



MINUTES

Open Portion
Monday, 29 September 2025
AT 4.00pm
Council Chamber, Town Hall



ORDER OF BUSINESS

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PRESENT:

Lord Mayor A M Reynolds, Deputy Lord Mayor Sherlock, Alderman M Zucco, Councillor W F Harvey, Councillor M S C Dutta, Councillor J L Kelly, Alderman L A Bloomfield, Councillor R J Posselt, Councillor B Lohberger, Councillor W N S Coats

APOLOGIES:

Councillor L M Elliot

LEAVE OF ABSENCE:

Councillor G H Kitsos

Alderman Zucco left the meeting at 4.39pm after declaring a conflict of interest in item 14, returning at 4.41pm.

Councillor Posselt left the meeting at 4.47pm, and was not present for the vote on item 15, returning at 5.01pm.

1. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson opened the meeting and provided an acknowledgement of country.

2. CONFIRMATION OF MINUTES

SHERLOCK
DUTTA

The Chairperson reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 25 August 2025](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

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 17 of the *Local Government (Meeting Procedures) Regulations 2025*?

No items were transferred.

4. COMMUNICATION FROM THE CHAIRPERSON

4.1 State Resilient Australia Awards

The Lord Mayor advised that the City of Hobart was awarded the winner of the State Resilient Australia Awards in the Local Government category for its Sparking Conversations, Igniting Action Bushfire Resilient Project.

The award recognises innovative and collaborative efforts that strengthen community resilience to disasters and emergencies. The project brought together councils from Hobart, Kingborough, Glenorchy, and Clarence to engage communities in meaningful conversations about bushfire preparedness and resilience.

The award ceremony was held on Friday afternoon, where representatives from the participating councils accepted the certificate and trophy, presented by MP Michael Ferguson.

As the State winner, the Sparking Conversations, Igniting Action project will now be considered for the National Local Government Award, highlighting Tasmania's leadership in community-driven resilience initiatives.

5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the Local Government (Meeting Procedures) Regulations 2025, the Chief Executive Officer reports that the following workshops have been conducted since the last ordinary meeting of the Council.

Date: 15 September 2025

Purpose:

Creative City Strategy | Memorials Policy | Battery Point Accessway | Chief Executive Officer – Draft Performance Plan 2025-2026

Attendance:

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

Apologies:

Councillor G H Kitsos.

Date: 22 September 2025

Purpose:

MacPoint Stadium Project of State Significance Integrated Assessment Report Outcomes Discussion | Hobart Design Guidelines - Engagement Report and Final Document | Matilda - Transfer of Ownership | LGAT Motion - LGBTIQ+ Inclusion | Volunteers Awards Policy

Attendance:

Lord Mayor Councillor A M Reynolds, Deputy Lord Mayor Councillor Dr Z E Sherlock, Alderman M Zucco, Councillors W F Harvey, J L Kelly and L M Elliot, Alderman L A Bloomfield, Councillors R J Posselt and B Lohberger.

Apologies:

Councillor G H Kitsos.

6. PUBLIC QUESTION TIME

6.1 Public Questions

6.1.1 Christopher Clinton - Gaza and the West Bank

Christopher Clinton put the following questions which were taken on notice by the Chief Executive Officer.

Noting that civilians in Gaza and the West Bank are facing what leading humanitarian organisations have described as genocide and severe human rights violations. Other Councils throughout the country have adopted motions supporting the boycott, de-investment and sanctions campaign. Two years ago, this council passed a motion calling for a cease fire, recognising the urgency back then.

The scale of the crisis demands persistent action.

QUESTION: 1

How does the Council now see its role?

QUESTION: 2

What steps will ensure that this issue remains clearly before us and part of our collective response for the future?

6.2 Responses to Public Questions Taken On Notice

POSSELT
DUTTA

That the responses contained within the officer report, marked as items 6.2.1 and 6.2.2 of the Open Council Agenda of 29 September 2025, be received and noted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That the following responses to public questions taken on notice, marked as items 6.2.1 and 6.2.2 of the Open Council Agenda of 29 September 2025, be received and noted:

- 6.2.1 Lanes, Footpaths and Rate Rise
- 6.2.2 Constant Flow of Slimy Water

7. PETITIONS

7.1. Tabling of a Petition - Upgrade of North Hobart EC Skatepark File Ref: F25/69780; 16/119-000012

ZUCCO
SHERLOCK

That the recommendation contained within the officer report, marked as item 7.1 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. The petition titled 'Upgrade the North Hobart EC Skatepark', marked as Attachment A to item 7.1 of the Open Council Agenda of 29 September 2025, and calling for:
 - (i) Renovating and expanding existing facilities to meet international standards for skateboarding, BMX, and other action sports;
 - (ii) Incorporating diverse elements, such as bowls, ramps, and street-style features, to cater to all skill levels and disciplines;
 - (iii) Enhancing safety features, including better lighting, surveillance, and accessibility; and
 - (iv) Providing appropriate facilities to support the sheshreds movement - inclusive of club / storage room, bathrooms, appropriate lighting and undercover areas to facilitate use of the park in poor weather;be tabled.

2. Council notes that Officers from the Open Spaces group will meet with petitioners on site to hear their concerns and review the site in detail.
3. Officers provide a report back to the Council that outlines the recommended action to be taken in response to the petition.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS

Ref: Part 2, Regulation 10(7) of the *Local Government (Meeting Procedures) Regulations 2025*.

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 2025*.

No supplementary items were received.

9. INDICATIONS CONFLICTS OF INTEREST

Ref: Part 2, Regulation 10(8) of the *Local Government (Meeting Procedures) Regulations 2025*.

Elected Members are requested to indicate where they may have, or are likely to have, an interest in the agenda.

No interest was indicated.

OFFICER REPORTS

10. Hobart Design Guidelines File Ref: F25/68705

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 10 of the Open Council Agenda of 29 September 2025, be adopted.

AMENDMENT

LOHBERGER
DUTTA

That a further report be provided on whether a design awards program would be practical and effective for Council to promote places and buildings that align with the Hobart Design Guidelines

AMENDMENT LOST

VOTING RECORD

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

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the Hobart Design Guidelines marked as Attachment A, to item 10 of the Open Council Agenda of 29 September 2025, be formally adopted by the Council to encourage the improvement of the functionality and quality of the design of development in the City of Hobart.

11. Volunteer Awards Policy
File Ref: F25/70875

SHERLOCK
HARVEY

That the recommendation contained within the officer report, marked as item 11 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

.That:

1. The Council endorse the Volunteer Awards Policy marked as Attachment A to item 11 of the Open Council Agenda of 29 September 2025.
2. The Council authorise the Chief Executive Officer to make any minor amendments necessary to finalise the Volunteer Awards Policy and arrange for it to be made available on the City's website.

12. LGAT Motion - LGBTIQA+ Inclusion
File Ref: F25/62832

LOHBERGER
SHERLOCK

That the recommendation contained within the officer report, marked as item 12 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. The Council table the following motion at the Local Government Association of Tasmania General Meeting to be held on 20 November 2025:

The City of Hobart proposes that:

- 1 All Tasmanian councils are strongly encouraged to consult with, and foster inclusion and equal opportunities for, LGBTIQA+ people;
- 2 All Tasmanian councils, or groups of councils, consider establishing an LGBTIQA+ Reference Group to provide strategic advice and feedback specific to each municipality, and consider developing action plans based on that advice and feedback;
- 3 LGAT develop resources and provide workshops to support councils to connect with and act in support of their local LGBTIQA+ communities, including how to establish local LGBTIQA+ Reference Groups and develop action plans; and
- 4 LGAT request that the State Government share resources in alignment with the existing LGBTIQA+ action plans of state agencies including DPFEM, Health and Justice.

13. Draft Open Space Strategy
File Ref: F25/64514; 16/119

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 13 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. The Council endorse the City of Hobart's Draft Open Space Strategy, as outlined in Attachment A to item 13 of the Open Council Agenda of 29 September 2025, for the, for the purpose of community engagement.
2. Following the completion of community engagement, a report be presented to the Council outlining the feedback received and detailing any amendments made to the draft Open Space Strategy.

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

14. Cornelian Bay Track Management
File Ref: F25/65311

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 14 of the Open Council Agenda of 29 September 2025, be adopted.

PROCEDURAL MOTION

LOHBERGER
HARVEY

That the matter be deferred to a workshop for further consideration.

PROCEDURAL MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That the matter be deferred to a workshop for further consideration.

15. Soldiers Memorial Avenue Plaques
File Ref: F25/66046

SHERLOCK
BLOOMFIELD

That the recommendation contained within the officer report, marked as item 15 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That

1. That the Council contribute \$9,000 in cash from the Open Space Operating budget and \$2,000 in kind support to the Friends of Soldiers Memorial Avenue for the replacement / repair of the stolen / damaged Soldiers Memorial Avenue plaques.
2. The value of the support to each organisation be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart Annual Report 2025-26.

16. Christmas Pageant Parking and Transport Options
File Ref: F25/67517

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 16 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. Council notes the long-standing position of Council for Parking in the CBD to be free on the day of the annual Christmas Pageant; and
2. Council endorses officers to prepare a comprehensive report analysing the options for improving Transport outcomes for the 2026 Christmas Pageant, and for this report to be provided to Council for consideration in the first half of 2026.

17. 2025-26 Fees and Charges - Fees for Community Liability Pack
File Ref: F25/49470

POSSELT
HARVEY

That the recommendation contained within the officer report, marked as item 17 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. Council approve a fee of \$14.73 ex GST for Part A of the City's Community Liability Pack insurance policy for uninsured hirers of Council owned or controlled facilities with a \$500 deductible per claim to reflect the Community Liability Pack insurance renewal.
2. Council approve the following fees for Part B of the City's Community Liability Pack insurance policy for uninsured participants of Council run or Council approved events or programs with a \$1,000 deductible per claim to reflect the Community Liability Pack insurance renewal:
 - (i) Stallholders \$22.66
 - (ii) Buskers and performers \$45.32
 - (iii) Artists (in studio), tutors and instructors, \$113.30
3. Council approve a fee of \$28.33 ex GST for Part C of the City's Community Liability Pack insurance policy for permit holders with a \$1,000 deductible per claim to reflect the Community Liability Pack insurance renewal.
4. The fees be included in the City's 2025-26 fees and charges booklet.

18. Fee Waivers - Community-Based Homelessness & Social Support Groups 2025-26
File Ref: F25/51495

SHERLOCK
LOHBERGER

That the recommendation contained within the officer report, marked as item 18 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That:

1. The Council waive a total of \$21,168.00 (incl. GST) in community hire fees, made up of the following specific amounts, for the use of Mathers or Criterion House for the following community led social support services, for the 2025-26 financial year:

(i) Circle of Love and Care	\$1,470.00
(ii) Dining with Friends	\$1,176.00
(iii) Food Not Bombs	\$5,880.00
(iv) Love Hobart	\$4,410.00
(v) Mutual Aid Kitchen	\$7,350.00
(vi) Pets in the Park	\$882.00
2. The value of the support to each organisation be recorded in the 'Grants, Assistance and Benefits Provided' section of the City of Hobart Annual Report 2025-26.

19. 2024-25 Capital Works Program Report as at 30 June 2025
File Ref: F25/63257

SHERLOCK
POSSELT

That the recommendation contained within the officer report, marked as item 19 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That the report titled 2024-25 Capital Works Program Report as at 30 June 2025, dated 2 September 2025, be noted.

Attachments

- A Amended Attachment B - 2024-25 Capital Works Program additional attachments ⇨ 

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

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

20. Audit of Street-Side Dining Safety
FILE REF: F25/70561

Motion

“That a report be provided that comprehensively audits of all Council-established street-side dining elements, with a particular focus on those directly adjacent to moving traffic, to:

1. Assess risks in light of vehicle movements.
2. Benchmark against workplace health and safety requirements as noted in Council guidance.
3. Identify where protective infrastructure or design changes are necessary, and
4. Report findings and recommendations back to Council.”

Rationale:

“There was a recent incident on Criterion Street in which a delivery vehicle struck street-side dining furniture, narrowly missing seated patrons and noting the guidance contained in the *City Mobility Unit Design Guidance #6, Section 2.17*, which states:

“This type of arrangement introduces a duty of care risk. There is no doubt that if an arrangement of this type were proposed as a part of a construction work site, it would require a temporary traffic management permit, and a qualified worksite traffic management provider to provide a traffic management plan to ensure that the requirements under the WH&S Act for people in this space are met.”

Community concern has been heightened by the Criterion Street incident, and public confidence in the safety of street-side dining requires validation through independent review.

This audit is essential to allay community fears, safeguard public confidence, and ensure that Council’s street-side dining program continues to operate in a way that is safe, vibrant, and sustainable”.

Administration Response to Notice of Motion

Discussion

1. It is noted that we distinguish between:
 - (a) **Outdoor Dining:** Dining spaces occupying footpaths; and
 - (b) **Street-Side Dining:** Dining spaces occupying on-street parking/vehicle carriageway.
2. The City's approach to street-side dining was finalised at the Council meeting on 25 August 2025. Council resolved to proceed with installing a concrete base for all three existing street-side dining businesses, in line with the technical guidelines for Parklet and Street-Side Dining Program Two. Officers are currently working to launch the Parklet and Street-Side Dining Programs in mid-October and are coordinating with the civil crew to commence the concrete base as soon as possible.
3. The City Mobility Unit Design Guidance #6 which is referred to in this motion relates to street-side dining. It provides guidance on the provision of outdoor dining on on-street parking/vehicle carriageways only. It is not relevant for outdoor dining (on footpaths).

Outdoor Dining – Criterion Street Café

4. An outdoor dining permit has been issued for this business since 2011. Until the recent incident, we are not aware of any safety issues for that location. Unfortunately, the incident in question appears to have arisen due to driver behaviour.
5. Officers have visited the business in Criterion Street and reminded them of the requirement to ensure their furniture is setback from the kerb in compliance with the terms and conditions of the permit to occupy the public space for the purposes of outdoor dining. A subsequent site visit has confirmed that this is occurring.

Outdoor Dining – Generally

6. It is important to note that prior to the issue of any permit to occupy public space, officers undertake an assessment to ensure:
 - (a) that the standard set-back from the kerb is met;
 - (b) a clear footpath width provided for passing pedestrians;

(c) clear distances from junctions or other obstructions; and

(d) the parking controls adjacent to the outdoor dining.

7. There are occasions where the risks are considered significant, and business owners are advised that the City of Hobart will not be able to issue a permit for outdoor dining due to concerns about public safety. In those cases, City of Hobart officers typically work with business owners to try to determine a suitable arrangement. This has in the past included the potential provision of safety bollards that are designed and rated to prevent an out-of-control vehicle from striking patrons. In many cases, the cost of the purchase and installation of these rated bollard systems is too high for small businesses to afford.
8. Essentially, if the risks cannot be adequately addressed through the placement of street furniture, use of bollards, or other measures, outdoor dining will not be supported in that location.
9. Subject to clarifying that the audit proposed relates to outdoor dining and whether that audit should be done internally or by a consultant, there are no concerns about carrying out that work. Carrying out checks of outdoor dining infrastructure was raised in the Elected Member Bulletin on 5 September 2025.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	8 – Governance and Civic Involvement 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:	8.2 Hobart is a city that delivers public value and excellence by being a financially responsible, high performing and accountable organisation that is responsive to the needs of the community
Strategy:	8.2.7 Ensure risks and legal processes are identified and managed effectively to achieve organisational priorities and strategic objectives and legislative requirements.

Legislation and Policy

Legislation:	Public Space By-Law 2018
Policy:	n/a

Financial Implications

1. An audit by officers will not have any financial implications.
2. If an audit by an external body is required, there will be an associated expense, which has not been provided for in the current budget.

KELLY
BLOOMFIELD

That the motion be adopted

MOTION CARRIED

VOTING RECORD

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

COUNCIL RESOLUTION:

That Council officers prepare a report that comprehensively audits all outdoor dining permits granted by the Council and Council-established street-side dining elements, with a particular focus on those directly adjacent to moving traffic, to:

1. Assess risks in light of vehicle movements;
2. Benchmark against workplace health and safety requirements as noted in Council guidance, where relevant;
3. Identify where protective infrastructure or design changes are necessary; and
4. Report findings and recommendations back to Council..

21. Right to Information - External Reviews and Report Request

FILE REF: F25/70570

Motion

That a report be provided which:

1. Notes that the Council has been subject to 12 *Right to Information Act* related external reviews conducted by the Ombudsman since 2022 and that 11 of these have been at least partly adverse to the Council.
2. Notes that, as part of these external reviews, the Ombudsman has passed comment on a range of matters that indicate issues related to how the Act is being interpreted and applied by the Council.
3. Confirm its commitment to the objects of the *Right to Information Act 2009*, which include increasing the Council's accountability to the community and the community's ability to participate in their governance through the provision of information, and supporting the community's access to information that the Council collects and;
4. requests officers bring to Council for its October meeting a report outlining what actions have or will be taken (and associated timelines) to improve the Council's compliance with the objects, principles and obligations of the Right to Information Act.

Rationale:

The Council has an obligation to comply with the law.

The Ombudsman's external reviews highlight that there are not only issues with complying with the specifics of the Act, but also likely attitudinal issues within the Council towards the use of RTI which are (consciously or subconsciously) likely impacting on processes and decisions. Both of these are unacceptable and must be addressed.

The following are quotes from various External Reviews of Council decisions published by the Ombudsman in recent years:

"I am also concerned at the suggestion that giving effect to the Act amounts to imposing an extra regulatory burden of disclosure of commercial information provided by third parties who may otherwise seek to tender for a Council's planning panel is likely to deter some from doing so. The Act is a push model which encourages the release of government information (s3). I do not consider it appropriate to characterise this intention of parliament to encourage transparency and accountability to be a burden. It is simply the legislative framework that is in place for public authorities and those

who engage in business with them, and is standard across all Australian jurisdictions"

"I urge the Council to more closely consider its processes around the management of conflicts of interest in future, to ensure appropriate practices are in place"

"Council has sought to rely on s19 in a manner which does not align with its intended purpose"

"Council's reasoning regarding why it considers the information exempt under s36 is very minimal. It is so brief that it is questionable whether it actually fulfils the requirement of s22 of the Act for reasons for decision to be given and that the relevant public interest considerations relied upon be stated."

"I strongly encourage Council to provide more fulsome reasons in future and provide specific discussion and reasoning in its decisions, which references the actual circumstances regarding relevant third parties and the documents in question. This would provide the applicant with a better understanding of the matters considered, the reasons for the conclusions reached and can reduce the likelihood of further review"

"It is likely that this external review would not have been necessary, had Council kept proper recordsDocuments were not saved correctly, could not be located and much of Council's submissions constituted educated guesses regarding what had occurred due to record keeping issues. This is highly unsatisfactory. Tasmanians have a legislated right to access government held information. This right is frustrated when public authorities fail to demonstrate proper record keeping practices. Council is also reminded that a failure to ensure proper record keeping may constitute a breach of its obligations under the Archives Act 1983 (Tas). I am concerned by Council's poor record keeping processes in this instance and will be monitoring its record keeping practices in the future to try to ensure that obligations under the Act are met."

"I am concerned that it [the Council] considers information contained within the archived email accounts of very senior Council officers who have only recently left Council to be in 'back-up' systems. The implication of such a wide interpretation of back-up systems is that the public's right to information which would be reasonably expected to be in a public authority's possession would be impeded, as s10(2) provides that a person is not entitled to information contained in back-up systems. 27 Section 10(2) should only be used sparingly, otherwise the object and purpose of the Act would not be fulfilled."

"This consultation is mandatory and a public authority is not permitted to refuse an application pursuant to s19 if it has not occurred.....I do not accept that, initially at least, Council provided Ms Sandwell with a reasonable

opportunity to consult with it in order to help her frame her assessed disclosure application in a way that would remove the ground for refusal under s19."

"In relation to whether the application is a 'fishing expedition', it is not a requirement of an assessed disclosure request that it be seeking specific known documents or be made for a purpose a public authority considers worthy. Applicants often will not know the precise documents a public authority holds and may seek all information on a topic of interest. Provided the size of the application is not unreasonable or the effort to respond to the request unmanageable, 'fishing' is an entirely permissible use of the right to information system."

"I can see that Council has identified over 500,000 records as being responsive to the individual search terms 'differential', 'resolution', and 'rates'. It seems that this large volume of documents, identified as responsive to these single word search terms, is the primary basis for Council relying on s19 to refuse to process It is not surprising that single word searches on Council's document management system resulted in such vast amounts of documents being identified by Council, especially for terms like 'rates'. I am not satisfied by the lack of further steps taken by Council to try to remove the need for refusal under s19. After the single word searches identified so many documents, I would have expected Council to refine its search....."

Administration Response to Notice of Motion

Discussion

The City's operational capability, statutory compliance and associated cultural behaviours regarding Right to Information Act 2008 has been on a continuous improvement trajectory since mid-2022. These improvements have taken many forms, are ongoing, and are further detailed within this document per the intent of the Motion.

Given the depth and breadth of the detail contained within the Administrative response it is respectfully submitted that a further report to the October ordinary meeting is not required.

The Council has been previously advised as to the operation and oversight for the Right to Information Act. The Act appoints the City's CEO as the 'Principal Officer,' who in turn has a discretion to appoint delegated officers. The Principal Officer's decisions and administrative actions can be the subject of external review by the office of the Tasmanian Ombudsman. Councillors have no express, or implied, function or power to either oversee the administration of the Right to Information Act or to direct the CEO (or a delegate) as to how to exercise their delegations.

Councillors also lack a head of power to seek to review or otherwise critique

individual decisions of either the Principal Officer or their delegates, that power is reserved exclusively for the Ombudsman.

Councillors, as a collective, do have a general function via the operation of the Local Government Act 1993 to monitor the performance of the CEO given he is their (sole) employee in accordance with the terms of their employment.

That function stops short of reviewing or otherwise intervening in the operational execution of the CEO's statutory delegation under the Right to Information Act and merely provides a mechanism for councillors to enquire as to generic matters, such as resourcing etc.

Prior to mid-2022 the City's assessment of RTI Applications (an Application) was decentralised (and had been for many years) with each division of the organisation having one or more delegated officers.

This approach was problematic as it did not provide for the centralised oversight and management of Applications, training and development nor inherent conflicts of interest where potential existed for officers to assess materials for release that they had helped to create.

A further issue relates to the City's information and record management systems and an ad hoc approach to the uploading and archiving of council documents. These issues are being addressed as part of a broader Digital Information Strategy, with regular reports to the Council.

In September 2022 the Director of City Enablers (now Corporate Services), Manager of Legal & Corporate Governance and Manager Information & Technology Services set about developing a framework to address these legacy issues and sequentially drive modernise their processes.

In no order, the following improvements were identified:

1. Centralise all RTI collation, assessment, record keeping and decision-making under the Manager of Legal & Corporate Governance – completed.
2. Adopt an organisational 'pro-disclosure' mindset when assessing RTI Applications and wherever possible simply provide the relevant material as a courtesy (in accordance with the objects of the RTI Act) rather than forcing the public, or councillors, to resort to needing to lodge an RTI – ongoing.
3. Adopt an organisational 'pro-disclosure' mindset to the management of the City's EM Requests where all information that is relevant to a councillors' statutory duties and functions is made readily available – ongoing. The City has processed more than 1000 EM requests per year since the system's inception.

4. Modification and amendment of the City's Fees and Charges Schedule to allow for over-the-counter disclosure of uncontroversial administrative records for either an administrative fee (reflective of the cost to ratepayers) or at no cost per the Hardship Policy.
5. Development and approval of an 'Information Disclosure Policy (and procedures), October 2024.
6. Develop an IT capability to conduct an IT 'scrape' for relevant records from the City's electronic records, such as TRIM, Hub, Outlook and associated systems - completed
7. Deliver training for key staff and councillors as to their obligations under the RTI Act and that all records created and/or stored on a City issued device or system are the property of the City and must be brought forward for collation and assessment – ongoing.
8. Develop an electronic RTI payment gateway where applications, the associated fee, or waiver request can be lodged electronically – about to go live.
9. Create a new centralised 'rti@hobartcity email, linked to the payment gateway to centralise correspondence between applicants and the City – delivered.
10. Migrate the storage of and associated record management for RTIs to SharePoint, which links the @rti email and e-payment portal – delivered.
11. The delegation of two additional RTI officers. The City now has five delegated officers, which is believed to be the most for any Tasmanian council – delivered.
12. All delegated officers have undertaken relevant training with the office of the Ombudsman in the past year – ongoing.
13. The development of a real time RTI 'dashboard' to allow for the collation and exporting of relevant statistics for the DoJ, Ombudsman or officer reports.

Regards some of the quotes and statistics provided in the preamble for the Motion it should be noted that one of the quotes was from a third-party hired to manage an Application pertaining to the cable-car. That Application pre-dates the life of this term of the Council and is by no means a typical application.

The associated comments do not reflect the views of the City's delegated officers, noting the officers.

The Motion also notes that the City has been the subject of 12 external reviews since 2022, with 11 decisions that were at least partly adverse to the City's first instance

decision.

The Department of Justice (DoJ) provides annual statistics for such matters. Their 2022-23 Annual Report shows at page 33 that 4 of the City's decisions were received for external review that year with the Ombudsman electing to review two of those decisions. It's further noted that the same report at page 23 shows that the City received 37 Applications that year. Of those 25 saw the 'information provided in full,' a further 9 saw material provided 'in part.' 20 of the Applications were determined within 20 working days (per page 28) a further 15 were concluded more than 20 days, noting that the parties had mutually agreed to 'stop the clock.'

For the 2023-24-year DoJ's Annual Report details (at page 36) that 6 Applications were referred for external review to the Ombudsman, who elected to review 4 of those decisions. The same report notes at page 27 that the City received 41 applications with 25 of those determined. Of those 25 decisions, 8 occurred within 20 business days, 17 occurred outside of 20 working days and a further 3 were determined outside of 20 working days on account of the parties stopping the clock.

It should be noted that several Applications straddle more than one financial year. This is usually on account of either an agreement to 'stop the clock' while the parties seek to refine the search terms or negotiate how to best interrogate a significant number of search results, the 'cable car' Application referenced earlier is one such example.

It's also noted that the Ombudsman can hand down the findings of an external review in a subsequent financial year to the one where the City made a first instance decision. This can skew reporting statistics to elevate the raw numbers of external reviews for the subsequent year. In the event of an inconsistency between the City's statistics and the Ombudsman's it's understood that the DoJ adopts the Ombudsman's statistics.

Officers are presently compiling statistics for the 2024-25 year (this will be the final year where this remains a manual process. Council received 30 Applications for the financial year, which is 11 lower than the year before. Officers also 'triaged' around a further 10 'requests,' which were satisfied via proactive disclosure without the need to invoke the Right to Information Act.

The City is not required to externally report upon matters resolved via mutual agreement outside of the RTI framework, however, it is clear that this has increased over the last six months or so.

Anecdotal evidence, along with the draft 2024-25 DoJ statistics show that the reforms initiated since mid-2022 are starting to bear fruit with a commensurate decline in the number of RTI applications being received.

Officers do not doubt the numbers provided in the preamble for the Motion but they do not readily accord with the published statistics This may be an accounting discrepancy of calendar years vs financial year.

The CEO and relevant staff are presently working on the delivery of the next aspect of a series of corporate governance improvements, which will most likely take the form of a regular 'governance report' for elected members, this will capture a series of metrics, inclusive of RTI's, exported from the electronic 'dashboards' that are presently under development and will be the subject of a further report in due course.

Strategic, Legislative and Policy Implications

Capital City Strategic Plan

Pillar:	8 – Governance and Civic Involvement 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:	8.2 Hobart is a city that delivers public value and excellence by being a financially responsible, high performing and accountable organisation that is responsive to the needs of the community
Strategy:	8.2.7 Ensure risks and legal processes are identified and managed effectively to achieve organisational priorities and strategic objectives and legislative requirements.

Legislation and Policy

Legislation:	Right to Information Act 2009 and Local Government Act 1993
Policy:	Information (and Procedures) Policy 2024.

Financial Implications

1. N/A

COUNCIL RESOLUTION:

In accordance with regulation 18 (4) of the *Local Government (Meeting Procedures) Regulations 2025*, the motion lapsed due to the absence of Councillor Elliot.

23. RESPONSE TO QUESTIONS WITHOUT NOTICE

Regulations 34(3) of the *Local Government (Meeting Procedures) Regulations 2025*.
File Ref: 13-1-10

HARVEY
SHERLOCK

That the information contained in the following responses to questions without notice, marked as item 22.1 to 22.4 of the Open Council Agenda of 29 September 2025, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

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

NOES

COUNCIL RESOLUTION:

That the information contained in the following responses to questions without notice, marked at items 23.1 to 23.4 of the Open Council Agenda of 29 September 2025 be received and noted.

22.1 Pollution Breaches

Memorandum of the Acting Head of Executive Services of
24 September 2025

22.2 Collins Street Update

Memorandum of the Director Strategic and Regulatory Services of
3 September 2025

22.3 Deer Evidence & Committee Participation

Memorandum of the Director Infrastructure and Assets of
8 September 2025

22.4 Cat Management Update

Memorandum of the Director Strategic and Regulatory Services of
15 September 2025

24. QUESTIONS WITHOUT NOTICE

Regulations 33 and 34 of the *Local Government (Meeting Procedures) Regulations 2025*.
File Ref: 13-1-10

23.1 Councillor Harvey - Weed Abatement Notice

Question: Can the Chief Executive Officer confirm if Council issue weed abatement notices?

Response: The Director Infrastructure and Assets advised yes the Council can issue weed abatement notices.

23.2 Councillor Harvey - Weed Abatement Notice - Southern Outlet

Question: Can the Chief Executive Officer confirm whether or not any abatement notice has been issued to the authorities that are responsible for the edges of the Southern Outlet?

Response: The Director Infrastructure and Assets took the question on notice.

23.3 Councillor Harvey - Issue a Weed Abatement Notice - Southern Outlet

Question: Could the Council issue a weed abatement notice for the removal of the wall of weeds that exist on either side of the Southern Outlet?

Response: The Director Infrastructure and Assets advised that the Southern Outlet is owned by Department of State Growth (DSG) and took the question on notice.

23.4 Councillor Lohberger - Issue Weed Abatement Notice - Brooker Highway

Question: Can the Council issue a weed abatement notice to the managers of the Brooker Highway (near the Council Depot) for the Bone Weed infestation that has been there for years?

Response: The Director Infrastructure and Assets took the question on notice.

23.5 Alderman Zucco - Cost of Legal Advice on Council Meetings

Question: Can the Chief Executive Officer provide the costs associated with all external legal advice associated to any meetings relevant to council and / or council committee meetings over the past three years?

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

23.6 Councillor Coats - Programmed Work between Victoria and Murray Streets

Question: Has consideration been given to the potential impact the works, programmed between Victoria and Murray Streets may have on the seasonal rush?

Response: The Director Infrastructure and Assets advised that the timing will be considered in terms of whether or not we receive grant funding for the project. Work will be organised to minimise the inconvenience to anyone within the city.

25. CLOSED PORTION OF THE MEETING

LOHBERGER
SHERLOCK

That the Council resolve by absolute majority that the meeting be closed to the public pursuant to regulation 17(1) of the *Local Government (Meeting Procedures) Regulations 2025* because the items included on the closed agenda contain the following matters: .

- Minutes of a closed Council meeting
- Information of a personal and confidential nature
- Personal hardship
- Information relating to commercial arrangements
- Proposals for the Council in interest of land
- Questions Without Notice

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 Conflicts of Interest |
| Item No. 6 | 2025-26 Rates - Variation Objections
LG(MP)R 17(2)(h)(i) and (k) |
| Item No. 7 | Outstanding Rates and Rates Remissions Granted as at 30 June 2025
LG(MP)R 17(2)(g), (h)(i) and (l) |
| Item No. 8 | Sale of Land for Unpaid Rates - Gardenia Grove, Sandy Bay - Update
LG(MP)R 17(2)(g), (h)(i) and (l) |
| Item No. 9 | Chief Executive Officer - Performance Plan 2025-26
LG(MP)R 17(2)(a) |
| Item No. 10 | Report to come back to Council - Award presented by Council
LG(MP)R 17(2)(h)(i) |
| Item No. 11 | Questions without Notice |

MOTION CARRIED BY ABSOLUTE MAJORITY

VOTING RECORD

AYES

NOES

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

There being no further business the Open portion of the meeting closed at 5.52PM

TAKEN AS READ AND SIGNED AS
A CORRECT RECORD THIS
27TH DAY OF OCTOBER 2025.

CHAIRPERSON