



CITY OF HOBART

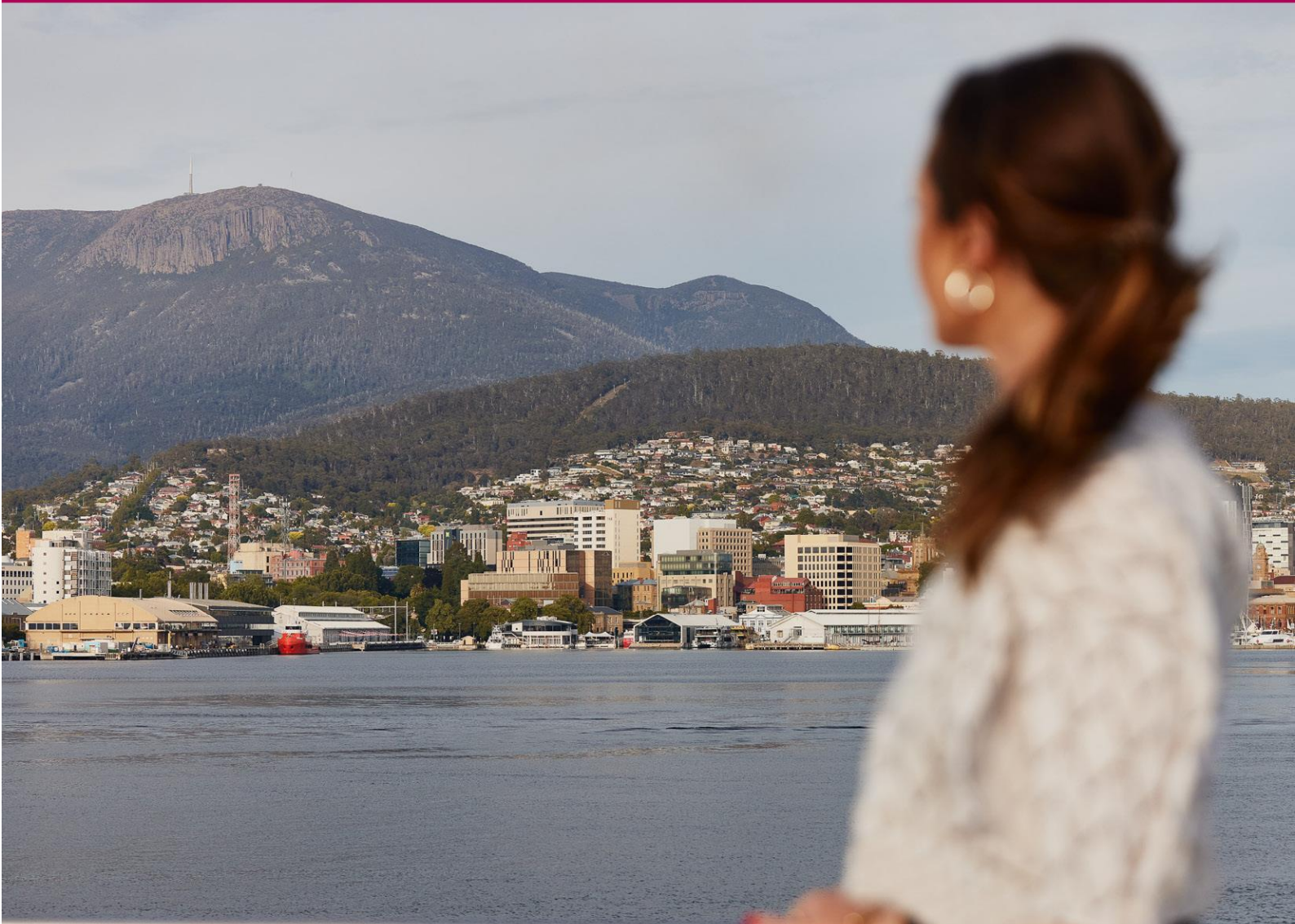
MINUTES

OPEN PORTION

MONDAY, 9 DECEMBER 2024

AT 4:00PM

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.

Councillor Posselt left the meeting at 4.03pm, returning at 4.20pm.

Councillor Elliot left the meeting at 5.55pm, returning at 5.57pm.

Councillor Posselt left the meeting 6.30pm, returning at 6.31pm.

The Deputy Lord Mayor Councillor Sherlock left the meeting at 6.34pm, returning at 6.37pm.

Alderman Zucco left the meeting at 7.30pm after declaring an interest in time 14, returning at 7.43pm after the conclusion of the dinner break.

Councillor Dutta left the meeting at 7.21pm at the commencement of the dinner break, returning at 7.44pm.

Councillor Posselt left the meeting 8.25pm, returning at 8.26pm.

Alderman Zucco left the meeting at 9.10pm, returning at 9.14pm.

1. ACKNOWLEDGEMENT OF COUNTRY

The Lord Mayor provided an acknowledgment of 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, 11 November 2024](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

SHERLOCK
POSSELT

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

No communication was received.

5. NOTIFICATION OF COUNCIL WORKSHOPS

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

6. PUBLIC QUESTION TIME

6.1 Lorraine Sayers - Derwent Ferry Service

Lorraine Sayers put the following questions and was provided with the corresponding response by the Project Manager.

QUESTION:

I note that the HCC consulted with the owners of Wrest Point before recommending a site for Sandy Bay. Why is the Lord's Beach site being considered by Council today (9 December 2024) when there is yet to be engagement with property owners in close proximity to the proposed development, and the broader local community?

RESPONSE:

Over recent months, the Councils and the State Government have been focused on investigating the river-side issues and options to identify the most viable ferry terminal locations. This process did necessitate that conversations occur with the Federal Group as clearly, their Sandy Bay site presented as an appropriate river-side solution.

Given that these investigations have now resulted in a recommendation that Lords Beach is the preferred site for the terminal, the attention will now turn to working through the land-based infrastructure requirements for a successful terminal.

Should the Council approve Lords Beach as its preferred site at tonight's meeting, it will be subject to an engagement occurring with the nearby residents to ensure that any concerns are understood and addressed, where possible.

Following this engagement process, a broader community consultation process will be carried out for the terminal design, while there will also be a Development Application process which will enable people to raise any residual concerns via the public notification process.

QUESTION:

What is the business case for the justification of the Lord's Beach site that addresses:

- a. The anticipated passenger numbers at the Sandy Bay location, given its proximity to the CBD and the distance away from schools and UTAS;
- b. The proposed hours of operation of the ferries and the kiosk.
- c. The impact on regular traffic on the main thoroughfare from Tarooma to the CBD
- d. The lack of drop off and pick up facilities on Sandy Bay Rd and the resultant danger to pedestrians crossing such a busy road, particularly in peak hour when it is expected that the ferries will operate, the danger to cyclists on the bike paths when cars are dropping off or picking up ferry passengers, and the build-up of traffic in an existing area of heavy traffic flow;
- e. The absence of parking and the impact on residential parking for homes in the immediate vicinity;
- f. The potential for rubbish to be scattered in the area - coffee cups, bottles, food wrappers, etc, impacting the amenity of the local residents;

- g. The existing traffic 'black spot' problems that occur with vehicles turning into and out of Waimea Ave and Ethelmont Rd;
- h. The interruption to the line of sight for pedestrians on the beachside promenade, and also of those homes in close proximity?

RESPONSE

The State Government's River Derwent Masterplan provides the overarching framework for the expansion of the ferry serves on the River Derwent, including the Sandy Bay site. Further analysis and findings were reported to the Council at its meeting on 24 June 2024, which are available on the Council's website.

Many of the issues raised in the question will be part of the investigation and engagement process referred to in the response to question 1 and therefore, cannot be directly responded to tonight.

QUESTION:

Is there has been no public consultation about a Sandy Bay location, other than with Federal Hotels, can consideration of Item 11 at today's meeting be deferred until such time as a public meeting about the proposed Lord's Beach site can be undertaken after Christmas, the New Year and school holidays have concluded say after 18 February 2025.

RESPONSE

The residents immediately opposite the proposed Lords Beach location were letterbox dropped several weeks ago with an invitation to engage with officers in respect to the proposal.

The Council will continue to engage with these residents during the investigation and finalisation of the land-based infrastructure plan, and these will be the subject of a broader community engagement process once they have been completed.

A development application process would proceed thereafter providing a further opportunity for public engagement.

It is necessary to provide a direction for the Sandy Bay site, for the Federal Government to release funding to the Councils for the project, and therefore it is not considered appropriate to defer a decision to the matter, given that extensive community engagement is planned to occur.

6.2 Dr Gail Ridley - Derwent Ferry Service

Dr Gail Ridley put the following question and was provided with a response by the Lord Mayor.

QUESTION:

My property is directly opposite the region identified for the ferry proposal. I have not received advice of this proposal. Some of my neighbours did, someone came and knocked on my door on Saturday. Apart from reading in the paper on Saturday that there was a proposal of a ferry terminal at Lord's Beach that was the first I'd heard of it. I

have lived in the same location for over 20 years. I have never heard of the area directly opposite me being referred to as Lord's Beach so if even from that Mercury report I did not connect that the proposal it's for the area directly opposite where I live.

Can the vote for this matter to be deferred so at least I'm able to get my head around what's happening with this?

RESPONSE:

A deferral of the item is a matter for the Council to consider which it can do.

6.3 Chris Merridew - Derwent Ferry Service

Chris Merridew put the following questions which were taken on notice by the Lord Mayor.

QUESTION:

It's a great shame that you couldn't use the Scout Hall site on Marieville Esplanade because it is the direct link between where the Ferry may berth and the University and obviously Mount Carmel and the Hutchins Schools and clearly the idea of this ferry presumably coming into Sandy Bay is to bring people and students from Bellerive. I don't believe the current site is really going to work. Then perhaps you might like to consider looking at a site that belongs to the City Council, there is a site I call the 'Seawall Walk' that goes from the second pier level along to virtually to Manning Reef.

My question is, has that been considered as option four?

Option four would do two things, it would give an extended pleasant walk into the city for those who choose to walk from Sandy Bay in the morning and quite a few do. It would also enable the ferry wharf design that you've got to be situated down basically out of eyesight.

If this option hasn't been considered, why not?

QUESTION:

Following in from my first questions. I recently received correspondence from the CEO that advised, in response to a previous question, that placement of a bicycle rack at the top of Collins Street wouldn't work because he thinks that people like to park their bikes near they where they work. So why would you therefore want to have a bicycle rack at Sandy Bay Road wharf, you can't have what I would say almost both ways?

My other question of that, or relative to the correspondence is that the CEO says that various alternative configurations for the proposed Collins Street bicycle lane were considered however the qualified

advice concluded the current proposed configuration was preferred taking into account safety.

Why do you keep saying that safety is the criteria when the ambulance reports say it's not an accident zone?

6.4 Maria Riedl - Collins Street Cycling Lanes

Maria Riedle put the following questions which were taken on notice by the Lord Mayor.

QUESTION:

In response to the question I asked a month ago, I was advised to read the engagement report, this didn't actually answer my question. There's a lack of community support on the proposed Collins Street bike lanes both sides. Clear message sent by local business owners and workers and shop owners. 56% are opposed sending a clear message. The geography of Hobart doesn't lend itself to expecting us to ride electric bikes or not to work anywhere because of the hills and the streets. Irrespective of traffic, it's not an easy city even with bike lanes because we've got slow traffic anyway. Hobart is not like Amsterdam, it is not like Oslo, it is not like Copenhagen, which are flat.

My question is, how many of the Councillors ride to work every day?

QUESTION:

Bikers aren't adhering to the road rules, they don't use bike lanes, I've got photos to prove that. They inconsiderately ride in the middle of streets, don't adhere to the 1.5 distance themselves, they run red lights to try and beat traffic.

Whose role is it to police them?

6.5 Scott Donoghue - Derwent Ferry Service

Scott Donoghue put the following questions which were responded to by the Lord Mayor and Chief Executive Officer.

QUESTION:

My questions relate to the jetty.

As elected representatives I would have expected that there'd be some requirement of your role to find out what the people who elected you, wanted and what they thought about this project. We didn't receive notification about the jetty until four days ago and so there's been no consultation. Now obviously it's not your role to undertake the

consultation, there would be people you have feeding you information. So, I'm just letting you know consultation hasn't been done. So, my question is, is it possible to defer what was going to be voted on today since what you're voting on hasn't enabled you to meet your role of meeting the interests of the community? We haven't been consulted; a number of the residents I met this afternoon didn't even get the letter we got. They haven't been contacted.

QUESTION:

I rang Dr Tyson this afternoon. His specialty is threatened species and it is his PhD is on one of the endangered fish and he told me he hasn't been consulted or his area hasn't been consulted, he's with IMAS CSIRO, because one of the threatened endangered species is actually in that vicinity. He was quite surprised, and I have now sent him information on the project.

So, my question is to what degree has an environmental impact study been done? I don't think you're in a position to be voting on creating a new structure until you have got all your information.

RESPONSE:

The first part of your question has been answered earlier, a deferral of the item is a matter for the Council to consider which it can do.

Regarding the second question, this has been addressed in part earlier, in response to Lorraine Sayers questions in that this is not a final decision. Details around the design and impacts would all be part of the process down the track before the Council made a final decision. This is just a concept decision not a not a final decision.

The Chief Executive Officer then advised: the process up to date has been highly technical based on water issues in terms of what can work in Sandy Bay, Lindisfarne and Wilkinson's Point as the three areas where the expansion of the ferry service is proposed to occur by the State Government. While it has been determined that Lords Beach is the preferred site as it stands now, we acknowledge that there hasn't been engagement yet. We needed to understand what the preferred location was before being able to undertake the engagement with the community. The decision tonight is basically to nominate that as the preferred site, we'd then undertake the engagement with the community and certainly the community does have a role to play in terms of determining what that a final decision of the Council is. This is the process that needed to occur because speaking to residents around a half a dozen different sites wasn't going to be benefiting the community in terms of having specificity around what we're actually talking.

We are certainly aware of the spotted handfish and the issues around the threatened species in that location and there has been screening work done and biological work done to understand that, and a management plan would have to be part of any proposal to develop the

terminal, should it should it progressed to that level. Engagement with the person you're talking about wouldn't have occurred at this point because we're aware of the issue and we have to go through statutory processes.

I understand that there's been some uncertainty around this today, but the clear intent of the Council is to talk to the community about this preferred location and then have a final recommendation pending that.

You will see tonight's decision is pending engagement with the community, so hopefully that clarifies things.

6.6 Michael Fletcher - Derwent Ferry Terminal

Michael Fletcher put the following questions which were responded to by the Chief Executive Officer.

QUESTION:

As a resident of Waimea Avenue and having spoken to 30 to 40 households in the avenue, there has been no consultation on the jetty site location.

How can a recommendation be made to the Council without the ultimate consideration of the constituents of that area beyond those just on the water?

Further, after speaking with people in Lara Council area (City of Greater Geelong) that actually deal with matters of ferry terminals that doesn't really seem to be a strong business case that's been presented, so when will that be presented to the constituents?

RESPONSE:

in terms of the engagement, I can reiterate the previous advice that engagement is the next stage of the process in terms of having that detailed conversations. The business case and the rationale, if you refer to the State Government Master Plan for the ferry expansion service, that provides the overarching direction that this project is following, so if you have had a chance to have a look at that, then that's the basis for the funding and for the work that's happening.

7. PETITIONS

No petitions were received.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS

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

RECOMMENDATION

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

No supplementary items were received.

9. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

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

Elected Members are requested to indicate where they may have any pecuniary or conflict of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda.

The following interest was indicated:

1. Alderman Zucco – Item 14

OFFICER REPORTS

10. Draft Waste Management Strategy File Ref: F24/100787

SHERLOCK
KITSOS

That the recommendation contained within the officer report, marked as item 10 of the Open Council Agenda of 9 December 2024, be adopted.

POSSELT
HARVEY

That Councillor Harvey be granted an additional two minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

AMENDMENT

ZUCCO
BLOOMFIELD

That clause 2 be amended to read:

- 2. The draft Waste Management Strategy 2025-203 released for community engagement.*

AMENDMENT LOST

VOTING RECORD

AYES

NOES

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

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That:

1. The report detailing the preparation of new Waste Management Strategy be noted.
2. The draft Waste Management Strategy 2025-2030 be endorsed to enable its release for community engagement.
3. A report be provided to the Council following receipt of feedback from the community and other stakeholders.

11. Derwent River Ferry Expansion
File Ref: F24/100839

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 11 of the Open Council Agenda of 9 December 2024, be adopted.

PROCEDURAL MOTION

ELLIOT
BLOOMFIELD

That the matter be deferred.

PROCUDURAL MOTION LOST

VOTING RECORD

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

SHERLOCK
ELLIOT

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

MOTION CARRIED

VOTING RECORD

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

SHERLOCK
LOHBERGER

That Councillor Posselt be granted an additional two minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

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

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 report detailing the development of infrastructure to enable the expansion of the ferry service operating on the Derwent River be noted.
2. Approval be provided for Lords Beach, Sandy Bay to be the location for a new passenger ferry terminal subject to the engagement with property owners in close proximity to the proposed development and the attainment of a planning permit for the use and development.
3. The proposed establishment of new passenger ferry terminals in the following locations be noted:
 - Natone Bay, Lindisfarne
 - Wilkinsons Point

4. The Chief Executive Officer be authorised to:
- (i) Progress the development of plans, identification of P90 cost estimates and any additional stakeholder engagement required.
 - (ii) Progress detailed planning and lodge applications for the statutory approvals required.
 - (iii) Progress procurement of contractors to undertake the construction of the passenger ferry terminals as detailed.

**12. kunanyi / Mount Wellington and Wellington Park Strategic Review -
Council Submission
File Ref: F24/103202**

HARVEY
LOHBERGER

That the recommendation contained within the officer report, marked as item 12 of the Open Council Agenda of 9 December 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 the Council endorse the draft submission into the kunanyi/Mount Wellington and Wellington Park Strategic Review entitled 'Our Mountain's Future' as attached to this Report.

13. Pedestrian Only Phase - Twelve Month Review and Next Steps
File Ref: F24/87017

POSSELT
SHERLOCK

That the recommendation contained within the officer report, marked as item 13 of the Open Council Agenda of 9 December 2024, be adopted.

SHERLOCK
LOHBERGER

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

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

KITSOS
POSSELT

That the Deputy Lord Mayor Councillor Sherlock be granted an additional two minutes to address the meeting.

MOTION CARRIED

VOTING RECORD

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

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 endorses continued collaboration with the Department of State Growth to implement the Inner Hobart Transport Network Operations Plan (TNOP). This includes specific operational improvements for all modes of transport around the Hobart CBD, in alignment with the Central Hobart Plan (Structure Plan) previously approved by the Council.
2. The Council notes that funding will be sought through both the City's 2025-26 budget process to transition the current trial phase into the ongoing preparation of several minor capital works at the Murray/Collins and Murray/Liverpool Street intersections. These works aim to fully implement 'scramble' crossings at these locations.

3. The Council endorse the continued production of awareness materials for public release related to:
 - (a) How to use Pedestrian Only 'Scramble crossing' signals; and
 - (b) Informing driver expectations for moving around the Hobart CBD (including where relevant road markings and roadside signage).

Alderman Zucco declared an interest in item 14 and left the meeting.

14. Proposed Lease - Cornelian Bay Sportsground - TasWater
File Ref: F24/102632

HARVEY
LOHBERGER

That the recommendation contained within the officer report, marked as item 14 of the Open Council Agenda of 9 December 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:

1. The Council note the results of the TasWater consultation, and
2. The Chief Executive Officer continue negotiating final lease terms as previously resolved.

15. Expression of Interest - Sauna License, Long Beach, Sandy Bay
File Ref: F24/61758

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 15 of the Open Council Agenda of 9 December 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 undertake an Expression of Interest process to identify an appropriate commercial operator for a temporary sauna at Long Beach (south), Sandy Bay (646a Sandy Bay Road, Sandy Bay) for the site identified in Attachment A to this report.
2. The Chief Executive Officer be delegated the authority to grant a licence of up to one (1) year, with an option to extend for a further two (2) years, on commercial terms based on the applicant who receives the highest score on the criteria set out in Attachment A as assessed by an EOI assessment team.

16. Governance Arrangements
File Ref: F24/102012

SHERLOCK
KITSOS

That the recommendation contained within the officer report, marked as item 16 of the Open Council Agenda of 9 December 2024, be adopted.

AMENDMENT

COATS
ELLIOT

That the terms of reference for the Place and Wellbeing Committee be amended as follows:

1. Remove point 5.4.1 "The number of committee members on the Committee shall be no less than six and no more than 12 and will live, work, study or volunteer in the City of Hobart."
2. Remove point 5.4.2 "Committee members will be representative of gender and diversity in line with Hobart's community."
3. Remove the words "via The Hobart Workshop Council Committee," from point 5.6.7 to read "The Committee may seek the approval of the Council to progress a discrete body of work."
4. Amend point 5.12.1 and 5.12.2 to replace reference to a Council Committee to Council.
5. Amend point 5.13.5 to replace reference to a Council Committee to Council.

AMENDMENT LOST

VOTING RECORD

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

Note: Councillor Lohberger abstained from voting on the motion. In accordance with section 28(3) of the *Local Government (Meeting Procedures) Regulations 2015*, to abstain from voting at a meeting is to vote in the negative and has been recorded accordingly.

AMENDMENT

ELLIOT
BLOOMFIELD

That clause 5 of the recommendation in respect of the Terms of Reference, be deferred to a workshop.

AMENDMENT CARRIED

VOTING RECORD

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

SUBSTANTIVE MOTION
CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That:

1. The Council adopt the 2025 Governance Calendar (meeting schedule) marked as Attachment A to this report.
2. Should any urgent matters arise, which cannot be accommodated within the 2025 meeting schedule, special meetings of the Council or Council Committee will be convened as required.
3. To facilitate the processing of planning permit applications during the period 10 December 2024 to 21 January 2025, the Director Strategic and Regulatory Services be provided with the following delegation:
 - (i) To determine all planning permit applications which would otherwise be determined by the Planning Authority Committee in circumstances where it would not otherwise be possible to determine the application within the statutory time period required under Sections 57(6), 57(6A), 58(2) or 58(2A) of the Land Use Planning and Approvals Act 1993, and an extension of time cannot be obtained, unless an Elected Member has requested the convening of a special meeting or meetings of the Planning Authority Committee to determine an application, and there is sufficient time to arrange a special meeting prior to the expiry of the statutory time period required under those sections for the period 10 December 2024 to 21 January 2025 inclusive.
4. The Council appoints each Elected Member (by alphabetical order) to be the Chairperson of the Hobart Workshop Committee for two consecutive meetings on a rolling basis and authorises alterations to these appointments to be made by the Chief Executive Officer where the unavailability of an appointed Elected Member prevents them from completing their appointed role of Chairperson.
5. The Terms of Reference for the Place and Wellbeing Committee, (marked as Attachment B to this report) and the Climate, Sustainability and Biodiversity Committee (marked as Attachment C to this report), be deferred to a workshop.
6. The Council makes the delegations to officers contained in Attachment D to this report.

REPORT OF THE CHIEF EXECUTIVE OFFICER

17. Delegation - Use of Common Seal
File Ref: F24/104130; 17/52

SHERLOCK
LOHBERGER

That the recommendation contained within the report of the Chief Executive Officer, marked as item 1 of the Open Council Agenda of 9 December 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 delegation in respect to the affixation of the Common Seal by any two of the following Council officers, or such persons who may be acting in those positions:

- *Chief Executive Officer*
- *Director Strategic and Regulatory Services;*
- *Director Infrastructure and Assets;*
- *Director Corporate Services;*
- *Director Community and Economic Development;*
- *Head of Executive Services;*
- *Manager Surveying Services;*
- *Manager Legal and Corporate Governance.*

For the avoidance of doubt, Chief Executive Office means the General Manager appointed by Council pursuant to s61 of the Local Government Act 1993.

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

18. Legal Expenses
File Ref: F24/105356

Councillors Louise Elliott and John Kelly

Motion

“That:

1. The Council approve the immediate suspension of Section Q ‘Reimbursement of Legal Expenses’ of the Elected Member Development and Support Policy, and
2. The Council approve that, following the suspension of Section Q, that:
 - a. no elected member can access any financial assistance (including reimbursement) from the Council for legal costs incurred after the approval of this motion and
 - b. no Council funds (including through direct payment of invoices) can be used to fund legal costs that exclusively or substantially relate to any individual elected member(s) incurred after the approval of this motion and
 - c. the Council’s indemnity insurance cannot be accessed to fund legal costs that exclusively or substantially relate to any individual elected member(s) incurred after the approval of this motion, and
3. Clauses 1 and 2 above apply until the Council approves the reactivation of Section Q of the Elected Member Development and Support Policy or an equivalent policy position on legal expenses, and
4. Officers bring to the Council a revised policy position on legal expenses for approval by 28 February 2025.”

Rationale:

McCullagh v Northern Midlands Council, Knowles and Jennings

The Supreme Court recently determined a matter (*McCullagh v Northern Midlands Council, Knowles and Jennings* [2024] TASSC 66) that provides councils with clarity on legal expenses.

In this matter, the Northern Midlands Council’s Mayor and General Manager launched defamation related litigation against a community member, who later became a member of their Council. Following activity initiated by the Mayor and General Manager, the Northern Midlands Council passed a resolution to

fund the Mayor and General Manager's private litigation. The Mayor and General Manager viewed this as being acceptable as the legal action related to their roles with the Council.

In this judgment, the Supreme Court has ordered the Northern Midlands Mayor and General Manager to pay the North Midland's Council back all funds they access for their private litigation and to pay the applicant's costs and related incidentals. It is understood that the amount to be paid by the Mayor and General Manager is around \$225,000.

At point 30 of the judgment it is stated that: "*Nothing in [s 20](#) [of the Local Government Act] authorises local government councils to fund private litigation by councillors or council employees, even if that litigation has its genesis in the role of the person as a councillor or council employee. No other section of the [Local Government Act](#), or any other Act, provides a local government council with that power. Councils are required to act in the public interest. They have no business being litigation funders for councillors or employees, especially in circumstances where the defendant to the defamation litigation becomes a member of the first respondent during the currency of that litigation*" and at 31 "*The funds of local government councils are for the public purpose of the benefit of ratepayers, and not for the personal benefit of councillors or employees.*"

The judgment describes the Northern Midlands Council's resolution to fund the legal costs of the Council's Mayor and General Manager as "*void and of no effect*" and states it was "*an unlawful resolution made without any legal authority.*"

Point 40 of the judgment states that: "*They benefited from that unlawful behaviour by launching litigation that would not have been initiated had they been required to pay for it themselves. Having urged the first respondent to engage in unlawful behaviour, it is only fair and just that they rectify the unlawful situation that resulted from their request that the first respondent illegally expend funds for their benefit. The second respondent, as a Mayor of a council, and the third respondent, as an employee of high standing in a local government authority, should have known better. They should have understood that payment out of council funds for private purposes of councillors and council staff, is illegal and arguably corrupt conduct.*"

At point 46: "*As not unsophisticated people engaged in local government, each of them [Mayor and General Manager] should have been aware that the expenditure that they were requesting was made not to assist the ratepayers of the local government area, but to assist them personally in taking private legal action against the applicant. The expenditure was always for a private rather than a public purpose, despite the fact that the second and third respondents sought to relate it to what was occurring in council matters. However, the fact remains that taking defamation action against another citizen is a private matter. It is not action taken in the interests of the council, and it is clearly not authorised by the council. So much should have been clear to the second and third respondents had they given the matter any serious*

thought.”

Relevance to Hobart City Council

The Council’s current position on legal expenses likely conflicts with the principles contained in the above judgment. For example, Section Q of the Policy states that “*an elected member will be reimbursed their reasonable legal expenses.... where an elected member is acting as a plaintiff in a claim, action or demand against a third party to the extent that the elected member may obtain initial advice regarding the merits of their claim.*”

There are also fundamental questions to be resolved related to legal expenses when an elected member is defending or responding to a claim, action or demand made by a third party against the elected member. Other questions to resolve include the relationship between this judgment and indemnity insurance, and where the line is between legal expenses that are for the ‘Council’ as a collective, opposed to for the personal benefit of an individual elected member(s).

What has been made very clear through this judgment, however, is that legal action related to defamation – which centres around harm to an individual’s reputation – is intrinsically a personal, individual and private matter that cannot be funded by the Council.

Given the above, it is prudent for the Council to immediately suspend its policy on legal expenses and urgently develop a revised policy in light of this decision.

It is acknowledged that this situation may change if *McCullagh v Northern Midlands Council, Knowles and Jennings* is overturned or the *Local Government Act 1998* in respect to legal expenses is amended.

Administration Response to Notice of Motion

Discussion

The ‘McCullagh’ decision has now provided judicial authority (and associated clarification) for an area that has historically seen an ad hoc approach across the Tasmanian local government sector, noting that the Local Government Act 1993 is silent on the matter of legal expenses, but does provide for council to have a policy for the payment of general expenses incurred by councillors in carrying out their duties (Schedule 5).

The key parts of McCullagh are as follows.

1. “There is no authority in the Local Government Act, or elsewhere, for.. council to use funds to support ‘private litigation’ of councillors and staff” (para 27).
2. “Nothing in s 20 authorises local government councils to fund private litigation by councillors or council employees, even if that litigation has its genesis in the role of the person as a councillor or council employee.” (Para 30).

3. “The funds of. Councils are for the public purpose of the benefit of ratepayers and not for the personal benefit of councillors or employees”, (para 31).

The decision also applies to council paying for initial legal advice on a ‘private’ legal matters that have their genesis on account of a position at council. Examples would include code of conduct related matters, Integrity Commission investigations, Anti-Discrimination Commissioner complaints and any other personal legal matters, such as those with their origins in the law of torts.

This accords with the wording of Schedule 5 in the sense that councillors cannot be carrying out their duties through engaging in private legal matters at the public’s expense.

It also logically applies to ratepayer funds being used to pay the insurance excess to activate the Directors & Officers Liability Policy, noting that the insurer may elect to extend coverage on a ‘nil excess,’ meaning no ratepayer funds would be spent on invoking policy coverage.

The McCullagh imposes essentially a two-step test to determine if ratepayers have a role in providing financial support to a councillor or officer.

1. All council revenue is regarded as ‘ratepayer’ funds and can only be expended for a legitimate public purpose, and.
2. If the proposed external legal advice, legal support or litigation attaches to a councillor/officer in an individual capacity then it cannot be regarded as an expenditure for a public purpose.

McCullagh also notes at paragraph 32 that a council cannot by resolution seek to fund ‘private’ matters as such a move would be ultra vires (acting beyond power). In the context of the City of Hobart this means that Section Q (Legal Expenses) of the Elected Member Development & Support Policy is void to the extent that it conflicts with the McCullagh decision as council lacks the ‘power’ to re-allocate public funds to a private purpose.

The McCullagh decision has no bearing on the allocation of public funds to defend decisions of council, and no further commentary is provided on that point.

The motion is somewhat unusual in that it seeks to have council adhere to the relevant body of law. Or, put another way, councillors can no longer rely upon council to fund ‘private’ matters even if the motion were to fail as doing so would be unlawful.

That said, officers are concerned that the proposed motion is overly broad in scope and could lead to unintended consequences in relation to Council’s insurance policy.

Post the McCullagh decision a number of foreseeable scenarios could arise where council could still legitimately support a councillor if the associated legal matter was of a ‘public’ vs a ‘private matter.’ Officers respectfully

suggest that 2(a) and 2 (b) be amended to provide read that no support will be provided to councillors for private legal matters, as defined by McCullagh. Point 2 (c) is also problematic as it fails to provide for a situation where insurance coverage is provided on either a nil excess or the substantive matter isn't of a private nature.

Officers also respectfully disagree with the imposition of a timeline to resolve the matter, as that fails to consider competing priorities for relevant staff and that broader discussions will need to occur across the sector, Office of Local Government and our insurance broker.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar: Pillar 8: We are a city of ethics and integrity. We govern with transparency and accountability, encouraging and welcoming active civic involvement. We collaborate for the collective good, working together to create a successful Hobart

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

Strategy: 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

Legislation and Policy

Legislation: N/A

Policy: N/A

Financial Implications

1. There are no financial implications.

ELLIOT
KELLY

That the motion be adopted.

SHERLOCK
ZUCCO

That Councillor Elliot be granted an additional two minutes to address the meeting.

MOTION CARRIED

19. Deputations to Council
File Ref: F24/105359

Councillors Louise Elliot and John Kelly

Motion

That:

1. The Council require a policy to be developed (or an appropriate policy to be updated) that captures deputations to Council meetings which is consistent with the following principles, and request that the policy be returned to Council for approval by 31 January 2025:
 - a. Community members can make deputations to the Council at Council meetings;
 - b. Requests from community members should be made, ideally in writing, at least 24 hours prior to the Council meeting;
 - c. Deputations must relate to an item listed on the relevant meeting's Council agenda;
 - d. Deputations should not exceed five minutes each;
 - e. The meeting Chair can provide consent for a deputation to be made;
 - f. If the meeting Chair does not provide consent, an elected member can move a motion without notice that seeks support from the Council for the community member to provide a deputation at the beginning of the relevant agenda item.

Rationale:

In the Council's November 2024 meeting, multiple representatives of our business community were denied the opportunity to make a deputation to the Council related to the Council's plans for bike lanes on both sides of Collins Street.

The community members waited over three hours for this agenda item as the vote to transfer the relevant agenda item to the beginning of the meeting was lost.

During the Council's meal break, the community members discussed their desire to make a deputation to the Council with the Lord Mayor and CEO. The Lord Mayor refused to allow the community member to make a deputation, and instead, reopened public question time.

The Council has previously permitted community members to make deputations to the Council.

It is unfair for community members to be treated differently and a clear and explicit policy is required to support fairness and transparency and mitigate the risk of bias.

Administration Response to Notice of Motion

Discussion

1. Council already has a policy on these matters, which can be found at section 13 of Council's Meetings: Procedures and Guidelines Policy (Adopted October 2024), from page 6. The existing policy applies to both council committees and ordinary meetings and provides for the relevant chair to exercise a discretion to permit a deputation. If a proposed deputation wishes to make a presentation or provide supporting papers then those materials must be provided to council in accordance with the relevant agenda deadline as provided for under the 2016 Meeting procedures. If this were to occur the deputation would be listed on the agenda with no discretion needing to be exercised during the relevant meeting.
2. It needs to be clarified that the person referred to in the motion attended the last Council meeting to ask questions during Public Question time and actually missed the relevant section of the meeting. It was agreed to re-open the Public Question time, however, to be clear, a deputation was not discussed.
3. Officers are respectfully of the view the proposed changes are not required as the existing policy adequately provides for these matters. Officers also respectfully note the last point of the Notice of Motion proposing to essentially override the role of the chair to potentially bring forward a matter that isn't listed on the agenda, or potentially related to an agenda item is arguably contrary to Regulation 16(1) of the 2016 Meeting Regulations.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	Pillar 8: We are a city of ethics and integrity. We govern with transparency and accountability, encouraging and welcoming active civic involvement. We collaborate for the collective good, working together to create a successful Hobart
Outcome:	Outcome 8.1: Hobart is a city that is well governed that recognises the community as an active partner that informs decisions.
Strategy:	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.

Legislation and Policy

Legislation: N/A

Policy: Council's Meetings: Procedures and Guidelines Policy – Section 13

Financial Implications

2. There are no financial implications to this motion.

KELLY
ELLIOT

That the motion be adopted.

MOTION LOST

VOTING RECORD

AYES

Zucco
Kelly
Elliot
Bloomfield

NOES

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

MOTION

ZUCCO
LOHBERGER

That the Chief Executive Officer provide a report on the implementation or amendment of a policy in regards to community members making deputations to ordinary Council meetings and Council Committee meetings.

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 Chief Executive Officer provide a report on the implementation or amendment of a policy in regards to community members making deputations to ordinary Council meetings and Council Committee meetings.

20. RESPONSES TO QUESTIONS WITHOUT NOTICE

File Ref: F24/104296

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

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

POSSELT
LOHBERGER

That the following responses to Questions Without Notice be received and noted:

20.1 Biochar Collaboration Project

Memorandum of the Acting Director Infrastructure and Assets 31
October 2024.

20.2 Closure of Matters in Public Forum

Memorandum of the Acting Director Corporate Services 28
November 2024.

20.3 Economic Impact Assessment

Memorandum of the Director Strategic and Regulatory Services 28 November 2024.

20.4 Metro Tasmania Consultation

Memorandum of the Director Strategic and Regulatory Services 28 November 2024.

20.5 New Parking Sensors

Memorandum of the Acting Director Community and Economic Development 28 November 2024.

20.6 Works Associated with the TCA Grant

Memorandum of the Director Strategic and Regulatory Services 31 October 2024.

20.7 Clarity of Point of Order Section (D)

Memorandum of the Acting Director Corporate Services 28 November 2024.

20.8 4G Network Upgrade

Memorandum of the Acting Director Community and Economic Development 28 November 2024.

20.9 Parking Meter End of Life

Memorandum of the Acting Director Community and Economic Development 28 November 2024.

20.10 State Government Removal of Parking Space

Memorandum of the Director Strategic and Regulatory Services 28 November 2024.

20.11 Parking Meter Research

Memorandum of the Acting Director Community and Economic Development of 3 December 2024.

MOTION CARRIED

VOTING RECORD

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

21. QUESTIONS WITHOUT NOTICE
File Ref: F24/81380

21.1 Alderman Zucco - Legal Matters

Question: Can the Chief Executive Officer advise if any current elected members is being provided with legal assistance or advice directly or indirectly?

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

21.2 Alderman Bloomfield - Confederation of Greater Hobart Business Meeting

Question: Can the Chief Executive Officer advise if the invitation to the Confederation of Greater Hobart Business has been issued?

Response: The Director Strategic and Regulatory Services advised that meeting was in the process of being organised.

21.3 Councillor Lohberger - Image of the Monarch

Question: I have noticed that the image of the monarch has finally been updated, can the Chief Executive Officer advise when that occurred?

Response: The Lord Mayor advised it had occurred in the last couple of days.

21.3 Councillor Posselt - Display of Monarch in Council Chamber

Question: Can the Chief Executive Officer advise if there something that requires that the monarch be placed in the Council Chamber?

Response: The Lord Mayor advised there is no protocol that requires display of the monarch however there is a Council decision to display the monarch in the Council Chamber.

21.4 Cr Elliot - Bike Counters

Question: Can the Chief Executive Officer advise when the bike counters were installed on Campbell Street and can the Council have access to the data?

Response: The Director Strategic and Regulatory Services advised they had been installed within the last week and the intention was that once the software is up and running that the Council will be provided with the data at the appropriate. Until the software is calibrated, the data is not accurate.

The Council will be advised when data collection commences.

21.5 Councillor Coats - Hobart Current

Question: In relation to Hobart Current, I understand that only forty percent of applicants are from Tasmania. Can the Chief Executive Officer advise, of that forty percent, do we have an understanding of how many come from the Hobart City Council municipal area and how much funding have we provided to the program?

Is there any work being done to understand why there are limit applicants from the Hobart area?

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

21.6 Councillor Coats - Bus Stop 119 Collins Street

Question: In relation to the Collins Street cycleway, I know Metro Tasmania are happy with the removal of the bus stop between Harrington and Barrick Streets, but can the Chief Executive Officer advise what process there is, if any, around the bus stop at 119 Collins Street?

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

21.7 Councillor Harvey - Air-Conditioning Scent

Question: I am curious to understand if there is a scent that is put through our air-conditioning system as at times there is a strong smell in various spaces around the building that is not very pleasant.

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

BUSINESS ARISING

22. Questions Taken on Notice During Debate **File Ref: F24/105327**

POSSELT
LOHBERGER

That the register of questions arising during debate, marked as Attachment A to item 22 of the Open Council Agenda of 9 December 2024, be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

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

23. 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 Meeting
- Items including personal information

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	Special Committees - Appointment of Members LG(MP)R 15(2)(g)
Item No. 7	QUESTIONS WITHOUT NOTICE LG(MP)R 15(2)(g)

Item 24, (listed as item 7 of the Closed Agenda of 9 December 2024) has been recorded in the open portion of the meeting in accordance with clause 3 of the resolution.

24. Special Committees - Appointment of Members **File Ref: F24/102166**

POSSELT
HARVEY

That the recommendation contained within the officer report, marked as item 6 of the Closed Council Agenda of 9 December 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 make the following community member committee appointments, with membership expiring at the end of the current term of Council in 2026:
 - (i) Place and Wellbeing Committee:
 - (a) Paul Curtain
 - (b) Richard Metcalf
 - (c) Nathan Volf
 - (ii) Climate, Sustainability and Biodiversity Committee:
 - (a) Steven Phipps
 - (b) Scott Lobdale
 - (c) Cameron McLennan
 - (d) Margaret Taylor
 - (iii) City Economy Committee:
 - (a) Sanallah Shar
 - (iv) City Transport Committee:
 - (a) Fiona Abercrombie-Howroyd
2. The Council note a publicly advertised expression of interest process will be undertaken to top up committee vacancies.
3. In accordance with regulation 15 (8) of the Local Government (Meeting Procedures) Regulations 2015, the Council has considered whether any discussion, decision, report or attachment related to this item can be

released to the public, taking into account privacy and confidentiality issues, and resolve the Council decision be recorded in the minutes open portion of the meeting.

The Chairperson adjourned the meeting at 7.21pm for a dinner break.

The meeting was reconvened at 7.43pm.

Item 15 was then taken.

There being no further business the meeting closed at 9.17pm.

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
28TH DAY OF JANUARY 2025.

CHAIRPERSON