

[REDACTED]

From: Jillian Koshin [REDACTED]
Sent: Wednesday, 7 April 2021 1:09 PM
To: Contact Us
Cc: [REDACTED]
Subject: Representation for DA 0054/2021
Attachments: UTAS Retrospective DA 0054-2021 Representation, Koshin 6 April 2021.docx

Categories: Tanya

Dear Council Officers,

Hope you had a pleasant Easter break.

Please find attached my representation to DA 0054/2021

Kind regards,

Jillian Koshin

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16 March 2021

Michael Stretton CEO
Launceston City Council,
Town Hall, St John St Launceston 7250

Dear Sir.

I refer to the Discretionary Development Application : DA 0054/2021
Passive Recreation - Construction of a minor structure (retrospective shelter)

It is increasingly difficult to take any UTas Inveresk DA seriously. Were it not so serious it would be a joke. This particular “retrospective” application takes the cake.

Firstly, and irrespective of the land size, UTas wants to take another piece of land out of what was, or should be, public open space. Secondly, the DA is retrospective in that the structure has already been built. Yet, at the same time the DA document talks about the structure in the future tense. So, which is it? Retrospective or future? Is it a double DA, one for the past and one for the future. Is it a two for the price of one DA? Is the UTas relocation management team deliberately setting out to make a laughing stock of itself?

The Councillors should reject this strange concoction, DA 0054/2021, and inform UTas and the School of Architecture, its lecturers and tutors, that there are procedures and processes that should be, and must be, followed, and that tertiary students of the built environment also need to know and understand those procedures as part of their course.

If the Councillors approve this DA as it is, it sends the clear message to students that compliance is irrelevant. It indicates to students and others the old developer trick, that it is easier to seek forgiveness than to seek permission. A DA seeking forgiveness rather than seeking prior approval should be refused, in order to avoid encouraging others to behave in the same way, and **ignore** the Council’s own **Compliance Department**.

In August 2020, in an article, “Where to UTas?” the Tasfintalk blogger published an excellent assessment of the University of Tasmania’s 2019 financial report. The article described UTas incompetence.

“Apart from the financials it’s a pretty skinny report. The overview for the year occupied only six pages. Even then it was a cut and paste from previous offerings, from the now outdated Strategic Plan 2019-2024 dated July 2019 for instance. UTas is *“not long-term economically sustainable and being economically sustainable is no easy task.....At an operating level, we break even. Still, there is no surplus to see our facilities renewed for the next generation.”* If there were sustainability questions in July 2019, they would have been more evident when the Council signed the report in February 2020. Even more so today in a pandemic world.

Serious as it was, sustainability didn’t get another mention. The rest of the overview degenerated into a public relations pastiche with more proper nouns and acronyms that you could poke a stick at..... The Ways of Working project, the People Strategy and College People plans, the Academic Leadership Development Program, which led to the Lean (sic) and simplification momentum continuing to build across the University via a new process improvement tool called Go-See-Fix, the unsuccessful attempt to satisfy the international Athena SWAN charter a tho’ UTas did get a Bronze Award accreditation and is committed to continue commitment to the SAGE initiative. It might as well have been written in Swahili. If a student served up drivel like that in an assignment, you’d fail them. Irrelevant twaddle especially when there are pressing matters of sustainability.

The brief overview concluded with two pages describing UTas’ building program which is fitting perhaps because more than ever UTas is a property developer with a side hustle in education.

UTas has \$1 billion of net assets, revenue for 2019 was \$777 million and net profit \$73 million....”

The Launceston City Council should hang its head in shame that it has been continually supporting UTas and its greedy land-grabbing corporate model at the expense of ratepayers, residents, UTas students and teaching/research staff.

As far as the content of DA 0054/2021 is concerned it is laughable. To use the words of Tasfintalk blogger, “It might as well have been written in Swahili. If a student served up drivel like that in an assignment, you’d fail them. Irrelevant twaddle..”

In the case of DA 0054/2021, either Ireneinc has lost the plot or they just don’t care – any drivel will do. If this DA document was handed in as an assignment, it would be failed!

As the structure already stands in situ (the retrospective bit), perhaps King Canute (Knut), instead of sitting in his chair, could sit in the structure “viewing and appreciating the river” as he awaits the tidal surge inundation that he knows is coming. But wait! No, that’s right. The levee is blocking his view and appreciation. He might have to sit on top of the structure – oh dear, river still not visible.

In the following extracts taken from the DA document – with some of the most hilarious and frequently repeated sections highlighted – little or no comment is needed to point out the nonsensical nature of it all!

PLANNING SCHEME REQUIREMENTS ZONING The proposed development is located within the Particular Purpose Zone 4: Inveresk site (PPZ4) of the Launceston Interim Planning Scheme 2015. The proposal falls within the Open Space Precinct. The objective of the open space precinct is: To provide an open space and recreational use area linking the existing York Park and Invermay Park to the North Esk River. The area is to be retained as an area for public use and for events ranging from an Agricultural Show, outdoor exhibitions and displays, open air markets and general recreational activities. The proposal will provide a sheltered area for respite along the spine of the precinct and viewing and appreciation of the North Esk River. The shelter is for public use

...

35.4.1 Building height P1 The proposed building height will not exceed 3.7m. a) The shelter supports the overall use of the precinct for open space purposes and provides an area for respite and appreciation of the river.

...

E13.6.5 Height and Bulk of buildings P1 The proposal has been designed by the student of the Architecture and Design School. Although the final design has yet to be decided on, the submission (see introduction) shows articulation and detailing which compliments the heritage of the site. a) This area of the site was used as a mixture of rail infrastructure and buildings, and recreational activities and buildings. The proposed shelter is incidental to the use of the area for open space and of a very small scale within minimal impact on the main heritage values of the site, notably the main workshop buildings. The proposal is similar size to the original amenities building within the recreation area and located in area previously characterized by small scale buildings. b) The proposal has been designed by the student of the Architecture and Design School. Although the final design has yet to be decided on the submission (see introduction) show articulation and detailing which compliments the heritage of the site.

...

The proposal has been designed by the student of the Architecture and Design School. Although the final design has yet to be decided on, the submission (see introduction) shows articulation and detailing ...

And so on. The building has already been constructed, yet apart from the word 'retrospective' the DA makes no mention of this fact. The images in of models in the DA are clearly models situated within the class room. The DA shows only the section of ground – apparently already gravelled – to be used as the base or platform of the structure. The DA does not show or mention that the structure has already been built.



Councillors, this DA is a definite failure, reject it and send it back for a rewrite **and removal** to another part of the UTas “Urban realm” jumble site described in one of the previous DAs

Flood issues:

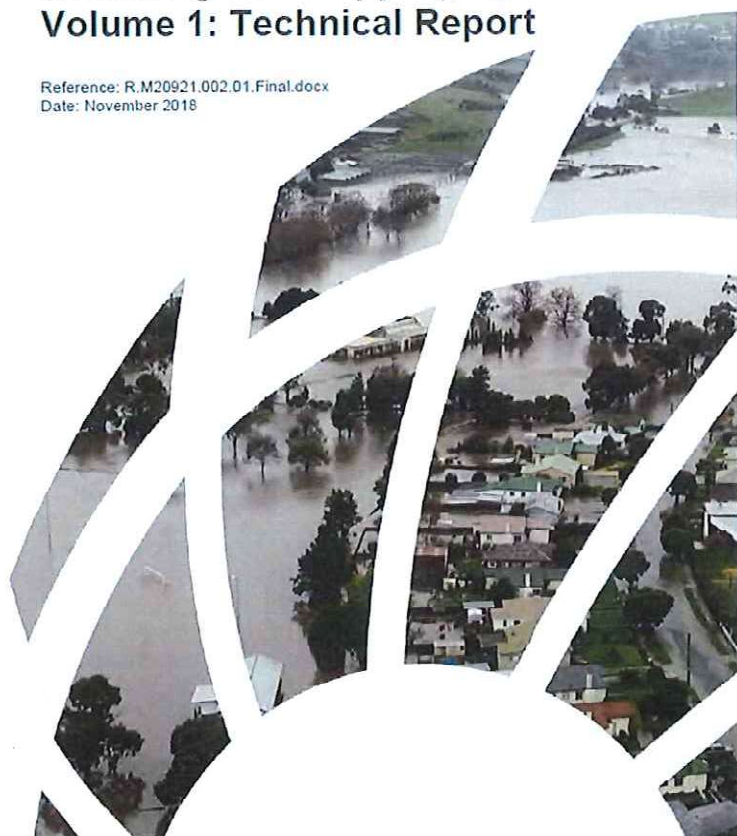
That the structure is already in place draws other questions. How flood proof is the structure? Is the footing system and the structure in general built to withstand the velocities as indicated in the City Council's own commission report the BMT study? It does not appear so from the Pulp Studio drawings, or as they described them 'Detials' (sic, they need to spell check) included with the DA. In the case of flooding, will this structure be washed from its base to become flotsam and jetsam?

Based on the flood water velocities described in the BMT Technical report, it would appear that the structure would be swept away.



North and South Esk Rivers Flood Modelling and Mapping Update Volume 1: Technical Report

Reference: R.M20921.002.01.Final.docx
Date: November 2018



As part of Councillors' and Council officers' due diligence and to make themselves aware of what they have been supporting with their gifts of large parcels of public land and buildings and approval of all the UTas Inveresk DAs over the past two years, Councillors and council officers should **read this article in full** to make themselves aware of the actual UTas situation:

Tasfintalk

In depth comment and analysis on Tasmanian finance and economics issues

Sunday, 30 August 2020

Where to UTas?

The University of Tasmania's 2019 Annual Report has finally been released.

The university reports on a calendar year basis. The Auditor General signed off the 2019 report in February 2020. The Board (known as the Council) adopted the report in May and sent it to the government as required by its governing Act. It's been sitting in someone's in-tray for the last 3 months. Another Covid victim no doubt.

Apart from the financials it's a pretty skinny report. The overview for the year occupied only six pages. Even then it was a cut and paste from previous offerings, from the now outdated Strategic Plan 2019-2024 dated July 2019 for instance. UTas is *"not long-term economically sustainable and being economically sustainable is no easy task.....At an operating level, we break even. Still, there is no surplus to see our facilities renewed for the next generation."* If there were sustainability questions in July 2019, they would have been more evident when the Council signed the report in February 2020. Even more so today in a pandemic world.

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with more proper nouns and acronyms that you could poke a stick at..... The Ways of Working project, the People Strategy and College People plans, the Academic Leadership Development Program, which led to the Lean (sic) and simplification momentum continuing to build across the University via a new process improvement tool called Go-See-Fix, the unsuccessful attempt to satisfy the international Athena SWAN charter atho' UTas did get a Bronze Award accreditation and is committed to continue commitment to the SAGE initiative. It might as well have been written in Swahili. If a student served up drivel like that in an assignment, you'd fail them. Irrelevant twaddle especially when there are pressing matters of sustainability.

The brief overview concluded with two pages describing UTas' building program which is fitting perhaps because more than ever UTas is a property developer with a side hustle in education.

The financials confirm this.

UTas has \$1 billion of net assets, revenue for 2019 was \$777 million and net profit \$73 million. So far so good. But its core activities of teaching, research, community engagement and activities incidental thereto produced a loss of \$2 million. Non-core activities resulted in a \$75 million profit, most prominent being interest and dividends of \$14 million and unrealised gains on investments of \$60 million. Markets were in a bull stage during the 2019 calendar year.

The cash operating surplus was only \$41 million. This is the surplus before capex spending. Beware of entities with operating cash less than profits, especially when they're spending heaps on capex. In this case it's because of the unrealised investment gains, included in profits but not cash flow for the obvious reason they are yet to be realised.

In 2019 UTas spent \$206 million on capex. That's almost as much as the State government. Without the Royal Hobart Hospital it would be more than the State government. With operations only generating \$41 million, that left it \$165 million short..... \$100 million came from borrowings, \$26 million from investments, \$17 million from capital grants, \$9 million worth of plant and equipment was sold, and cash at bank was reduced by

\$18 million. UTas chose to borrow more rather than cash in some of its unrealised investment gains.

UTas' borrowings jumped from \$93 million to \$210 million. But there's another liability on the balance sheet of \$123 million described as a 'grant of right to operate' which for intents and purposes is a borrowing, and further evidence of UTas' property development machinations. UTas received a lump sum of \$133 million in 2017 for the grant of a right to operate UTas' purpose built student accommodation for 30 years. Essentially it was a lump sum in consideration for selling the rights to future rents over the next 30 years. The grant is amortised over the term. The amortised portion each year becomes revenue for that year. Rather than take out a 30 year mortgage and use rents to service the loan over the period, UTas has received a lump sum up front from the grantee. In return the grantee will receive guaranteed rents for the next 30 years. It's just another way of borrowing money. Six of one half a dozen of the other. The deal will come at a cost however. The grantee will be earning a guaranteed rate of return for 30 years. Who is the grantee? What is the rate of return? Whatever it is, it sure to be less than the rate Tascorp would charge. Tascorp, the government's finance GBE, is UTas' banker.

It's a familiar pattern, seeing Tassie's public institutions emerging from isolation and locking themselves into long term finance deals. Hydro with Basslink, RBF with the Hobart Airport... thus far they've all been ill judged arrangements.

When the forward selling of 30 years' worth of rent receipts occurred in 2017, the service concession deal as it is called, the proceeds were invested in shares and managed funds, taking UTas' total investments to \$420 million by December 2017. At December 2019 the total stood at \$442 million. Markets took a knock in March 2020 but have gradually picked up since.

One suspects from the financials that there are more service concession deals in the pipeline, or at least there were before Covid struck. Of the borrowings of \$210 million, \$71 million is listed as a current liability, meaning it will be paid out/rolled over in the 2020 calendar year. Maybe by forward selling the rents from the Melville Street accommodation. The previous

report for 2018 gave some detail about the expansion of student accommodation planned at that time:

“The University continued to plan for additional student accommodation, with an agreement signed with Spark Living for a building to house 422 students on Melville Street, to be completed by 2021. The purchase and conversion of the Midcity Hotel was an initiative to meet increasing demand in the interim. In December, the University announced its intention to purchase the Fountainside Hotel to meet further demand.”

There seems little doubt that expansion of student accommodation has underpinned the UTas model. The damning five year strategic plan issued in July 2019 argued that increased scale was required for UTas to become sustainable. With population increases modest at best, and with the perennial excuses of Tassie’s demographic and health problems coupled with rites of passage which sees many of our best and brightest leaving our shores, the answer was to try and attract more students especially from overseas. The only risk mentioned was getting too many from one country or too many in one course.

From the sidelines it looks awfully like a Ponzi scheme.

- Develop student accommodation
- Search the globe for students
- Lower the grades necessary for students to pass
- Sell off 30 years’ worth of guaranteed rent.
- Buy more property.
- Develop into student accommodation.
- Enrol more students
- Sell off 30 years of guaranteed rent
- And so on

That the whole show might fall over in one fell swoop wasn't a risk worth mentioning. Just like sub-prime loans in the US in 2008, bundling up crappy loans across a multitude of cities where housing markets were supposedly uncorrelated, was thought to be a foolproof way of handling risk. It wasn't. The loans all went down together.

Wage costs as a percentage of total expenses has remained relatively stable at around 58 per cent. Most expenses, as one would expect, are wages.

But there has been a slow and steady shift from academic wages to non-academic wages. Over the past 10 years academic wages, which includes teaching and research, has fallen from 56 per cent to 51 percent. Even with scaling up, taking in more international students, the shift of wages away from teaching and research has continued unabated.

Opening the door and peering into the work activities of non academic university staff is something anthropologist David Graeber from the London School of Economics did in his 2018 book titled *Bullshit Jobs*. On page 55 Chloe recounts what she did:

The reason that my Dean's role was a bullshit job is the same reason that all nonexecutive Deans, PVCs [Pro-Vice Chancellors], and other "strategic roles in universities are bullshit jobs. The real roles of power and responsibility within a university trace the flow of money through the organisation. An executive or Dean (in other words, s/he who holds the budget) can cajole, encourage, bully and negotiate with departments about what they can, ought, or might want to do, using the stick (or carrot) of money. Strategic deans and other such roles have no carrot or sticks. They are nonexecutive. They hold no money, just (as was once described to me) "the power of persuasion and influence."

I did not sit on university leadership and so was not part of the bunfights about targets, overall strategy, performance measures, audits, etc. I had no budget. I had no authority over the buildings, the timetable, or any other operational matters. All I could do was come up with a new strategy that was in effect a re-spin of already agreed upon university strategies.

I was given a 75% full-time equivalent Personal Assistant, a 75% full-time equivalent “Special Project and Policy Support Officer,” and a full-time postdoctoral Research Fellow, plus an “expenses” allowance of twenty thousand pounds. In other words, a shed-load of (public) money went into supporting a bullshit job. The Project and Policy Support Officer was there to help me with projects and policies. The PA was brilliant but ended up just being a glorified travel agent and diary secretary. The Research Fellow was a waste of time and money because I am a lone scholar and don’t actually need an assistant.

So I spent two years of my life making up work for myself and for other people.

My very brief stint as Head of Department reminded me that at the very minimum, ninety percent of the role is bullshit: Filling out the forms the Faculty Dean sends so that she can write her strategy documents that get sent up the chain of command. Producing a confetti of paperwork as part of the auditing and monitoring of research activities and teaching activities. Producing plan after plan after five-year plan justifying why departments need to have the money and staff they already have. Doing bloody annual appraisals that go into a drawer never to be looked at again. And in order to get these tasks done, as HoD, you ask your staff to help out. Bullshit proliferation.

So, what do I think? It is not capitalism per se that produces the bullshit. It is managerialist ideologies put into practice in complex organizations. As managerialism embeds itself, you get entire cadres of academic staff whose job it is just to keep the managerialist plates spinning – strategies, performance targets, audits, reviews, appraisals, revised strategies, etc., etc. – which happen in an almost entirely disconnected fashion from the real lifeblood of universities: teaching and education.

It was revealing to glance at the University of Tasmania Act 1992 to check to whom UTas is responsible? The answer is no-one. UTas is literally a law unto itself. Section 12 requires it to give the government an annual report each year which “contains a full account of the income and expenditure of the University for the financial year to which it relates”.


That's all. It's not answerable to anyone. It merely has to tell the government each year what it has received and spent. The local BMX Club has more onerous responsibilities to its members.

Little wonder Utas was able to serve up such a disgracefully brief report into its perilous state. The Council ought to be ashamed at such a travesty. Perhaps not? After all they can please themselves.

It mustn't be forgotten that the Federal government is largely responsible for setting the parameters that have pushed universities in the direction all have taken. But it is time to examine the mess that has been created. The height of absurdity was reached when a plea came from one university to open the borders to international students as they are needed to subsidise university research.

The influx of international students has crush loaded city infrastructure, pushed up the price of inner city housing, reduced housing availability for local workers and aided and abetted wage theft in the service economy leading to flatlining/declining wages for locals as well. Nowhere is this more apparent than in Hobart. Despite being a public institution UTas retains its anachronistic status as a law unto itself, only obliged to act with care diligence and in good faith to further the interests of the university.

With the actions of UTas the property developer, having such wide ramifications in the city of Hobart, it is way beyond time to update the governance of such a crucial public body.

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Labels: [UTas](#)

[REDACTED]

From: Leigh Murrell [REDACTED]
Sent: Wednesday, 7 April 2021 10:25 AM
To: Council
Subject: DA0054/2021
Attachments: DA0054 2021.pdf

Categories: Tanya

Hello,
Attached is my submission to the above DA, please forward it to the GM and all Councillors.
Thankyou
Leigh Murrell

To: The General Manager,
DA0023/2021
Michael Stretton,
Launceston City Council
Tuesday 6th March 2021

DA0054/2021

I wish to register my strong opposition to DA0054/2021 - Passive Recreation – Construction of a minor structure (retrospective shelter). being part of the flawed plan by the University of Tasmania to relocate to Inveresk Tidal Flood Zone as verified by the BMT Report.

The public notice dated 20 March 2021 for this application was received by Council on the 9th of February 2021 but was not advertised for 5 weeks during which time the development was constructed by the University's School of Architecture and Design and erected without a permit. Likewise the letter of application by Ireneinc is also dated March which was well after the date Council announced it had received the application. It would that there are two sets of rules in operation, one for Developers and UTAS and one for the rest of the community.

At best, this smacks of yet another mind-boggling display of ineptitude by all parties collusive in this deplorable development. It demonstrates yet again the arrogance of UTAS in proceeding with this construction and the application, prepared by UTAS consultants Ireneinc Planning and Urban Design defies any level of common sense. It blatantly and inaccurately states that the purpose of the structure to be "for viewing and appreciation of the North Esk River". One has to wonder just what Esk River were they thinking of because that view is simply not possible from the structure!

Likewise, further obfuscation arises with the Ireneinc Planning report purporting to support and justify this application. The claim is that this includes the "Urban Design Framework (UDF)" dated 2020. The UDF is said to "deliver the balance of the Transformation Masterplan". This is untrue and it has never been made public, nor has it ever been available for scrutiny or endorsement by the public – yet another failure of procedure and due diligence by this Council.

As you all too well know, the land is on a tidal flood plain and is far from a low risk area. There have been massive floods all around the world in recent months in places that never expected them, Launceston does expect them (if one is half intelligent) and yet the fanciful notion that flooding is only likely to occur at a time beyond the life cycle of the proposed University building structures and associated supporting infrastructure displays wilful ignorance in the extreme.

There should be an increasing concern over the risk of government compensation liability, should the area be flooded. This significant financial liability will most likely include the City of Launceston Council, acting as the Planning Authority, and to the Councillors who made the determination. At this point one has to say that one can now easily see the deceptive logic behind the Council's recent motion to hand over all decision making and responsibilities to the GM. "Non mea culpa" they will no doubt attempt to claim when Ti-Tree Bend literally hits the fan because of flooding and all the low-lying land of the area will be drowned in filth and out of action for weeks and months. Well folks, I hate to disturb your warm and dry comfort blankets, but you are all up to your necks in the sediment of your past actions.

The City of Launceston has continued to fail its community (and visitors to the State) by allowing this unstable, flood prone (and what in all logic should be) a natural environmental buffer against Climate Change, to be further developed by all manner of businesses, let alone as a University Campus, especially when the Newnham site is both safe and viable, particularly now that we are faced with the "Climate Emergency" situation ratified by Council.

The preposterous relocation of the Newnham campus to the flood plains of Inveresk and Willis Street sites has been imposed on the Launceston Community without either due diligence or adequate consultation with the community. Ludicrous suggestions of a central Launceston university population of 10,000 students and supported by a staff numbering 500 people is little more than a poor joke and all responsible Councillors should hang their heads in shame. The impact of Covid 19 has already devastated university populations worldwide, and in particular the overseas Chinese student money-train. This will prevent any expansion of the small Inveresk campus from occurring at the very least for quite a number of years if not decades, and any report of a flood will be the final nail in the coffin of an already dead idea.

The disaster that is the ever increasing traffic congestion problem (totally unresolved by the much vaunted "Traffic Management Plan"), plus the lack of adequate parking for a relocated university campus, is an ongoing topic of conversation amongst a dissatisfied community (if only Council was willing to listen). Conversely, the UTAS Newnham campus has more than adequate parking and land for expansion of the university precinct. It already sits comfortably amongst a residential area that has re-accommodated the student population for decades, and it also has the easy-access Mowbray Shopping district which caters for a broad variety of cultural cuisines.

The student population will not simply vacate Mowbray and move to the yet-to-be constructed (and probably more expensive) accommodation facilities in central Launceston. The transport system pressures that will inevitably occur to connect from Newnham/Mowbray to an Inveresk/Willis St campus will place an unaffordable and time-consuming impost on our ratepayers. Unlike Council, I have had endless conversations with ratepayers and residents and I can safely say that not one, not one single person that I have spoken to believes that this whole relocation idiocy should proceed and/or be supported by Council.

Accordingly, I put it to Council that this Development Application should be refused, and all political influence and personal efforts instead be engaged to redirect the allocated funding to the present site at Newnham (see previous and well-detailed UTAS Refurbishment Plans) before it is too late and the Inveresk site becomes a flood disaster zone and we have all those responsible ducking and weaving to avoid the heavy fist of justice that must and will be applied.

For all these reasons, DA0054/2021 should not be approved.

Yours Sincerely

Leigh Murrell

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 6 April 2021 10:47 PM
To: Contact Us; Michael Stretton; Eve Gibbons
Cc: [REDACTED]
Subject: Emailing: NTNP&A Rep DA0054 2021 2 Invermay Road Launceston Passive Recreation Shelter Retoroscopic 5 April 2021
Attachments: NTNP&A Rep DA0054 2021 2 Invermay Road Launceston Passive Recreation Shelter Retoroscopic 5 April 2021.pdf
Categories: Lisa

Please see attached representation

NTNP&A Rep DA0054 2021 2 Invermay Road Launceston Passive Recreation Shelter Retoroscopic 5 April 2021



5 April 2021

Michael Stretton
General Manager
City of Launceston Council
P.O. Box 396
LAUNCESTON TAS 7250

By email to: contactus@Launceston.tas.gov.au

Dear Sir, Re: DA0054/2021 2 Invermay Road Launceston; Passive Recreation – Construction of a minor structure (retrospective shelter).

We refer to the public notice dated 20 March 2021. We note that this application was received by Council on 9 February 2021 but not advertised for 5 weeks ! During this time period, the development (apparently constructed by the University's School of Architecture and Design) was erected without a permit. The letter of application by Ireneinc is dated 3 March 2021, well after the date Council announces it received the application.

The arrogance of UTas proceeding with this construction is professionally palpable.

The application, prepared by Utas consultants Ireneinc Planning and Urban Design is wonderous.

It states the purpose of the structure to be “for viewing and appreciation of the North Esk River”, a feature that is simply NOT VISIBLE from the structure!
The proponent states that “no permit is required” !
The public has been seriously misled by this application, because the proponent refers to the “final design being yet to be decided upon” whereas the building is already now constructed, and that the application relies upon a Preliminary Site Investigation Report (that is in fact NOT included) and that this process will be dealing with the potentially contaminated land.

Our Group is continuing and determined, to keep the City of Launceston Councillors reminded of the folly of its support of the Utas campus relocation.

The land upon which this application is proposed, (the former Goods Railyard) is land *inter alia* transferred to the Ratepayers of the City of Launceston from ownership by the Commonwealth Government and was not for the development or expansion of a university campus. This reason for the land being owned by the City of Launceston Council imposes certain responsibilities on City of Launceston Council (CoL) and its ratepayers.

Nothing written has, nor can it, extinguish the principle of *implied trust*.

University of Tasmania, is not a public purpose.

CoL Council has a policy on Climate Change, U Tas has formal policies (LAW 256) & (LAW 656) and also promotes their philosophies on their Sustainability Portal – Built Environment & Construction Policy is included.

NOTHING contained in these policies and published philosophies, either by U Tas or CoL Council, is evident by these Development Applications and Approvals that you as Councillors are sanctioning with the U Tas Northern Tasmanian Program Transforming Lives, Transforming Cities projects.

The Urban Design Framework (UDF) to which the proponents allude in the several development applications that are presently being processed during the application advertising period, has not been disclosed publicly, and in any event, has been cobbled together without public consultation or input, and would not sustain “the pub test” nor gained a social license.

The Northern Transformation Masterplan was simply imposed on the community with virtually no community communication or interaction, and was firmly rebutted by our Group’s consultant Chris Penna’s *EVALUATIVE REVIEW of the University of Tasmania Inveresk Precinct Redevelopment Project*, report, peer reviewed and widely distributed and factual content and conclusions upheld.

The Irencinc Planning report purporting to support and justify this application, includes what is termed the Urban Design Framework (UDF) dated 2020. The UDF is said to “deliver the balance of the Transformation Masterplan”. It doesn’t, and as stated above, has never been made public nor has it been given any scrutiny or endorsement by the public.

The land is on a tidal flood plain and is subject to certain seismic activity risks. Not only does the seismic risk endanger the safety of any infrastructure that may exist or is proposed to be constructed there, but it also endangers the stability and durability of the City Flood Levee system which allegedly is intended to make-safe the land area in question. This application continues to promote the fast-changing flood risk modelling stating. This is not low risk and only likely to occur at a time beyond the life cycle of the proposed University building structures and associated supporting infrastructure, to the contrary the expression 1:100 years DOES NOT mean that such a flood will only occur once in one hundred years, as has been publicly-stated by several Councillors.

Former State Treasury official, (Mr. Don Challen), was a strident opponent of any further building intensification within the Flood Inundation Zone. This was in part due to his concerns of an increase in government compensation liability, should the area be flooded. This significant financial liability will likely extend to City of Launceston Council acting as the Planning Authority, and to the Councillors who made the determination.

A **one-hundred-year flood** is a flood event that has a 1 in 100 chance (1% probability) of being equalled or exceeded in any given year.

The 100-year flood has also been referred to as the 1% flood, since its annual exceedence probability is 1%. For coastal or lake flooding, the 100-year flood is

generally expressed as a flood elevation or depth, and may include wave effects. For river systems, the 100-year flood is generally expressed as a flow rate. Based on the expected 100-year flood flow rate, the flood water level can be mapped as an area of inundation. The resulting floodplain map is referred to as the 100-year floodplain. The common misunderstanding is that a 100-year flood is likely to occur only once in a 100-year period is incorrect. In fact, there is approximately a 63.4% chance of one or more 100-year floods occurring in a 100-year period.

The objectives of the LUPA Act includes for sustainable development whereby in Part 1 *sustainable development* is defined as managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while-

2(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

And in Part 2

(f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation, and

(i) to provide a planning framework which fully considers land capability.

It is our general submission that CoL fails its ratepayers, citizens and visitors to Tasmania should it allow this unstable, flood prone and undesirable land to be further developed as a University Campus, when prudent and feasible alternatives are available, if not elsewhere within the Central Launceston area, then on the site that has already been established and contains substantial infrastructure and is surrounded by significant community resources, and does not suffer from an inability to be evacuated in the event of flooding, inundation by sea level rises or climate change or such dangers and risks being compounded by seismic activity.

As referred to above, details of subsequent changes are described in the widely circulated and peer-reviewed *EVALUATIVE REVIEW of the University of Tasmania Inveresk Precinct Redevelopment Project*, commissioned by Northern Tasmanian Network Partners and Associates, and authored by eminent researcher Chris Penna.

Precipitated by behind-the-scenes political activists and opportunists, with electoral cycles and pork barrelling, the ridiculous relocation of the Newnham campus to the flood plains of Inveresk and Willis Street sites has been imposed on our Launceston Community. Suggestions of a central Launceston university population of 10,000 students and supported by a staff numbering 500 people is a ludicrous dream. Covid 19 issues that have already devastated university populations worldwide, and in particular the overseas Chinese student market, will prevent any expansion of the small campus in Launceston from occurring, and at the very least for quite a number of years, if not decades. Already, UTas has pushed out their student population forecasts until 2032.

Substantive community support has never existed for this relocation project, and the ludicrous traffic congestion and lack of adequate parking for a relocated university

campus continues to be the basis of a raging public discourse. The UTas Newnham campus has generous parking and land for expansion of the university precinct. It already sits in a residential area that has re-accommodated the student population, and the Mowbray Shopping district caters for a broad variety of cultural cuisines. That student population will not simply vacate Mowbray and move to the yet-to-be constructed accommodation facilities in central Launceston. The transport system pressures that will inevitably occur to connect from Newnham/Mowbray to an Inveresk/Willis St campus will place an unaffordable impost on our ratepayers.

We are confident that this present series of Development Applications are not supported by Launceston ratepayers, and it is interesting that the even more dramatic campus relocation in Hobart from Sandy Bay to Hobart central city, has been abandoned by UTas, due to the unaffordable costs and realities of the situation, now revealed. Most recently, the Supreme Court upheld a decision of the Planning Commission who had refused an application by UTas to re-zone and subdivide the Sandy Bay Campus in order to place that property on the market.

The banner of RETREAT from building and retaining developments on flood plains that will be further impacted by climate change and rising sea levels and furthermore with seismic risks, could not be more solemn. The spectre of liability for allowing this development to occur will be forever a dark cloud over the heads of the present Councillors who are being lead along to sanction and approve it.

Seemingly oblivious to publicity and public opinion (see The Examiner Tuesday September 15, 2020) the Pitt and Sherry report is quoted *“Based on these changes for the 1 per cent event the Launceston Levee and Inveresk Levee are expected to top”*. And *“Any structure at either the Willis St or the Inveresk site is likely to have a life above 30 years. Therefore it would be prudent to consider flood scenarios at periods within that life. As no defined criteria are in place for development in flood-prone areas, developers should consider the risk associated with their development and plan appropriately”*.

The journalist goes on to report that at a 2 per cent increase, both the Willis Street and Inveresk sites would be severely impacted by floodwater for an extended period following the flood levee failure. The report said if a levee failure occurred the onset of the water would be rapid, and the flood behaviour would be unsafe for everyone. Not reported from the application, is the admission that in addition to the flooded situation would it be unsafe for people, but that there would be structural damage and the campus would be inoperable for multiple weeks....

Accordingly, we implore that this Development Application be refused, and political influence be instead engaged to redirect the allocated funding to either the present site at Newnham or another central site that is not flood prone or at risk of collapsing flood levees.

This gross over-intensification of development, is:

- Located on a flood plain;
- Subject to seismic activity;

- Absent adequate carparking and Traffic Management to avoid severe traffic and pedestrian congestion;
- Presenting an undue risk of public liability and compensation level.

This proposal should not be approved.

Given that consultants Pitt and Sherry have prepared reports concerning flooding risk and more concerning this site, it ought not be undertaking planning assessments for this or other UTas projects here.

Yours faithfully,

Lionel J. Morrell

Architect

For Northern Tasmanian Network Partners and Associates

Copy to Ian J N Routley, Leigh Murrell, Jillian Koshin, & Chris Penna.

Enc. All part of this representation and integral to our submission:

ATTACHMENT Summation of Workshop June 2019
THE STANDING OF ETHICS IN RELATION TO
Utas INVERESK PRECINCT REDEVELOPMENT PROJECT

APPENDIX 1
TRUST, TRANSPARENCY AND SOCIAL LICENCE: PUBLIC INTEREST
AND COMMUNITY CONSULTATION FAILURE (EXTRACT).

ATTACHMENT

SUMMATION OF RESEARCH WORKSHOP attended by members of Northern Tasmanian Network Partners & Associates :

THE STANDING OF ETHICS IN RELATION TO UTas

INVERESK PRECINCT REDEVELOPMENT PROJECT June 2019

Two articles by John Hewson published in the Launceston *Examiner*, (28 December 2018 and 25 January 2019) raised issues of considerable concern for many Australians. In his articles, one of which was head-lined “Australia’s in the midst of moral, ethical decline” Dr Hewson talked about “trust deficit” and “a longer term erosion of the moral and ethical standards across society, as well as their application and enforcement”.

He pointed out that the loss of public confidence is not only with our politicians, political processes but also with a broad range of institutions – “churches, banks (and more broadly in business) various sports, the RSI., and numerous authorities ranging from the police, judicial processes through to a host of regulatory authorities...ASIC/APRA and even the Reserve Bank)”. Geoffrey Watson QC expressed similar concerns and a “falling trust in politicians” in a local ABC radio interview in November 2018 and in subsequent interviews. He described Tasmania’s Integrity Commission as a toothless tiger. He talked about transparency, hidden agendas, secrecy and the influence of lobbyists on politicians in Tasmania.¹

Dr Hewson and Geoffrey Watson didn’t include universities in the list of institutions, but in a recent ABC radio interview (5 July 2019) well-known journalist, Ray Martin did mention universities. He talked about the cult of secrecy with governments and public servants disliking “light being shone in dark corners”. He had addressed university students earlier in the day and explained how he had told them that “we can’t have the sort of open, free democracy that we have don’t have watch dogs, if people aren’t watching, not just governments, but public servants and parliament and universities etc...big organisations, all the institutions...all need to be scrutinised.”

In an ABC radio interview in Tasmania in 2018 about the Tamar Valley Peace Festival, VC Prof. Rufus Black also talked about integrity and “breach of trust” and “a kind of stain that’s been spreading across Australian society, in politics, then went into churches, businesses, as we’ve been seeing recently with the royal commission.” The Ethics Centre has written about social licence and how “big companies with controversial practice often give out community grants and investments” in an effort to buy “social licence’ and “community acceptance”, in an approach that the Ethics Centre refers to as “a calculated and cynical payoff”.²

In Tasmania, there are serious public concerns about the actions and culture around the University of Tasmania (UTas). UTas is a cossetted monopoly in Tasmania. Under the management of the past 6-7 years, a culture of misrepresentation, deception, real estate matters and staff intimidation has evolved. In Launceston, this has occurred as the result of combined Launceston City Council (LCC)-UTas’ management ambition and lobbying to secure millions of dollars in public funding, including \$300 million to relocate the Launceston and Burnie main campuses (consisting of \$150 m from the Federal government, \$150 m from the Tasmanian government, plus gifts of several parcels of public land from the Launceston and Burnie City Councils).

From the start, the plan for the relocation of the entire Launceston campus (concomitant with and mirroring the Burnie and Hobart plans) away from a safe, secure fully-operating campus to a site only 3-4 kilometres away - on an estuarine flood inundation zone that sits below high tide level, and with severe traffic and parking issues - has lacked any significant supporting evidence or academic rigour. The plan is full of obvious inherent

¹ See also ABC radio news transcript, 7 March 2019, comments by Geoffrey Watson.

² The Ethics Centre, “Ethics Explainer: Social license to operate”, ethics.org.au, 23 January 2018.

flaws, ongoing inconsistencies and planning ‘on the run’. In other words, it is/has been a shambles. These matters were recently the subject of a highly critical article by Richard Flanagan in the Hobart Mercury.³

Since 2012, the process has involved a lengthy, convoluted series of machinations and ad hoc reactionary actions and responses. Furthermore, it has involved a complete rejection of community opinion as well as serious **intimidation** of UTas staff who objected or criticised the plans. In the push to obtain funding promises in the lead up to the 2016 federal election, UTas, LCC and lobbyists operated, and continue to do so, outside ethical, integrity and academic standards. The lobbying and propaganda were thorough and highly successful. Outlandish claims used to support the Launceston campus move to Inveresk, such as the projected enrolment of an additional 12,500 students, (10,000 of whom would, they claimed, be from Tasmania – a statistical impossibility) combined with threats that the northern section of the university would close if it didn’t move to Inveresk, not only went unchallenged, but they were accepted by all levels of government, the major parties and most politicians.

After much assistance and ‘coaching’, UTas eventually submitted a ‘final’ business case to Infrastructure Australia (IA). This was right on the final deadline it had been given, 31 January 2019, potentially it seems, for routine and expedient approval post 2019 election. It appears that this UTas proposal by-passed Stages 1 and 2 of the IA assessment process, to go straight to Stage 3 where it was evaluated by IA.

The trust deficit, and the erosion of moral and ethical standards discussed by Dr Hewson, Geoffrey Watson QC and others are applicable to this situation in Tasmania. It might also be noteworthy that the three main instigators behind the Tasmanian plans, and the associated degeneration of ethics, integrity and honesty, and the sheer success of Illusory Truth Effect, - LCC GM Dobrzynski, VC Rathjen and Provost Calford - have all since left Tasmania for greener pastures. (Sep ’17, Oct ’17, Jan-Feb ’18 respectively)

Trying to condense the issue into as few pages as possible but it is not an easy task, given the nature and volume of material involved. The following four examples might be the easiest way to sum up the misrepresentation, deception and due diligencce failure within UTas and LCC and the cosy relationship between them, that have been features of this matter. Sections marked in bold in are direct quotes.

Example 1. The plan was initiated around mid-2012 by the then LCC General Manager (GM), Robert Dobrzynski, when he started working behind the scenes to achieve his aim and to encourage UTas, to change the original intended location – the UTas Newnham campus – of its planned NRAS funded student accommodation. The GM’s enticement involved ‘giving’ a parcel of public land at Inveresk to UTas for the accommodation building. He ignored the existing high-level Master Plans for both Inveresk Precinct, the Mowbray Precinct sections of the Greater Launceston Plan and the major plans for the Mowbray-Newnham campus. He also ignored the legally constituted York Park Inveresk Precinct Authority, (YPIPA) its 4 community members and senior state public servant member (head of Events Tasmania) as well as several genuine full public consultations and community input into all those existing Master Plans.

Even before this accommodation relocation was formalised, it soon emerged that the GM’s ill-thought out plan, which he simplistically insisted was ‘good town-planning’, involved more than just student accommodation relocation. Behind the scenes he moved quickly to invite and encourage UTas to provide information to support his plans for a full campus move to Inveresk, a distance of 3-4 kilometres from the existing fully operating campus site of 180 acres and associated infrastructure. His intentions are revealed in items listed in an email from him to UTas in December 2012. An example of such items on the list is, **“LCC would wish to gain an indication of the future**

³ Richard Flanagan, *The Mercury*, 20 April 2019, pp. 7,

development proposed by UTAS at the Inveresk site, and to gain the collaboration of UTAS in developing the Inveresk precinct Plan which will guide development at Inveresk”.

UTas management was quick to take advantage of this encouragement and start its own push. In its December 2012 response to GM Dobrzynski's email, UTas referred to previous discussions adding that, **“the University needs to finalise the matter.”** It referred to **“tight deadlines”** and warned that **“If in-principle agreement on Inveresk cannot be reached before Christmas the University will have to look at alternate sites to meet these deadlines.”** It must be pointed out here that until July that year the intention had been to build the accommodation at Newnham campus where UTas already ‘owned’/occupied the land, and for which the NRAS funding had been obtained. Thus, the opportunity was seized by UTas, particularly by VC Peter Rathjen (now at Adelaide) and Provost, Mike Calford (now at ANU), with the latter doing much of the lobbying of politicians and candidates of all parties well in advance of the 2016 federal election. Meanwhile, in order to silence vocal opposition, the GM was able to sideline YPIPA community members by working directly and secretly with the LCC Mayor and the two aldermanic representatives on the Authority. In 2016, he succeeded in getting UTas to sponsor the York Park stadium for an undisclosed amount understood to be lower than the previous 5 year sponsorship by Aurora.

Example 2. i) In early 2016, a senior Commonwealth public servant (who shall be referred to as PB), but acting independently, approached northern UTas management to query the document that they had put forward as their ‘business plan’. This document was/is nothing more than a glossy marketing brochure. Initially the northern UTas representative argued that it was indeed the business case, but PB insisted it was not. After some discussion, and as PB was not to be fobbed off, it was suggested (or he may have requested to speak to someone, it is uncertain at this stage) that he speak with the University’s Hobart-based business manager. It is perhaps noteworthy that the business manager travelled from Hobart to Launceston to talk with PB. Again, when PB insisted that the glossy brochure was not a business plan he received the same response from the business manager that it was. However, as PB persisted on the existence or otherwise of a business plan, the business manager finally admitted, **“We don’t have one”.**

ii) Similarly, PB also sought the student statistics that UTas would have presumably used to support/underpin their arguments for public funding and land acquisitions. After much running around, PB was eventually told that **“there aren’t any”**. This accords the experience of another researcher. Not from want of trying, including a trip to Hobart, they were unable to find or obtain current or earlier statistics of student numbers, not even basic Full Time Equivalents (FTE), across the campuses.

Example 3. On Monday 2 October 2017, less than three weeks before VC Rathjen was due to finish up as VC and leave Tasmania, an ordinary meeting of Launceston City Council was attended by some members of the public and twelve well-prepared UTas representatives intending to address the meeting on the controversial Agenda item relating to a LCC-UTas campus relocation land deals. During the morning before the meeting, the aldermen received an email from the LCC Acting General Manager. The email read: **“A robust debate in council that does not result in the required absolute majority will significantly damage relations and our reputation, especially when the university has been organising speakers to attend the meeting supporting the proposal,”**

Apart from one alderman, Danny Gibson, the other aldermen and the Mayor were very keen to give more parcels of land to UTas, still without having carried out any due diligence (in breach of their code of conduct) on behalf of ratepayers. Alderman Gibson was incensed at such an instruction from a council official and asked what was the intent of the email. He also asked about the nature – a convoluted series of “exchanges” - of

what the Aldermen were being “asked” to approve. He stated that it “was ludicrous to have not questioned” the land deals further and “appalling that the council had not finished its parking study before the land decision was made.” He pointed to the haste, with which the deal was being voted on that day simply as a farewell favour for VC Rathjen. Referring to the land deals and an upcoming LCC send-off for the VC, Ald Gibson argued, “I believe if there wasn't a function to celebrate the achievements of the Vice Chancellor this Thursday in Launceston that we would have negotiated a better outcome”.

The Mayor tried several times to silence Ald Gibson on this, saying it was a confidential email. However, Alderman Gibson held his ground, until he finally got an answer regarding to the nature of what the aldermen were being asked to approve. The eventual answer from the Acting GM was, **“It has been a long process of working to address the issue of trying to achieve the outcome of the relocation of the university to the inner city site. I think that through that process, as aldermen have been advised, there was a point now of an expectation that we had reached an agreement. For us not to proceed would be something that is regrettable, given the effort that had gone into it.”**

That answer from the Acting GM was a clear indication of the failure by all levels of government to carry out any due diligence or requirement for UTAs to produce modelling, demonstrated need or a full evidence-based business case. By late 2017-early 2018 it had become the fall-back position of many politicians and proponents to suggest that the ‘plan’ is/was either too far advanced to halt, or that “it’s a done deal” or similar.

Example 4. On 28 May 2018 four members of a series of community networks that include businesses, academics, students, tradespeople, retailers, ratepayers, residents and others, requested a meeting with the new VC, Rufus Black. Black invited two UTAs representatives/lobbyists, Professor David Adams and James McKee, to the meeting. During the very polite discussions, Professor Adams had as much to say as the VC, Mr McKee said nothing. Well into the discussions and on the topic of the complete lack of any evidence, reason or need for the Launceston campus move, Adams, as he spoke, volunteered this shocking and revealing top level admission of six years of misrepresentation, academic disregard, negligence and ad hoc actions with the statement (information that the public was already well aware of) **“We are retrospectively trying to create the logic of this.”**

This, in 2018 - after 6 years of machinations and disbursement on associated resources (personnel, equipment, marketing, travel, office space, real estate etc) after millions of dollars of public funds had been promised, with some funds already handed over, land parcels gifted and some land titles granted, and planning scheme flood inundation codes altered - was the best they could come up with! Adams’ words were a full admission that they, UTAs and proponents, still had not established justification for relocation, that all their previous claims and actions have indeed been a scam. Furthermore, on 1 March 2019, a full month after their submission to IA, Adams was quoted in the local newspaper, *The Examiner*: ‘Pro-vice chancellor David Adams said the university had been **“working hard to get the evidence”** for its transformation project, but “unforeseen challenges had meant a delay to the existing timelines.”

The level of misrepresentation, deception, manipulation, demise of ethical standards, lack of accountability and transparency by UTAs and/or those in government responsible for organising and signing MOUs and granting funding has been mind-boggling and continues unabated. Not even the serious damage to the Sandy Bay campus caused by the

flood in June 2018, nor the public response to an Open Letter⁴ to VC Black was enough to bring about a rethink of the folly of relocating the whole Launceston campus to a flood prone tidal flat – an area that sits below high tide levels, albeit behind levees, but which has to be evacuated, at great expense and effort, every time there's a flood evacuation warning as there was in June 2016 at a cost to UTAs of over \$40,000 to evacuate the small campus there.

Moreover, the cost of Launceston relocation is now rumoured to have blown out to well over \$400 million, (presumably in part due to the nature of the intended location), while the posited randomly selected number of 'additional' students has been reduced from the original figure of 12,500 quoted in 2015-6, to 7,000 in mid-2018 to 1,200 in late 2018. **This combination and size of altered projections alone should be enough to negate all MOUs and to force serious, open examination of LCC-UTAs methods, funding and efficacy of the all campus relocation plans.** However, it has made **no** difference to the funding promise by politicians and proponents.

No single politician, candidate or party carried out any due diligence or fact checking before supporting the funding promises. Because of the obvious flaws and absence of any need to relocate (quite the contrary, **the evidence for remaining at the current campus is overwhelming and fully understood by the public**), ad hoc decisions, policy and planning on the run, and absence of any coherent proposal have been ongoing characteristics of the process from the start, a feature also recognised by the public. In this absence of any due diligence or fact checking by the political class or of any requirement for UTAs to produce actual evidence or modelling or full business case, Launceston-based community networks assigned a full academic-level report.

Researchers have spoken to many people, politicians of all persuasions, business owners, professionals, tradespeople, academics, students, current and former UTAs employees, UTAs lobbyists, University Vice Chancellor, administration staff, media/radio hosts, and had numerous discussions and casual conversations with members of the public. The high level of opposition within the general public (80-85% opposed) and within UTAs staff (75% opposed in Hobart, approx. 90% opposed in Launceston) and students, has remained high from the start, It has not diminished.

One of the difficulties for any member of the public in trying to deal with this issue, or to expose the misrepresentation and deception (in the legal sense, say as per Aust Consumer Law, or under 'wilful blindness' or 'public interest') is the constant stream of ad hoc responses, inconsistencies and the almost weekly contradictions that emerge from the UTAs Northern Transformation (NTP) office. In addition to that is the secrecy and collusion by the Launceston City Council on matters such as Development Applications and discretionary Planning Scheme Amendments in assisting UTAs actions.⁵ People who

⁴ See the published Open Letter including all the community social media comments.

⁵ The clearest example of this was the successful passing of Amendment 43 to the L'ton Planning Scheme to alter part of the Invermay Flood Inundation Code to allow a previously 'prohibited category' development on the tidal zone that sits below high tide level. When the Code was originally put in place, then State Treasury Secretary, Don Challen, was adamant that no further intensification of the area was to occur. In the past 3-4 years the City Council has succeed in weakening the Code to allow full-scale development there (with the associated growth in daily traffic movements, the highest in Tasmania, outside Hobart). The City Council failed to mention to the Planning Commission or to anyone else, that a Flood Modelling Report by BMT, that it, the Council, had commissioned and had already seen several interim versions, was close to final publication at the time of the Amendment 43 Planning Commission hearings. The BMT report is a serious document based on the latest climate change data and flood data, with serious projections (2050, 2090) for flooding in/around Launceston. *North and South Esk Rivers Flood Modelling and Mapping Update Vol1: Technical Report, and Vol 2 Flood mapping*, published in Nov 2018, but not released by LCC until 22 January 2019. Several Launceston experts (flooding, estuarine scientist, engineer, emergency personnel) expressed surprise

should be checking this issue, are not. Those who should be taking action or are in a position to bring about action are ignoring or dismissing the issue in a wilful abrogation of their responsibility. By not carrying out their own due diligence and/or fact checking, these “self-absorbed” politicians and councillors have rejected accountability and transparency, and most likely breached their Codes of Conduct. Meanwhile UTas misrepresentation, under the guise of ‘transformation’, continues unchecked and undeterred. Indeed, they have created several new positions over the time and appointed a new pro-vice chancellor to oversee the ‘northern transformation’.

Given this situation and the failure by anyone involved to apply and enforce standards, (as per your articles and Geoffrey Watson’s comments about the Tasmanian Integrity Commission being a paper tiger), how does the community go about using the research and the reports to bring honesty and common sense to the issue?⁶ A return to the earlier published common-sense UTas plans of refurbishing the current main Launceston campus in conjunction with the Mowbray Precinct Study, at a cost of between \$59m to \$72m, would release public funds for several important alternative projects needed in Launceston and fully supported by the public.

It is not possible in this letter to cover all the matters of public concern associated with the UTas relocation projects. A full academic-level, peer-reviewed evaluation of the planned campus relocation and UTas’ claims, *Evaluative Review of the University of Tasmania Inveresk Precinct Redevelopment Project*, by Chris Penna, has been published and sent to relevant people in the hope that they might read it and perhaps take notice of the content and of the misrepresentation and deception perpetrated by UTas and its lobbyists. A further independent academic-level report is in progress.

FURTHER REFERENCES –

1. SECTION ON TRUST, TRANSPARENCY AND SOCIAL LICENCE - EXTRACT FROM AN UPCOMING INDEPENDENT REPORT ON THE UTAS RELOCATION (The Report includes aspects from an ETHICS CENTRE publication)
2. OPEN LETTER TO THE VICE CHANCELLOR, AND SOCIAL MEDIA COMMENTS, JUNE 2018.
3. ARTICLE BY DR M POWELL ON THE NEED FOR “AN INDEPENDENT INQUIRY INTO UTAS?” 8 JUNE 2018

that the Council even released it publicly it at all, due to the seriousness of the report and the projections. In all its actions the City Council - and the State Government - has given preference to the UTas proposal over everything else.

⁶ A rethink and a possible reversal on the Hobart STEM centre relocation, which has been with Infrastructure Australia for some time and had reached the final stages, was announced in mid-January 2019.

APPENDIX 1.

TRUST, TRANSPARENCY AND SOCIAL LICENCE: PUBLIC INTEREST AND COMMUNITY CONSULTATION FAILURE (EXTRACT)

The UTas relocation proposal has almost no public support. Surveys consistently show that it is opposed by the overwhelming majority of the public and UTas staff and students across Tasmania.⁷

Neither the University of Tasmania nor the Launceston City Council (LCC/CoL) have social licence for the campus relocation plan. LCC/CoL seems to believe that while it gifts millions of dollars' worth of land or interest-free loans on the one hand, social licence for the campus relocation can be gained, on the other, by carrying out small, disjointed projects in the Mowbray-Newnham area, under the now severely truncated and weakened Northern Suburbs Strategy, misleadingly renamed "Northern Suburbs Revitalisation Plan". As the Ethics Centre notes, *"Too often, social licence is thought to be something that can be purchased, like an offset. Big companies with controversial practices often give out community grants and investments...a social licence...might be seen as a kind of transaction where community acceptance can be bought. Of course, such an approach will often fail precisely because it is conceived as a calculated and cynical pay-off."*⁸

Social licence has never been earned or 'granted' for by UTas for its campus relocations. UTas has never required to provide an impact study or any modelling for the effects of its plans on either the intended location or on the current campuses and the local areas. Although originally intended for resource development projects, the Queensland Govt produced guidelines for preparing a local impact management plan (SIMP).⁹ A similar plan should have been a requirement for the UTas relocation plans in Hobart, Launceston and Burnie, where water-front public (local/state govt-owned) land has been given to UTas without any examination of local activities severely impacted/affected or at risk of serious negative impact, and an increase in infrastructure to cater for UTas desires.

The survey-report by the Australian Institute of Company Directors and KPMG on social licence, could well have been written specifically about aspects of the university sector in Australia, and could be seen as pointing the finger directly at the failures of UTas management *"Vulnerable stake holders are the ones we have difficulty hearing because their voices are filtered out by layers of management that are using a business-only lens to prioritise their biggest risks...A Social licence must be earned every day."* KPMG p.7

*"Social licence is an important and powerful lens to frame trust. It acknowledges the active role that people and communities play in granting ongoing acceptance and approval of how companies – or entire industries – conduct their business.(p11)"*¹⁰ *Aggrieved and cynical communities can*

⁷ Surveys and petitions of the general public, UTas staff and students conducted since 2016, and assessment of social media show up to 85% opposition. Staff at the Launceston campus believe the rate among all staff there is 90%. According to a recent NTEU survey, the rate among Hobart staff to relocations there is 75%.

⁸ The Ethics Centre, "Ethics Explainer: Social license to operate", ethics.org.au, 23 January 2018.

⁹ Lacey, Justine, "Can you legislate a social licence to operate?" *The Conversation*, 27 February 2013.

¹⁰ Australian Institute of Company Directors & KPMG, *Maintaining the social licence to operate. 2018 KPMG – AICD Trust Survey*, 2018, pp. 11, 12.

withdraw the social licence of organisations that lose or exploit their trust – with potentially devastating financial, legal and regulatory impacts. Organisations can no longer view trust as an asset that they can buy or re-build after a crisis, but one that must be earned and maintained on an ongoing basis. Boards of all sectors are increasingly aware that fundamentally, trust is about relationships, not solely reputation... (p.11) ” We no longer place unquestioning trust in systems and institutions. Instead, trust is more likely to flow between local networks, individuals and peers...” (p. 12)

UTas has nothing concrete to offer or give the local Northern Suburbs community in the way of ‘bribes’ or ‘sweeteners’ to win community support, but it has a great deal – in the form of a fully functioning campus and all that it entails - to take away, so gaining social licence is difficult, if not impossible. UTas management has made, and continues to make, endless wild promises to its staff and the public of a rosy transformed future. While limited sections of the public (strikingly and unashamedly closely associated with each other) have accepted the UTas spin and propaganda, the wider community recognises the absence of any modelling or supporting evidence, and it recognises that the main part of the UTas ‘spin’ or ‘case’ is framed in verbose general education/pedagogy unrelated to location. That is, UTas’s case is largely location-neutral, a fact well-understood by the public.

The proponents of the relocation plan have given no consideration to the destruction of local amenity and/or liveability. They have ignored all previous extensive community consultations around Inveresk Precinct land use.

Museum Search Conference, genuine community input and listening by YPIPA, to community and tenants.....Folder with letters and submissions, From the time UTas management arrived on the scene, the community (as represented by YPIPA community members, Inveresk precinct tenants) began to lose any say, and worse, were push aside. UTas and other proponents of the relocation plan continue to ignore/disregard the intent of the GHD 2006 Flood Study, the Deed and the Flood Inundation Code, and even the latest BMT Flood study, 2018. Regrettably, on all aspects of the relocation issue, the public is justified in its suspicions and mistrust of UTas and CoL, The wider community is fully aware of the deficiencies and problems associated with Inveresk. The community also recognises the quality and value of the current Mowbray-Newnham campus/location combined with the long-term sustainability and cost effectiveness of remaining there. The vast majority of the population has not been seduced by the endless stream of media releases, media photo opportunities, marketing presentations and false gestures posturing as ‘consultation’ by UTas in its effort to gain or claim social licence. In this UTas has failed spectacularly.

Moreover, in their wilful determination and enthusiasm for their relocation project, UTas and CoL have also failed to abide by good governance principles. Governance is “the process and culture that guide the activities of an organisation beyond its basic legal obligations”. Good governance includes, but is not limited to, “*acting with the highest ethical standards...fostering trusting and respectful relationships, showing a commitment to risk management...following a transparent and accountable decision-making process...*”¹¹ In their ongoing planning chaos, their failure to

¹¹ Tasmanian DPAC, Good Governance Guide

abide by the highest standards of risk management, and the absence of transparency and accountability, both UTas management and CoL have sacrificed the principles of good governance.

[REDACTED]

From: Basil Fitch [REDACTED]
Sent: Wednesday, 7 April 2021 2:20 PM
To: Contact Us; [REDACTED]
Subject: Submission on UTas DA 0054/2021
Attachments: DA 0054-2021 Representation LauncestonConcernedCitizens (Fitch)
7April2021.docx; Representation DA 0054-2021 B Fitch 7April2021.docx

Categories: Robyn

Good afternoon Council Officers,

I have attached two Representations for DA 0054/2021 - one from the Launceston Concerned Citizens and one from myself.

Thank you,

Basil Fitch.

TO: The Mayor Albert van Zetten, Mr Michael Stretton, Councillors

Launceston City Council

RE: Development Application 0054/2021



Application ID	DA0054/2021
Application Description	Passive Recreation - Construction of a minor structure (retrospective shelter)
Group	Planning Development
Category	Discretionary Applications
Assigned Officer	Iain More
Status	Discretionary Development Application
Council Minute	
Use Class	Passive Recreation
Development Use Description	Construction of a Structure



This is what happens to UTas DA notices around the Inveresk Precinct. They come unstuck from levee walls, they get ripped off their sticks in the wind and the rain, and become unsightly rubbish.

The top left-hand photo is the notice for DA 0054/2021. It is lying halfway down the levee near Forster St. The only point to that DA notice is the point at the end of the stick.

So according to the UTas DA document this is “a **retrospective application for the development of a minor structure to provide shelter and respite, within the Inveresk Open Space Precinct.**” So UTas wants even more land! There is no end to this UTas greed for public land.

According to the UTas Da document *“The Inveresk Precinct manager has been on site with the Students and confirmed that there will be no adverse impact on Council activities as a result of the development. The proposal has been developed and constructed as a part of the Learning by Making unit offered with the School of Architecture and Design, Inveresk, which facilitates a design and build by students of a structure for use by the public.”*

It seems that the School of Architecture and Design and the Learning by Making instructors are either a) ignorant of the fact that development applications are part of the process of getting any structure approved BEFORE construction, or b) they are aware of the need for DA approval BEFORE construction, but deliberately ignored the need for prior DA approval. Either way, the students doing this course have been short-changed and poorly informed.

This retrospective application is another demonstration of the UTas relocation team’s ad hoc mish-mash at Inveresk and ongoing lack of a clear plan.

- **From the DA:** “The area is to be retained as an area for public use and for events ranging from an Agricultural Show, outdoor exhibitions and displays, open air markets and general recreational activities.”

Response: The Agricultural Show has been kicked off, the market, and all the other activities, Magic Millions thoroughbred sales, Equestrian events, Wood Chopping, Camper Van Club stopover, etc have been kicked off to make way for a UTas carpark. A shelter for public use is NO SUBSTITUTE for what has been lost to the ratepayers, residents and visitors.

- **From the DA** “The proposal will provide a sheltered area for respite along the spine of the precinct and viewing and appreciation of the North Esk River.”

Response: How idiotic! The river CANNOT BE SEEN from the building, or from anywhere on the ground of the Precinct. For the information of UTas and the DA writer, there is a levee blocking any view of the river! See photos below



Looking NE - No river visible – levee extends along full length of river side of the Precinct



Looking E-SE - No river visible – levee extends along full length of the river side of the Precinct

The Launceston Concerned Citizens have opposed the UTas move from the beginning, and the content of this DA, DA 0054/2021, is also opposed by them. Once again, here is another DA that confirms the worst fears of Launceston ratepayers and residents – the ad hoc and inappropriate nature of the numerous UTas DAs for no public benefit, but instead to considerable loss to the community of citizens of Launceston and Northern Tasmania.

Even with the huge area of public land and heritage buildings that has been handed over gratis to this UTas organisation - a gift that is bringing NOTHING NEW to Launceston or Northern Tasmania, a gift that went ahead regardless of the high level of community opposition - UTas relocation managers, or rather mis-managers, still can't get things right.

UTas relocation managers appear to be totally incompetent, and incapable of even the simplest of planning matters – to apply for a permit BEFORE putting up a structure, even one as small as a shelter. If they are not incompetent then it shows their total contempt for the community and for even the most basic planning process.

Each councillor must think of the ratepayers and the residents of Launceston, instead of constantly giving in to the incompetent ad hoc planning of UTas, must reject this DA 0054/2021.

Launceston Concerned Citizens
and Ratepayers and Residents of [REDACTED]

B Fitch, Launceston Concerned Citizens, [REDACTED]
[REDACTED]

ATTACHMENT AS FOLLOWS
[REDACTED]

Sunday, 30 August 2020

Where to UTas?

The University of Tasmania's 2019 Annual Report has finally been released.

The university reports on a calendar year basis. The Auditor General signed off the 2019 report in February 2020. The Board (known as the Council) adopted the report in May and sent it to the government as required by its governing Act. It's been sitting in someone's in-tray for the last 3 months. Another Covid victim no doubt.

Apart from the financials it's a pretty skinny report. The overview for the year occupied only six pages. Even then it was a cut and paste from previous offerings, from the now outdated Strategic Plan 2019-2024 dated July 2019 for instance. UTas is *"not long-term economically sustainable and being economically sustainable is no easy task.....At an operating level, we break even. Still, there is no surplus to see our facilities renewed for the next generation."* If there were sustainability questions in July 2019, they would have been more evident when the Council signed the report in February 2020. Even more so today in a pandemic world.

Serious as it was, sustainability didn't get another mention. The rest of the overview degenerated into a public relations pastiche with more proper nouns and acronyms that you could poke a stick at..... The Ways of Working project, the People Strategy and College People plans, the Academic Leadership Development Program, which led to the Lean (sic) and simplification momentum continuing to build across the University via a new process improvement tool called Go-See-Fix, the unsuccessful attempt to satisfy the international Athena SWAN charter atho' UTas did get a Bronze Award accreditation and is committed to continue commitment to the SAGE initiative. It might as well have been written in Swahili. If a student served up drivel like that in an assignment, you'd fail them. Irrelevant twaddle especially when there are pressing matters of sustainability.

The brief overview concluded with two pages describing UTas' building program which is fitting perhaps because more than ever UTas is a property developer with a side hustle in education.

The financials confirm this.

UTas has \$1 billion of net assets, revenue for 2019 was \$777 million and net profit \$73 million. So far so good. But its core activities of teaching, research, community engagement and activities incidental thereto produced a loss of \$2 million. Non-core activities resulted in a \$75 million profit, most prominent being interest and dividends of \$14 million and unrealised gains on investments of \$60 million. Markets were in a bull stage during the 2019 calendar year.

The cash operating surplus was only \$41 million. This is the surplus before capex spending. Beware of entities with operating cash less than profits, especially when they're spending heaps on capex. In this case it's because of the unrealised investment gains, included in profits but not cash flow for the obvious reason they are yet to be realised.

In 2019 UTas spent \$206 million on capex. That's almost as much as the State government. Without the Royal Hobart Hospital it would be more than the State government. With operations only generating \$41 million, that left it \$165 million short.... \$100 million came from borrowings, \$26 million from investments, \$17 million from capital grants, \$9 million worth of plant and equipment was sold, and cash at bank was reduced by \$18 million. UTas chose to borrow more rather than cash in some of its unrealised investment gains.

UTas' borrowings jumped from \$93 million to \$210 million. But there's another liability on the balance sheet of \$123 million described as a 'grant of right to operate' which for intents and purposes is a borrowing, and further evidence of UTas' property development machinations. UTas received a lump sum of \$133 million in 2017 for the grant of a right to operate UTas' purpose built student accommodation for 30 years. Essentially it was a lump sum in consideration for selling the rights to future rents over the next 30 years. The grant is amortised over the term. The

amortised portion each year becomes revenue for that year. Rather than take out a 30 year mortgage and use rents to service the loan over the period, UTas has received a lump sum up front from the grantee. In return the grantee will receive guaranteed rents for the next 30 years. It's just another way of borrowing money. Six of one half a dozen of the other. The deal will come at a cost however. The grantee will be earning a guaranteed rate of return for 30 years. Who is the grantee? What is the rate of return? Whatever it is, it sure to be less than the rate Tascorp would charge. Tascorp, the government's finance GBE, is UTas' banker.

It's a familiar pattern, seeing Tassie's public institutions emerging from isolation and locking themselves into long term finance deals. Hydro with Basslink, RBF with the Hobart Airport... thus far they've all been ill judged arrangements.

When the forward selling of 30 years' worth of rent receipts occurred in 2017, the service concession deal as it is called, the proceeds were invested in shares and managed funds, taking UTas' total investments to \$420 million by December 2017. At December 2019 the total stood at \$442 million. Markets took a knock in March 2020 but have gradually picked up since.

One suspects from the financials that there are more service concession deals in the pipeline, or at least there were before Covid struck. Of the borrowings of \$210 million, \$71 million is listed as a current liability, meaning it will be paid out/rolled over in the 2020 calendar year. Maybe by forward selling the rents from the Melville Street accommodation. The previous report for 2018 gave some detail about the expansion of student accommodation planned at that time:

“The University continued to plan for additional student accommodation, with an agreement signed with Spark Living for a building to house 422 students on Melville Street, to be completed by 2021. The purchase and conversion of the Midcity Hotel was an initiative to meet increasing demand in the interim. In December, the University announced its intention to purchase the Fountainside Hotel to meet further demand.”

There seems little doubt that expansion of student accommodation has underpinned the UTas model. The damning

five year strategic plan issued in July 2019 argued that increased scale was required for UTas to become sustainable. With population increases modest at best, and with the perennial excuses of Tassie's demographic and health problems coupled with rites of passage which sees many of our best and brightest leaving our shores, the answer was to try and attract more students especially from overseas. The only risk mentioned was getting too many from one country or too many in one course.

From the sidelines it looks awfully like a Ponzi scheme.

- Develop student accommodation
- Search the globe for students
- Lower the grades necessary for students to pass
- Sell off 30 years' worth of guaranteed rent.
- Buy more property.
- Develop into student accommodation.
- Enrol more students
- Sell off 30 years of guaranteed rent
- And so on

That the whole show might fall over in one fell swoop wasn't a risk worth mentioning. Just like sub-prime loans in the US in 2008, bundling up crappy loans across a multitude of cities where housing markets were supposedly uncorrelated, was thought to be a foolproof way of handling risk. It wasn't. The loans all went down together.

Wage costs as a percentage of total expenses has remained relatively stable at around 58 per cent. Most expenses, as one would expect, are wages.

But there has been a slow and steady shift from academic wages to non-academic wages. Over the past 10 years academic wages, which includes teaching and research, has fallen from 56 per

cent to 51 percent. Even with scaling up, taking in more international students, the shift of wages away from teaching and research has continued unabated.

Opening the door and peering into the work activities of non academic university staff is something anthropologist David Graeber from the London School of Economics did in his 2018 book titled *Bullshit Jobs*. On page 55 Chloc rccounts what she did:

The reason that my Dean's role was a bullshit job is the same reason that all nonexecutive Deans, PVCs [Pro-Vice Chancellors], and other "strategic roles in universities are bullshit jobs. The real roles of power and responsibility within a university trace the flow of money through the organisation. An executive or Dean (in other words, s/he who holds the budget) can cajole, encourage, bully and negotiate with departments about what they can, ought, or might want to do, using the stick (or carrot) of money. Strategic deans and other such roles have no carrot or sticks. They are nonexecutive. They hold no money, just (as was once described to me) "the power of persuasion and influence."

I did not sit on university leadership and so was not part of the bunfights about targets, overall strategy, performance measures, audits, etc. I had no budget. I had no authority over the buildings, the timetable, or any other operational matters. All I could do was come up with a new strategy that was in effect a re-spin of already agreed upon university strategies.

I was given a 75% full-time equivalent Personal Assistant, a 75% full-time equivalent "Special Project and Policy Support Officer," and a full-time postdoctoral Research Fellow, plus an "expenses" allowance of twenty thousand pounds. In other words, a shed-load of (public) money went into supporting a bullshit job. The Project and Policy Support Officer was there to help me with projects and policies. The PA was brilliant but ended up just being a glorified travel agent and diary secretary. The Research Fellow was a waste of time and money because I am a lone scholar and don't actually need an assistant.

So I spent two years of my life making up work for myself and for other people.

My very brief stint as Head of Department reminded me that at the very minimum, ninety percent of the role is bullshit: Filling out the forms the Faculty Dean sends so that she can write her strategy documents that get sent up the chain of command. Producing a confetti of paperwork as part of the auditing and monitoring of research activities and teaching activities. Producing plan after plan after five-year plan justifying why departments need to have the money and staff they already have. Doing bloody annual appraisals that go into a drawer never to be looked at again. And in order to get these tasks done, as HoD, you ask your staff to help out. Bullshit proliferation.

So, what do I think? It is not capitalism per se that produces the bullshit. It is managerialist ideologies put into practice in complex organizations. As managerialism embeds itself, you get entire cadres of academic staff whose job it is just to keep the managerialist plates spinning – strategies, performance targets, audits, reviews, appraisals, revised strategies, etc., etc. – which happen in an almost entirely disconnected fashion from the real lifeblood of universities: teaching and education.

It was revealing to glance at the University of Tasmania Act 1992 to check to whom UTas is responsible? The answer is no-one. UTas is literally a law unto itself. Section 12 requires it to give the government an annual report each year which “contains a full account of the income and expenditure of the University for the financial year to which it relates”.

That’s all. It’s not answerable to anyone. It merely has to tell the government each year what it has received and spent. The local BMX Club has more onerous responsibilities to its members.

Little wonder Utas was able to serve up such a disgracefully brief report into its perilous state. The Council ought to be ashamed at such a travesty. Perhaps not? After all they can please themselves.

It mustn’t be forgotten that the Federal government is largely responsible for setting the parameters that have pushed universities in the direction all have taken. But it is time to examine the mess that has been created. The height of absurdity was reached when a plea came from one university to open the

borders to international students as they are needed to subsidise university research.

The influx of international students has crush loaded city infrastructure, pushed up the price of inner city housing, reduced housing availability for local workers and aided and abetted wage theft in the service economy leading to flatlining/declining wages for locals as well. Nowhere is this more apparent than in Hobart. Despite being a public institution UTas retains its anachronistic status as a law unto itself, only obliged to act with care diligence and in good faith to further the interests of the university.

With the actions of UTas the property developer, having such wide ramifications in the city of Hobart, it is way beyond time to update the governance of such a crucial public body.

(Posted by [REDACTED] at 17:38 31 August 2020
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Labels: [UTas](#))

TO: The Mayor Albert van Zetten, Mr Michael Stretton, Councillors,
Launceston City Council

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Council Minute	
Use Class	Passive Recreation
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It was reported in August 2020 that UTas had \$1 billion of net assets, revenue for 2019 was \$777 million and net profit \$73 million. All of that was from non-education activities, like real estate. UTas 'core activities of teaching, research, community engagement and activities incidental thereto produced a loss of \$2 million.'

In March 2020 the Launceston City Council reported that its "revised Operations Budget for 2020/2021 forecasts an underlying deficit of \$11.3m, a general increase to fees and charges of 3 per cent, and a \$43.9m capital works program."

In March this year, at the time of all the UTas Inveresk DA approvals and the consequent long-term maintenance bills that the ratepayers will be lumbered with and weighed down with for the next decades, the Examiner reported the Council's deficit as \$7.2 million.

So why is the Council continuing to support this drain on the public purse by UTas? Do not approve this DA, it is a piece of nonsense and UTas deserves to be made to comply, like everybody else, and remove the thing that it built without Council approval.

Basil Fitch, former local councillor and alderman,

