme.
3. Note that Council takes very seriously its role as a statutory planning authority and asks of its elected members to sit as a planning authority, as representatives of their community, and to put aside their personal views and assess applications solely against the provisions and criteria of the planning scheme.
4. Note that while a contentious decision, it was not extraordinary, and at the meeting the professional director of planning indicated to committee members that it is likely a professional planner could be sourced to defend it at tribunal (i.e some experts would support refusal).
5. Note that since this decision there has been consistent, egregious and personal attacks against the elected members on the planning committee, and that such attacks amount to a form of bullying, intimidation and public humiliation.
6. Note that much of the commentary is being conducted by members of the public who are genuinely upset at the outcome of the planning process.
7. Note that some of the commentary has been by public figures and individuals who ought to know better, and that public statements naming and shaming elected members for decisions they make as a planning committee is not appropriate.
8. Write to members of parliament in Tasmania asking for a public statement or apology for the public naming and shaming of elected members acting as a planning authority (example letter with rationale).

9. Issue a media release outlining the above.”

Rationale:

“There was a decision recently made on a development application ‘the Argyle development’ which was highly contentious. In an environment of housing shortages this was a large development containing many abodes and desired by many in the community.

Nevertheless, the development attracted a large number of representations against, and it did not receive a strong endorsement from the UDAP report. The professional planning director at the meeting indicated that a planning professional could be found to support refusal, unlike some other recent refusals by council.

Some aspects of the development fell outside the acceptable criteria under the planning scheme and were open to discretion under the performance criteria. Ultimately, the planning committee resolved in a close (5-4) vote in a determination to refuse the development. There is no evidence that the committee acted inappropriately in coming to its decision or conducting its affairs.

Given the highly contentious nature of the application, this refusal was welcomed by some in the community, but equally not welcomed by others.

Immediately post the refusal, commentary began as to who voted for the refusal and the impact this refusal would have on the development and addition of abodes to Hobart. These are not relevant to the decision the planning committee was tasked with making (that of assessing the application against the provisions of the planning scheme).

This commentary kicked off a ‘pile on’ of hateful, vitriolic and intimidatory messages directed at elected members, staff, and reflected poorly on the reputation of the City of Hobart and its planning processes.

Members of the planning committee have endured bullying, harassment and humiliation for completing the tasks to which they have been elected to do.

The commentary was aided and abetted by public figures who ought to know that the decision was made under a planning scheme and not under a consideration of whether elected members personally supported or not the application.

Given the desire to not have this incident repeated, it is considered that writing to public figures (for example MP’s Julie Collins, Felix Ellis, Cassy O’Connor, Ella Haddad) who publicly named and isolated elected members and reminding them of (1) the fact that as a planning committee you must vote only on the planning code and (2) that using their public profile to cast aspersions on the conduct of elected members results in public humiliation and (3) to

consider apologising.

Example letter below

Felix Ellis MP, Cassy O'Conner MP, Julie Collins MP et al

Dear Members of Parliament (MP's),

I write on behalf of Hobart City Council in relation to your recent conduct and commentary regarding a decision made by the council on a planning matter (the 'Argyle development').

As you ought to know, planning matters are often highly contentious in the community and often must be made in an environment of heightened scrutiny and public pressure. It is often the case that community members are invested in the outcome of planning decisions irrespective of the correctness and assessment of the proposal against the provisions of the planning scheme.

Council takes very seriously its role as a statutory planning authority and asks of its elected members to sit as a planning authority, as representatives of their community, and to put aside their personal views and assess applications solely against the provisions and criteria of the planning scheme.

The planning scheme (Hobart interim planning scheme 2015) is a performance-based planning scheme which recognises that there are in many cases a number of ways in which land use and development can satisfy desired environmental, social and economic standards.

To assess this there are areas of the scheme that fall within 'acceptable' or 'performance' criteria. Performance criteria are discretionary, and the development application is assessed against the criteria, and it is judged as to whether it complies.

As an example, a building height may be considered in the context of surrounding buildings if it falls within the performance criteria. An isolated building of great height would perform poorly against the performance criteria versus the exact same building of great height amongst a bevy of similar buildings.

The item in question was a planning decision made after multiple representations received from the community providing evidence against the item, an expert UDAP report highly critical of the proposal, and finally the application fell within the discretionary provisions of the planning scheme.

While a contentious decision, it was not extraordinary and at the meeting the professional director of planning indicated to committee members that it is likely a professional planner could be sourced to defend it at tribunal (i.e some experts would support refusal).

The subsequent commentary around the decision has focused on matters

such as the intended purpose or who the applicant was, as well as who voted against, these are not factors taken into consideration in the scheme.

The consistent, egregious and personal attacks against the elected members on the planning committee can only be described as a form of bullying and intimidation at an outcome some in the community did not desire. There is no indication that the elected members of the planning committee in any way acted inappropriately.

We ask for your apology on behalf of the members of the planning committee for your conduct in this matter and the regrettable way in which they subsequently have had to bear community anger.

Kind regards,

Hobart City Council'

Administration Response to Notice of Motion

Discussion

This particular Development Application does highlight that there is still a degree of misunderstanding in the community of a Council's role when acting as a Planning Authority under the Land Use Planning and Approvals Act 1993. Elected Members must make decisions based purely on land use planning grounds, and sometimes this does not accord with issues such as community need and/or community sentiment. In this case, the Planning Authority formed the majority view that the proposal failed to comply with the Planning Scheme's Performance Criteria for parking, access and building height. It is the responsibility of the Planning Authority to make these calls having appropriately informed themselves of the details of the application, which in this case, ran to many 100's of pages. Accordingly, it would be difficult for any person who did not review the application and/or listen to the Planning Authority debate, to form a reasonable judgement on the planning decision that was made.

With reference to paragraph 4 of the motion, the Acting Director City Life advised the Planning Committee that we would need to obtain an external consultant planner if the application was refused, if this was appealed, and that it was not possible to say at that point whether or not we would be able to do so.

Now that an appeal has been lodged, we are in the process of trying to engage an expert planner.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 7- Built Environment

Outcome: 7.4 - Community involvement and an understanding of future needs help guide changes to Hobart's built environment.

Strategy: 7.4.1 – Advocate for creative and sustainable ways to manage population growth in the built environment.

7.4.2 – Ensure transport and land use planning are integrated to deliver the best economic, social and environmental outcomes into the future.

7.4.3 – Ensure the City's land use and development policies work to maintain Hobart's identity and character.

Legislation and Policy

Legislation: Not applicable

Policy: Not applicable

Financial Implications

1. To be determined

BLOOMFIELD
ELLIOT

That the motion be adopted.

PROCEDURAL MOTION

COATS
KELLY

That the item be deferred to allow mediation with the proponent of the Argyle Street development.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES

Kelly
Elliot
Bloomfield
Lohberger
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Kitsos

COATS
POSSELT

That Councillor Dutta be granted an extra three minutes to address the item.

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

NOES

MOTION LOST

VOTING RECORD

AYES

Kelly
Elliot
Bloomfield
Coats

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Kitsos

COUNCIL RESOLUTION:

The motion was lost.

22. Confirmation of Council Position on UTAS Move Post 2024 State Election
File Ref: F24/45866

Motion

“This motion is to clarify the position of Council given the confusion arising from frequent reporting and commentary at the recent 2024 State election.

That this Council:

1. Accept the results of the Elector Poll from October 2022 in which the constituents of the City of Hobart voted 74% that they *do {Not} support the University of Tasmania’s proposal to relocate the Sandy Bay campus into Hobart’s central business district.*
2. Note that the position taken by the Liberal Party, who subsequently formed Government, at the 2024 election was that they would pass laws prohibiting UTAS from selling off the Sandy Bay campus except with the permission of Parliament. (attached as appendix)
3. Note the position statement put forward by the Tasmanian Greens including that “The State Government should use available opportunities to ensure UTAS halts the relocation into the CBD and confirming an ongoing commitment to the maintenance of the Sandy Bay Campus for educational purposes”. (attached as appendix)
4. Note the media release put out by the Save UTAS group condemning the Liberal Policy as not stopping the relocation into the CBD and lauding the Greens position. (attached as appendix)
5. Advise that the Hobart City Council has never resolved to support the position of the Liberal Government.
6. Position is that it does *not support the University of Tasmania’s proposal to relocate the Sandy Bay campus into Hobart’s central business district.* In line with the October 2022 elector poll subsequently accepted at the meeting of the 12 of December 2022 (the next Council meeting).
7. Note that that the Council is obligated to represent and promote the interests of the community and, in doing so, to consult and involve the community (*Local Government Act 1993*, section 20 (1) and (2)).
8. Further notes that the elector poll was a consultation of the community of their view of the UTAS relocation and that there is a clear interest in the community to oppose the relocation into the CBD and that this poll was not qualified to suggest a hybrid model.
9. Further notes that the relocation of components of the UTAS campus, including the school of Business and Economics, are contrary to the elector poll and are a relocation into the CBD.

10. Asks officers to report back to council actions currently being taken to promote the interests of the community and oppose the UTAS relocation from Sandy Bay into the CBD."

Rationale:

"The 2024 state election saw increased interest in, and discussion and commentary about, the potential UTAS relocation into the CBD. This relocation has been a matter of public discourse for some time and was famously the subject of a public meeting on the 11th of May 2022 and subsequently an elector poll held concurrent with the council elections in October 2022.

The elector poll returned a 74% majority of constituents of the City of Hobart who voted NO to the question:

Do you support the University of Tasmania's proposal to relocate the Sandy Bay campus into Hobart's central business district?

At the 2024 election many parties and candidates put forward policy positions in regards to the UTAS relocation. The Liberal policy was that they would pass laws to stop the selling of Sandy Bay without the consent of Parliament. This was then the subject of a media release by the Save the UTAS group condemning it as not being in line with the elector poll. The Greens put out a comprehensive position statement which asked that the UTAS move into the city be immediately halted. This was lauded by the same Save UTAS group media release.

Because of the public commentary and the victory by the Liberal government there has been confusion as to what the 'current' policy is around the UTAS relocation and if Council's position has changed.

As an example, recently in correspondence with a Councillor it was suggested that there were unaware that council has a position on the UTAS move, or more accurately is of the view that it has none, but that council accepts the elector poll and represents the community. A seeming contradiction.

The intent behind this motion is to send a clear message to the community that their vote matters, and that, until resolved otherwise, the City of Hobart's position is as per the Elector poll and that the Council does *NOT support the University of Tasmania's proposal to relocate the Sandy Bay campus into Hobart's central business district?*"

Administration Response to Notice of Motion

Discussion

At its meeting on 12 December 2022, the Council passed the following motion in respect to the University of Tasmania relocation and the Elector Poll:

That Council:

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

the Sandy Bay campus;

- f). Requesting that UTAS pause all activities pertaining to its proposed campus relocation until it has completed its consultation of the Greater Hobart community (as referred to in 6d and 6e above), and until the City of Hobart Structure Plan for Sandy Bay and Mt Nelson is also completed;*
 - g). Requesting that UTAS make available to the public and include in its consultation process all information that was gathered to inform the decision made by the University Council in April 2019 to relocate the campus; and,*
 - h). Recommending that UTAS initiate an independent mediation process with the Save UTAS Campus group, the National Tertiary Education Union, the Tasmanian University Students Association, and the State Government, to discuss the best way forward following the community's rejection of the campus relocation proposal.*
- 5. That Council officers prepare a report for Council that describes how and why the UTAS commitment in the Hobart City Deal changed, from relocating STEM faculties to relocating the entire campus, after the Deal had been signed and announced in February 2019."*
- 6. That the HCC immediately initiate a meeting with the State Government, Save UTas, the University of Tasmania, the National Tertiary Education Union, Tasmanian University Students Association and the HCC for the purpose of dealing with the elector poll and a mechanism to move forward expediently.*

Pursuant to the Council decision, the Lord Mayor wrote to the UTAS Vice-Chancellor on 18 January 2023.

A report was provided to Council in February 2023, where it was noted that UTAS is not a partner in the City Deal, however, their planning and activities impact on the City Deal. The report also noted that when the Hobart City Deal was first developed in 2018 to 2019, UTAS was focussed on enhancing STEM facilities in the Hobart CBD, however, when the City Deal was released in February 2019, the University's plans subsequently evolved to incorporate the relocation of its Southern Campus. This change was reflected in the language used in the Hobart City Deal Implementation Plan, when it was released in October 2019.

In relation to the meeting of key stakeholders, the first meeting was held on 28 August 2023 and second meeting was held recently on 10 April 2024.

The Motion is calling for "officers to report back to council actions currently being taken to promote the interests of the community and oppose the UTAS relocation from Sandy Bay into the CBD". Given the recent changes that have occurred in respect to the UTAS re-location project and in

particular in the State Government's flagged requirements for any disposal of land at the UTAS Sandy Bay site, it would seem prudent to complete such a report. In preparing the report it is suggested that the Council engage with UTAS and other stakeholders and further workshop/discuss the current and future status of the project.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	8 - Governance and Civic Involvement
Outcome:	8.1 - Hobart is a city that is well governed that recognises the community as an active partner that informs decisions.
Strategy:	8.1.2 - Ensure the needs of the community are well represented through effective advocacy and strong collaborative partnerships with key stakeholders and all levels of government. 8.1.3 – Make informed decisions b undertaking genuine, transparent and appropriate community engagement to understand the current and future needs of the community.
Legislation and Policy	
Legislation:	Not applicable
Policy:	Not applicable

Financial Implications

1. To be determined.

COATS
LOHBERGER

That the motion be adopted.

PROCEDURAL MOTION

POSSELT
SHERLOCK

That the motion be put.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Dutta
Deputy Lord Mayor Sherlock	Kelly
Harvey	Elliot
Posselt	Bloomfield
Kitsos	Lohberger
	Coats

MOTION LOST

VOTING RECORD

AYES	NOES
Kelly	Lord Mayor Reynolds
Elliot	Deputy Lord Mayor Sherlock
Bloomfield	Harvey
Lohberger	Dutta
Coats	Posselt
	Kitsos

COUNCIL RESOLUTION:

The motion was lost.

23. Catchment Management
File Ref: F24/45875

Motion

“The Hobart City Council calls on the State Government to establish a single management organisation for the River Derwent catchment to:

1. prioritise the supply of drinking water for Hobart and southern Tasmania, and
2. to monitor water quality and reduce the amount of nutrients and pollution entering this critical drinking water catchment.”

Rationale:

“The River Derwent is under growing pressure from climate change, increased drinking water usage, increased industrial use, increases in nutrient levels and algal blooms, and the massive expansion of irrigation - with further expansion planned. This year is also the tenth anniversary of the 2014 state government decision to cancel regular water testing of Tasmanian rivers for agricultural chemical contamination.

Scientists and medical doctors are expressing concern about Hobart’s drinking water catchment. Dr Christine Coughanowr in particular, the former longtime head of the Derwent Estuary Program, has been raising serious concerns for several years about growing problems in the Derwent catchment. Dr Coughanowr is one of Tasmania’s leading fresh water experts, and she has specific experience and knowledge in the Derwent after managing the DEP for decades. Dr Coughanowr is likely one of our foremost experts on the River Derwent itself, and if she is concerned about water quality in the Derwent, then we should all take notice.

There is no single authority to manage the Derwent or its large catchment, which covers around 13% of Tasmania. The current management of the catchment involves multiple Councils, GBEs, large private landholders, and numerous government agencies and departments, all managing or responsible for some but not all of the catchment. There are too many cooks in the kitchen and, as a result, compliance in the catchment is contestable, and there is evidence that different government authorities can, and do, disagree over who is responsible - but only after pollution events occur.

While the Environmental Protection Agency does have some powers to regulate use in the catchment, there is a problem with the EPA and other authorities disagreeing over who is responsible. This occurred in the Plenty River valley, where the EPA and Derwent Valley Council disagreed over responsibility for a composting operation that caused a massive fish kill in the Plenty River. And the same problem has again occurred earlier this year at Risdon Vale, with the Clarence City Council and the EPA disagreeing over responsibility for managing a tip site. When management does take place it is

reactive, occurring only after 100,000 fish are killed, or neighbours raise the alarm.

TasWater does its best to provide clean drinking water from the Derwent, but ultimately it is the meat in the sandwich in this debate. TasWater is caught between the upper Derwent catchment, over which it has no regulatory control, and the need to continue providing clean drinking water from that catchment. A catchment management authority can only help TasWater in its mission.

It is clear that the current fragmented management system is not working, and when it does work it is reactive, taking action only after serious pollution events have occurred. This is not acceptable in our drinking water catchment.

A single management organisation is needed to prioritise drinking water over other uses of River Derwent water, with the power to monitor water quality and to enforce compliance if users are directing unacceptable levels of pollution into the Derwent or its tributaries.”

Administration Response to Notice of Motion

Discussion

As the rationale for the motion identifies, the management of catchments is complex as no single entity has jurisdiction over the many regulatory and operational elements and this includes water quality.

Local Governments play a role, as do entities such as the Derwent Estuary Program, NRM South, TasWater, State Government and there is no single entity which ensure that the roles of these entities are coordinated.

This issue was identified in Northern Tasmania around the kanamaluka/Tamar estuary which has long been vulnerable to poor environmental management with issues such as modification and pollution having an impact on the estuary's health.

The State Government formed the Tamar Estuary Management Taskforce (TEMT) to bring together all the organisations; business, local and state government; to improve and deliver a healthier estuary. It is a collaborative partnership, designed to make sure all of our individual efforts are coordinated for the benefit of the health and management of the Estuary.

The Taskforce is an advisory body, which seeks to explore and provide options and advice to the Tasmanian Government on how to develop and manage the kanamaluka/Tamar Estuary. The membership includes those government departments, agencies, local government authorities and expert bodies with responsibilities for the Estuary. Taskforce members include the following entities: Infrastructure Tasmania, City of Launceston, Northern Midlands Council, George Town Council, West Tamar

Council, Meander Valley Council, Launceston Flood Authority, Launceston Chamber of Commerce, TasWater, Hydro Tasmania, Department of Natural Resources and Environment Tasmania and NRM North.

The establishment of a Taskforce could potentially be considered as a first stage in addressing the issues raised in the Motion.

One of the initial steps of a Taskforce would be to properly define the boundaries of the proposed management area. The current scope of the motion limits the proposed management authority to the freshwater section of the Derwent River as the 'drinking water catchment', it may be addressed during scoping investigations whether the boundary of any future taskforce or management authority is extended to include the quality and environmental health of the Derwent Estuary as well as the Derwent River Catchment, or extends to an arbitrary downstream location such as the Tasman Bridge.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 6 – Natural Environment

Outcome: 6.1 – The natural environment is part of the city and biodiversity is conserved, secure and flourishing.

Strategy: 6.1.5 – Regulate, measure and manage potentially polluting activities, prioritising air and water quality.

Legislation and Policy

Legislation: Not applicable

Policy: Not applicable

Financial Implications

1. To be determined.

LOHBERGER
HARVEY

That the motion be adopted.

PROCEDURAL MOTION

DUTTA
ELLIOT

That the motion be put.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Sherlock Dutta Elliot Kitsos	Lord Mayor Reynolds Harvey Kelly Bloomfield Posselt Lohberger Coats

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds Deputy Lord Mayor Sherlock Harvey Dutta Kelly Elliot Bloomfield Posselt Lohberger Coats Kitsos	

COUNCIL RESOLUTION:

That the Hobart City Council calls on the State Government to establish a single management organisation for the River Derwent catchment to:

1. prioritise the supply of drinking water for Hobart and southern Tasmania, and
2. to monitor water quality and reduce the amount of nutrients and pollution entering this critical drinking water catchment.

24. Crowther Statue Vandalism, Repair and Future
File Ref: F24/45881

Motion

“That the Council:

1. Condemn the destructive vandalism of the Dr William Crowther statue.
2. Support the timely and professional repair of the statue.
3. Confirm its support that a new permanent home for the statue must be facilitated that provides safe and secure public access to the statue.
4. Requests officers to prepare a report for the Council’s June meeting that addresses:
 - when and by whom the statue will be repaired
 - the direct and indirect cost of the statue’s repair to the Council
 - how the conditions on the Council’s planning permit and Heritage Council of Tasmania consent are impacted and will be managed given the statue’s vandalism
 - the status of negotiations with collecting institutions around a permanent home for the statue
 - the feasibility of the statue being offered for sale to the community.”

Rationale:

“While the Council is the technical owner of the statue, the Dr Crowther statue is the only monument in the State that was paid for by the community. Over 1000 people contributed small donations to pay for this statue and its plinth. Given this, the Council has a moral obligation to ensure the horrific vandalism of the statue is repaired and that safe and secure public access to this valuable heritage item is facilitated.

Various materials related to the Crowther Reinterpreted Project, reference the need for “negotiations with public collecting institutions” to occur to find a permanent home for the Crowther statue. As noted by the Professional Historians Association (Victoria and Tasmania), the statue is “... *a cultural artefact of the past and it should be preserved – if not in situ, in a safe repository such as the Tasmanian Museum and Art Gallery.*”

Administration Response to Notice of Motion

Discussion

1. The City of Hobart condemns vandalism in all forms and is deeply disappointed with the vandalism against the Crowther statue undertaken in May 2024.
2. The repair of the statue will be guided by the advice of the qualified material conservator in relation to all elements of the monument (the bronze component and the sandstone plinth).
3. At the expiration of the appeal period in mid-June 2024, the City will work with the conservator to finalise the proposal for the Tasmanian Heritage Council regarding the new permanent home for the statue.
4. A further report to council addressing the elements listed would be informed by the conservator and timing will be dependent upon the outcomes of the current process.
5. The planning permit is now effective. The Tasmanian Heritage Council have advised that the illegal removal of the statue is considered to fall within the “emergency” provisions of its legislative framework, and so it does not consider that the planning permit conditions need to be complied with at this point. Beyond the initial steps taken to move the statue to a safe place and protect the remaining parts of the statue and plinth, no further steps will be taken to comply with the permit until it is understood whether the permit will be appealed.
6. The planning permit includes a requirement for the statue to remain in public ownership.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: 2 – Community inclusion, participation and belonging.

Outcome: 2.1: Hobart is a place that recognises and celebrates Tasmanian Aboriginal people, history and culture, working together towards shared goals.

Strategy: 2.1.1 Demonstrate leadership in Aboriginal social justice in partnership with Aboriginal people.

2.1.2 Highlight Tasmanian Aboriginal history and culture, including acknowledgement of the darkness of our shared experience, through interpretation, naming, arts and events.

Pillar: 3 – Creativity and culture

Outcome: 3.2: Creativity serves as a platform for raising awareness and promoting understanding of diverse cultures and issues.

Strategy:	3.2.1: Use the creative arts as a platform for encouraging participation in public life and raising awareness of important issues.
	3.2.2: Support arts and events as a means of story sharing and sparking conversations about ideas, histories and diverse cultures.
	3.2.4: Support creative and cultural initiatives that invite people to engage with Tasmanian Aboriginal history and culture.
Legislation and Policy	
Legislation:	Historic Cultural Heritage Act 1995 Land Use Planning and Approvals Act 1993
Policy:	Not applicable

Financial Implications

1. It is anticipated that the preparation of a report will have no cost beyond officer time.
2. Potential costs associated with the repair of the statue have not been quantified.

ELLIOT
BLOOMFIELD

That the motion be adopted.

Each clause was voted on separately.

The Lord Mayor put clause 1.

MOTION CARRIED
(CLAUSE 1)

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

NOES

The Lord Mayor put clause 2.

MOTION LOST
(CLAUSE 2)

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Sherlock
Kelly	Harvey
Elliot	Dutta
Bloomfield	Posselt
Coats	Lohberger
	Kitsos

The Lord Mayor put clause 3.

MOTION LOST
(CLAUSE 3)

VOTING RECORD

AYES	NOES
Kelly	Lord Mayor Reynolds
Elliot	Deputy Lord Mayor Sherlock
Bloomfield	Harvey
Coats	Dutta
	Posselt
	Lohberger
	Kitsos

The Lord Mayor put clause 4.

MOTION LOST
(CLAUSE 4)

VOTING RECORD

AYES	NOES
Kelly	Lord Mayor Reynolds
Elliot	Deputy Lord Mayor Sherlock
Bloomfield	Harvey
Coats	Dutta
	Posselt
	Lohberger
	Kitsos

MOTION

POSSELT
SHERLOCK

That a new Clause 2 be included to read as follows:

2. *A report be prepared by Officers outlining options for possible repairs (or not) of the Crowther Statue in consultation with key stakeholders and associated professionals advice including planning advice.*

MOTION CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Posselt
Lohberger
Kitsos

NOES

Kelly
Elliot
Bloomfield
Coats

COUNCIL RESOLUTION:

That:

1. The Council condemn the destructive vandalism of the Dr William Crowther statue.
2. A report be prepared by Officers outlining options for possible repairs (or not) of the Crowther Statue in consultation with key stakeholders and associated professionals advice including planning advice.

25. Two-Step Planning Application Review Process

File Ref: F24/45860

Motion

“That the CEO prepare a report to Council:

1. To develop a two-step process for planning applications whereby applications are considered firstly by a Planning Committee which develops a recommendation for approval or refusal of non-officer delegated applications to be ultimately considered by the full Council acting as Planning Authority at a later date and or other Council delegated Planning Authority Committee as part of the two step process.
2. As part of the report, the CEO consider the Planning Committee consisting of six elected members that is tasked with forming a recommendation for consideration at a later date within 7 days of the planning committee.”

Rationale:

“Recent events have highlighted the value of a two-step process when assessing planning applications. Return to a two-step process for planning applications allows:

- applications to be considered in depth, including deputations, through the Planning Committee
- time to carefully consider an application before final decision
- time for more information to be sought as required
- time for applicants to respond to concerns raised by the Committee and/or representors to the Planning Committee
- time for the applicant to amend, withdraw or seek another opportunity to highlight the merits of the application.

A return to the two-step process that was in place for many years before 2022 and functioned well.

It is acknowledged that this two-step process is extra work and increases scheduling pressures, however, the benefit is a greater opportunity for community input and for applicants to be able to respond to concerns raised prior to final decision by the Council. Given many planning decisions are for developments that will impact the Hobart built landscape for decades to come it is seen as appropriate to maximise community input.

There is also an additional benefit in that a smaller Planning Committee means a more streamlined meeting and other Council members can still attend if required and/or can watch the recording. This benefit is also for those who can watch the representations and make a considered decision prior to final decision at Council.”

Administration Response to Notice of Motion

Discussion

The matters raised in the Motion will be addressed in the Governance Review that is currently being carried out by staff.

The review is currently examining means of providing scope for the Planning Authority to defer more complicated and/or major project development applications, where it is identified that further refinement and/or consideration is required. It needs to be acknowledged that these types of development applications represent a small percentage of the matters that are determined by the Council, so it makes sense to provide a balance whereby these applications receive the necessary scrutiny that they deserve, while other more straight-forward development applications are provided with the most timely pathways that is possible.

The Governance Review is intended to be further workshopped with the Council in early June with a decision aiming to be made at the June Council meeting.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	8 - Governance and Civic Involvement
Outcome:	8.1 - Hobart is a city that is well governed that recognises the community as an active partner that informs decisions.
Strategy:	8.1.1 – Build community trust through the implementation of effective civic leadership, ethical conduct and responsible governance processes that ensure accountability, transparency and compliance with all legislated and statutory requirements. 8.1.3 – Make informed decisions by undertaking genuine, transparent and appropriate community engagement to understand the current and future needs of the community.

Legislation and Policy

Legislation:	Not applicable
Policy:	Not applicable

Financial Implications

1. To be determined.

In the absence of Alderman Zucco, to move his motion, the motion lapsed.

COUNCIL RESOLUTION:

The motion lapsed

26. RESPONSES TO QUESTIONS WITHOUT NOTICE

File Ref: F24/43357

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

SHERLOCK
HARVEY

That the recommendation contained within the officer report, marked as item 26 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COUNCIL RESOLUTION:

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

26.1 Elected Members - Legal Costs

Memorandum of the Director City Enablers 9 May 2024.

26.2 Elected Member - Legal Costs

Memorandum of the Director City Enablers 9 May 2024.

26.3 Employment Opportunities - Migrant Community

Memorandum of the Acting Director Connected City 7 May 2024.

26.4 Large Vehicle Infringements

Memorandum of the Acting Director City Life 30 April 2024.

26.5 Removal of Sign

Memorandum of the Acting Director City Life 9 May 2024.

26.6 Road - Maintenance

Memorandum of the Director City Enablers 9 May 2024.

26.7 Thermal Heat Map

Memorandum of the Acting Head of Intergovernmental Relations & Partnerships 10 May 2024.

27. QUESTIONS WITHOUT NOTICE

File Ref: F24/43358

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

27.1 Councillor Coats - UTAS Relocation

File Ref: 13-1-10

Question: Can the Lord Mayor advise does the council support the University of Tasmania's proposal to relocate the Sandy Bay campus into Hobart's central business district?

Answer: The Lord Mayor advised the Council's position on the matter was resolved at its meeting on 12 December 2022.

27.2 Councillor Coats - Conflicts of Interest

File Ref: 13-1-10

Question: Can Elected Members make decisions on items if clear statements have been put out presupposing the Elected Members 'position' during an election campaign?

Answer: The Manager Legal and Corporate Governance advised that under the *Local Government Act 1993*, it is up to the individual elected member to manage their own perceived or actual conflicts of interest on matters as identified under the Act.

BUSINESS ARISING

28. Questions Taken on Notice During Debate
File Ref: F24/47551

SHERLOCK
DUTTA

That the recommendation contained within the officer report, marked as item 28 of the Open Council Agenda of 27 May 2024, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds
Deputy Lord Mayor Sherlock
Harvey
Dutta
Kelly
Elliot
Bloomfield
Posselt
Lohberger
Coats
Kitsos

COMMITTEE RESOLUTION:

That the register of questions arising during debate, marked as Attachment A, to item 28 of the Open Council Agenda of 27 May 2024 be received and noted.

29. CLOSED PORTION OF THE MEETING

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

- Minutes of a Closed Council meeting
- Leave of absence
- Information of a personal and confidential nature

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairperson
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest
Item No. 6	Outstanding Sundry Debts and Debt Write-Offs as at 31 March 2024 LG(MP)R 15(2)(g)
Item No. 7	QUESTIONS WITHOUT NOTICE LG(MP)R 15(2)(g)
Item No. 8	Questions Taken on Notice During Debate LG(MP)R 15(2)(g)

DUTTA
HARVEY

That the recommendation be adopted

MOTION CARRIED
ABSOLUTE MAJORITY

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Sherlock	
Harvey	
Dutta	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	
Coats	
Kitsos	

The Chairperson adjourned the meeting at 7.33 pm for a meal break

The meeting was reconvened at 7.52 pm.

Item 21 was then taken.

There being no further business the Open portion of the meeting closed at 9.37pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
24TH DAY OF JUNE 2024.

CHAIRPERSON