

SUBMISSION TO THE LEGISLATIVE COUNCIL REGARDING THE UNIVERSITY OF TASMANIA ACT 1992.

Peter Bicevskis

I am an architect and urban designer with over 40 years experience, including the design, delivery and planning advice on many projects for a number of universities including Griffith University (Nathan, Gold Coast and Logan campuses), QUT (City and Kelvin Grove campuses), UNE (Armidale and Coffs Harbour), University of Queensland (St Lucia), and the University of the South Pacific (Alafua, Western Samoa campus). I have also been responsible for major projects for various government departments, including Defence, Foreign Affairs, AusAid, and also for the Gold Coast City Council. Many of these projects have involved obtaining parliamentary approval.

I am writing this not as a UTAS alumnus, or as someone with nostalgic memories of university life. Nor am I writing this to highlight the negative educational and social issues associated with moving UTAS from Sandy Bay to the CBD (which I am sure have been adequately covered by others). My comments relate to specific issues regarding UTAS's compliance with the University of Tasmania Act, as evidenced by the recent behaviour of the University and its leadership.

Due to my professional background, the bulk of my comments relate to procedures under the Act which relate more to capital works projects and increasing the University's accountability and transparency of its decision making processes.

I am quite happy to appear before the enquiry to answer questions or be given the opportunity to provide more detailed background information.

The recent actions that UTAS has taken which do not align with the provisions of the Act have resulted in a substantial decline in the University's reputation, leading to staff resignations, potential students deciding to study at other universities interstate, or choosing not to pursue higher education at all, and a general decline in morale of those remaining. It is fast becoming a dying university.

The University is now an institution that has lost sight of its primary reason for existence. It has no requirement for accountability, lacks transparency in its actions, and appears to be dominated by a leadership and management team that overrides the powers of the University Council and seeks to implement its decisions without reference to the academic body, its students, and the broader community.

NON-COMPLIANCE WITH SPECIFICS OF THE ACT. (where relevant)

PART 2 - THE UNIVERSITY

DIVISION 2 - CONSTITUTION, FUNCTIONS AND POWERS

6. Functions of the University

The University has the following functions:

(a) to advance, transmit and preserve knowledge and learning;

UTAS is not responding to this requirement. Knowledge and learning have taken second place to the aims of real estate development and maximisation of revenue. The proposed relocation of the Sandy Bay campus to the CBD will involve smaller facilities, and a lessening of face to face teaching. Academic staff have not been consulted with regards to changes in teaching methodology, and most agree that the advancement, transmission and preservation of knowledge and learning has been significantly compromised by the actions of the University leadership. There are many staff and students who have challenged the proposed changes and have been actively silenced. Many staff have also chosen to leave the University due to its declining educational standards and many prospective students are choosing to study in interstate universities, resulting in a potentially permanent loss of talented graduates from Tasmania. I only have anecdotal evidence regarding these issues, but no doubt other submissions will cover this in more detail

(b) to encourage and undertake research;

There is no doubt that the damage to the reputation UTAS by its recent actions has lessened its appeal as a research institution, and the loss of talented staff and students mentioned previously has been a major factor in this development.

(c) to promote and sustain teaching and research to international standards of excellence;

Similar comments to item (b).

(d) to encourage and provide opportunities for students and staff to develop and apply their knowledge and skills;

Similar comments. But in addition the proposed changes to the method of course delivery with the removal of face-to-face learning, lectures, and student interaction can only contribute to the lessening of opportunities for students and staff to develop and apply their knowledge. Whilst other universities face similar challenges, it appears that UTAS has taken this approach further than most. And no other university is proposing to sell its existing campus to fund any changes.

This approach has been typified by UTAS's recent directives to its academic staff that they are no longer to provide face-to-face lectures and are to concentrate on developing on-line and recorded teaching material. Surprisingly, this executive decision was not discussed with the academic staff prior to its sudden announcement.

(e) to provide educational and research facilities appropriate to its other functions;

Without considering the more pedagogical aspects of the proposed move of UTAS facilities to the CBD it should be noted that the proposed new educational and research facilities will be significantly smaller than what currently exists at Sandy Bay (for example the new Law Faculty facilities in the proposed new Forestry Building will only be 1/3 the size of the existing Sandy Bay facilities). Academic staff and students have not been adequately consulted as to what is required, resulting in new buildings which will not be fit for purpose. Furthermore, any future changes in technology or teaching pedagogy cannot be accommodated in the new buildings, and there will be no room for expansion in the CBD to cater for any such future changes. So the proposed educational and research facilities will definitely not be appropriate.

(f) to promote access to higher education having regard to principles of merit and equity;

UTAS claims it will make higher education more accessible (by promoting on-line learning, lowering its entry requirements, and moving to the Hobart CBD). However, due to the concerns regarding UTAS's declining educational standing, those students who are of a higher calibre are now looking at studying at other institutions, so the principle of promoting access to higher education regarding merit will actually discriminate against such students.

(fa) to foster or promote the commercialisation of any intellectual property;

No comment.

(g) to engage in activities which promote the social, cultural and economic welfare of the community and to make available for those purposes the resources of the University.

With the current and ongoing decanting of students to the CBD, the existing campus has lost its social and cultural heart. Student communal facilities have been closed down or not maintained. Access to university buildings is by swipe card only, so the community cannot utilise these facilities.

The proposed move to the CBD will have similar issues in that community access will also be denied.

With regard to the economic welfare of the community, the change to on-line learning will mean that few students will actually be in the city during university terms, and there will be no student activity on weekends or semester breaks (ie 6 months of the year). CBD businesses will be decimated.

POSSIBLE IMPROVEMENTS

There should be a mechanism under the Act for regular independent review of the functioning of the University and adherence to its legislated functions.

DIVISION 3 - THE COUNCIL OF THE UNIVERSITY

9. Role and powers of the Council

(1) The Council is the governing authority of the University.

All key decisions appear to be made by the Vice-Chancellor and senior administrative staff. The University Council only meets 6 times a year and appears to just rubber stamp decisions made by the UTAS Executive. Given the importance of decisions currently being made, involving the expenditure of hundreds of millions of dollars, meeting every 2 months for a few hours does not seem to be appropriate.

It is unclear as to how involved the current Council is with the incredibly important decision making process involving a complete restructuring of the University, and massive financial commitments

UTAS is continuing with the planning, design and marketing of the proposed move, despite the rezoning of the Sandy Bay campus not having been approved, (and due to the community opposition, increasingly unlikely to be approved). Has the Council approved this incredibly risky approach?

Does the Council endorse the statements made by the Vice Chancellor and others in UTAS administration that the move to the CBD is not negotiable and will definitely occur, no matter what?

How much has already been and will be spent on progressing the relocation to the CBD (funds which could potentially be spent on maintenance of the Sandy Bay campus, or improving educational resources), and has the Council approved this?

In addition, the reporting on which decisions are made and the meeting minutes are not publicly available so it is not possible to confirm what was discussed and how decisions were made. I understand that the Council are also not allowed to speak directly to the public.

As the ultimate decision making body, the Committee should also be taking community sentiment into account. This does not seem to be occurring, as exemplified by the lack of Council response to the general community opposition to the relocation of the campus.

(2) The Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University.

Refer to comment 1. There is no evidence of this occurring.

(3) The Council has power to do all things necessary or convenient to be done for or in connection with the performance of its function as the University's governing authority and, in particular, has power –

(a) to appoint persons to positions of responsibility within the University;

Council also should have procedures for regular independent review of the University's executives and senior management.

(b) to allocate funds and otherwise determine the best use of the resources of the University.

Refer to comment 1.

(4) The Council must establish an audit committee and may establish other committees to perform or exercise any of its functions or powers.

In 2020, two university committees were disbanded (the Built Environment Committee, and the Finance Committee) and replaced by the Strategic Resources Committee. Why were the two University Committees which would have overseen the planning and building process, and reviewing financing of the CBD move, both disbanded?. One would have thought that such a huge move, with major educational, financial and planning implications would have generated its own working group to monitor and control the process in a transparent way. Instead, these functions were taken over by UTAS administration.

11A. Obligation for care and diligence

The Council does not appear to be adhering to this requirement. For example:

- There has been a lack of consultation and support for decision making including the relocation of the university to the CBD.
- There is a lack of effective and comprehensive community engagement.
- There is a lack of economic and social research into impacts of decision making.

It is questionable that the Council has approved continuing with the planning and expenditure on the proposed CBD move, despite this being reliant on HCC and Tasmanian Government approvals (which may not occur).

Meeting only 6 times a year, and for a limited time, would appear to preclude this degree of personal analysis and deliberation on major University decision. Again it would appear that the Committee generally defers to the wishes of senior UTAS executive and administration.

POSSIBLE IMPROVEMENTS TO THE ACT REGARDING THE UNIVERSITY COUNCIL

The University Council needs to have a greater degree of independence.

It should meet on a much more frequent basis, so that they have the opportunity to examine issues in more detail, and make more appropriate decisions. They should also be presented with any background information well beforehand, so they can make a considered decision.

The agenda, minutes and reporting presented at Council meetings should be made publicly available, and where deemed Commercial-in-Confidence should be assessed by an independently appointed person or body. Council members should include more academic staff, and be appointed independently.

The views of individual Councillors should be made public, and they should have the right to express their views publicly.

This may mean a higher level of remuneration, but given the importance of the Council's decisions, this would be well justified.

The appointment of individual Councillors should not be made by the Council itself (which will obviously be heavily influenced by ex-officio members and the university executive).

THE APPROPRIATENESS OF THE ACT TO ENSURE ACCOUNTABLE EXECUTIVE, FISCAL AND ACADEMIC DECISION MAKING

The Act has proven to be totally inappropriate with regard to the University's decision making. For example there have been:

- Poor financial decisions over many years eg building purchases.
- Examples of waste and extravagance and overspending on property.
- Expenditure on public relations, marketing, and external consultants for non-academic related activities.
- Lack of input by academic staff about academic decisions.
- Lack of accountability to the community and the government when making decisions.

In addition, there is no mechanism to ensure accountable executive, fiscal and academic decision making. There are no checking/review procedures, no penalties for poor performance or providing misleading information, and there is no obligation for transparency.

THE APPROPRIATENESS OF THE ACT TO PROTECT AND PROMOTE ACADEMIC FREEDOM, INDEPENDENCE AND AUTONOMY.

Academic staff have been poorly treated over many years and excluded from decision making. They have experienced lack of academic freedom, independence and autonomy. The Act does not, in any practical way, recognise their interests.

UTAS administration has overarching and unhealthy control over academic staff which has in turn created a culture of fear amongst this staff sector. Rather than protecting and promoting academic freedom, independence and autonomy within academic staff the direct opposite has occurred within the toxic and intimidating culture fostered by Utas administration from the top down. The prevalence of non disclosure and non disparagement clauses within contracts for current and ex staff is an indicator of the distinct lack of academic freedom currently experienced by academic staff.

UTAS MECHANISMS FOR CONTROLLING PUBLIC SCRUTINY AND ANALYSIS

The following are examples of actions taken by UTAS which reflect its lack of concern for appropriate governance and accountability processes. They also indicate that senior UTAS executive and administrative staff are prepared to provide deliberately misleading information in justifying their decisions, and avoiding detailed public scrutiny.

These examples relate to the propose relocation of the UTAS campus from Sandy Bay to the Hobart CBD, but should be considered in the broader context of the university's governance obligations under the Act.

SANDY BAY MASTERPLAN - RISK REGISTER (As at February 2021) (Refer Attachment A)

As an example of the methods that UTAS management uses to avoid scrutiny of its actions, silence criticism and influence community consideration of its activities, UTAS has prepared a confidential Risk Register ("leaked" by a disgruntled staff member) regarding its proposed Sandy Bay Master Plan It highlights the deliberate decisions UTAS has taken to avoid transparency and actively discourage criticism or detailed analysis of UTAS procedures, including:

- Addressing lack of community or political support.
- Strategies for influencing stakeholder opinion.
- Public relations efforts to give the appearance it is "listening" to concerns.

- Methods of controlling the leaking of information that has not been appropriately “curated” for external consumption.
- Cultivating relationships with Hobart City Council (specifically general manager and Councillors), presumably to influence HCC decision making.
- Cultivating relationships with State government.
- Use of Confidentiality Agreements for all consultants and staff to avoid leaking of information.
- Scenario planning for responding to external scrutiny.
- Preparation of “offensive” and “defensive” strategies to objections.
- Engagement of external legal counsel to counter criticism and detailed scrutiny.

EXAMPLES OF MISLEADING OR INACCURATE PUBLIC STATEMENTS MADE BY UTAS

There are a number of examples of such statements which have emerged over recent times relating to the proposed relocation of the campus to the CBD. These include statements regarding:

- The motivation and background reasons for the move.
- The amount and results of community consultation.
- The amount and results of communications with academic staff and students.
- The opportunity for public input into the planning approval process.
- The provision of disabled access.
- The access that the general community will have to the proposed facilities.
- The actual number of students that will utilise the proposed facilities, at various times of the year.
- The ability for UTAS to influence future public transport changes.
- The ability for UTAS to add to the landscape amenity of the Hobart CBD.
- The measurable economic benefits of the CBD move.
- The provision of adequate parking.
- The condition of the existing buildings on the Sandy Bay campus.

Details of these can be provided to the enquiry

POTENTIAL SOLUTIONS REGARDING EXPENDITURE ON CAPITAL WORKS LEGISLATING TO PROVIDE ACCOUNTABILITY AND TRANSPARENCY.

To overcome the total lack of accountability and transparency associated with UTAS proposals for expenditure on capital works projects, the UTAS Act could be amended to include provisions similar to the Commonwealth’s Public Works Act 1969.

Note that there is an existing Tasmanian Public Works Committee process, The Tasmanian Public Works Committee Act 1914, but this does not provide the same level of accountability and transparency as the Commonwealth legislation. It can only examine projects with a value greater than \$8m, and does not have such detailed guidelines and procedures as its Commonwealth equivalent, particularly as outlined in the Commonwealth PWC Procedures Manual.

However, at the very least, incorporating the existing state PWC legislation into the UTAS Act would provide much greater accountability and transparency.

However, as the State Government only provides a small portion of funding for university projects, it may be necessary to liaise with the Commonwealth, which provides the bulk of the university’s funding. But at the least, the State Government could legislate that the current UTAS campus be retained for educational purposes and revert back to the original intentions of the University Act.

UTAS does not require any planning approvals for capital works projects on its Sandy Bay campus. Currently, the only planning approval required by UTAS is approval from the Hobart City Council for projects it proposes off campus. But this approval is piecemeal only in that the current planning legislation does not look at the total development proposed (eg the UTAS Master Plan for all its city works), but only examines each particular building in isolation as it is put forward for HCC approval. And the assessment of each project is based purely on its compliance with the Hobart Interim Planning Scheme, which does not allow for consideration of the project’s merits or its economic impact on UTAS’s operations. Issues such as disabled access, community engagement, greening of the city, and impact on local business cannot be considered at

the planning approval stage. It also does not allow for consideration of public comments, analysis of the economic basis for the proposed works, or detailed examination of alternatives (such as upgrading existing campus facilities). Nor are there any penalties for providing incorrect or misleading statements by the proponents.

By comparison, the Commonwealth (and Tasmanian) public works process have proven to be a successful mechanism for examining the necessity and viability of proposed projects, and analyses them in a much wider context, including consideration of a total staged master planning and development process. The PWC process guarantees accountability and transparency, and also has severe penalties for supplying misleading or incorrect information, and strict deadlines for responding to questions taken on notice.

All major capital works projects delivered by the Commonwealth require Parliamentary approval. Projects with a value greater than \$2m must be referred to the PWC and projects exceeding \$15m are the subject of a public hearing. The focal point of Parliamentary approval is the Parliamentary Standing Committee on Public Works. The Committee processes allow the Parliament and the community a measure of confidence that public monies are being spent on infrastructure that meets the needs of the community. Under the Act, the Committee is required to consider the need, scope, cost, purpose and value-for money of proposed works and report to the Parliament whether or not it is advisable that the works proceed.

The process includes providing guidelines regarding the functions and responsibilities of the Committee and the processes that need to be undertaken to refer works. These guidelines also highlight the basic expectations of the Committee with regard to the content of submissions. The manual of procedures associated with the Act is mandatory, as are requirements for the content of submissions.

The following are selected extracts from the Commonwealth PWC website, which describe its operation in more detail.

PUBLIC WORKS COMMITTEE

BACKGROUND

The objectives of the Act are:

- Better decisions on major projects;
- Objective external scrutiny of options;
- Examination of the entire project, irrespective of stages/phases; and
- Scrutiny by Parliament and thus the public before a proposal is commenced.

Essentially, the Committee is required to report as expeditiously as practicable on:

- The stated purpose of the proposed work and its suitability of the purpose;
- The need for the work;
- The cost effectiveness of the proposal;
- The amount of revenue it will produce if the work is revenue producing; and
- The current and prospective value of the work.

The Committee may, in its report on a public work, recommend any alterations to the proposals for the work that, in its opinion, are necessary or desirable to ensure that the most effective use is made of the moneys to be expended on the work.

In considering and reporting on a public work, the Committee shall have regard to:

- the stated purpose of the work and its suitability for that purpose;
- the necessity for, or the advisability of, carrying out the work;
- the most effective use that can be made, in the carrying out of the work, of the moneys to be expended on the work;
- where the work purports to be of a revenue-producing character, the amount of revenue that it may reasonably be expected to produce; and
- the present and prospective public value of the work.

The Committee may take evidence on oath or affirmation and the Chair may administer an oath or affirmation to a witness appearing before the Committee.

The Committee may summon a person to appear before the Committee to give evidence and to produce such documents as are referred to in the summons.

Evidence to be given in public except in certain cases

Where the Committee directs that the inquiry by the Committee into a public work shall take place in public, any evidence taken by the Committee for the purpose of the inquiry shall be taken in public.

Where, in the opinion of the Committee, any evidence proposed to be given before, or the whole or a part of a document produced or proposed to be produced in evidence to, the Committee relates to a secret or confidential matter, the Committee may, and at the request of the witness giving the evidence or producing the document shall:

- (a) take the evidence in private; or
- (b) direct that the document, or the part of the document, be treated as confidential.

False evidence

A person shall not give false evidence on oath or affirmation before the Committee.

Penalty: Imprisonment for five years.

PWC PROCEDURE MANUAL

Relevant detailed sections:

2. Content of Submissions

Public submission

- Purpose of works
- Need for works
- Options considered
- Scope of works
- Other issues

Cost effectiveness and public value

- Confidential submission
- Cost estimates.

3. Committee Processes

Process for parliamentary approval of public works.

- Referral of works
- Public and stakeholder consultation
- Site inspection and hearings.
- Public hearing
- Conduct of the public hearing

It should be noted that the above process also includes mechanisms for the presentation of "Commercial-In-Confidence" information, and costing details, which organisations such as UTAS use as a reason for not disclosing information.

The inclusion of a requirement for such rigorous assessment of proposed University capital works projects under the Act would at least provide some measure of accountability and transparency, and would allow for the genuine consideration of public input.

Thankyou for the opportunity to present this submission.

Peter Bicevskis





UNIVERSITY of
TASMANIA

Sandy Bay Masterplan Risk Register

As at February 2021



Risk #1: Planning Scheme Amendment application is unsuccessful, restricted or suboptimal

Risk Description:

Risk that Tasmanian Planning process doesn't allow for a Planning Scheme Amendment (PSA) or places restrictions on usage of the Sandy Bay site.

Failure to ensure that the proposed Concept Masterplan adheres to the requirements under STRLUS and other key planning guidelines resulting in rejection of PSA or restrictions being placed on usage of the Sandy Bay site. Failure to secure support from Hobart City Council prior to lodgement may significantly impact the likelihood to success. Delays in granting of the PSA may result in a compressed design programme and timelines for impact assessments, which in turn could result in a compromised quality of output.

A number of buildings on the site have been identified with characteristics that lead to heritage consideration are worthy of protection. These buildings are already proposed to be retained and adaptively reused in the masterplan. However, COH could introduce a precinct wide heritage precinct overlay or introduce a heritage listing not intended to be retained, this could impact greatly on the development ability of the site

Potential causes:

- PSA is inconsistent with the objectives of LUPAA, Southern Tasmania Regional Land Use Strategy, State Policies or will lead to an unacceptable land use conflict
- Master plan does not have community or political support
- Insufficient information to support strategic case
- Stakeholders omitted
- Poor stakeholder engagement strategy
- UPPL not seen as "listening" to concerns
- Leaking of information that has not been appropriately curated for external consumption
- Lack of understanding of planning requirements re Activity Centres
- Proposed Concept Masterplan exceeds dwelling numbers contemplated in the STRLUS
- Incorrect strategy adopted to planning approvals
- Car park numbers cause additional pressure on Sandy Bay Road
- Scale of the project adversely saturates the market (consultants/contractors and investors)
- Limited compiled data on heritage building
- Poor documentation submitted to HCC.

Potential consequences:

- Non acceptance of PSA
- Impact on developer interest
- Limitations on optimising the Masterplan
- Impact on yield to UPPL and low capital return to parent
- Lobbying of representatives of the Planning Tribunal to the detriment of UPPL with resultant restrictions on the PSA
- Constraints placed on granting of PSA which limit future optimisation
- Subconsultant reports could be misaligned which could generate RFIs during the PSA assessment period
- HCC arbitrage the Southern Transformation Project against the SandyBay Masterplan outcomes
- Heritage precinct overlay or heritage listings imposed.

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

Risk Appetite Statements (UPPL) *	Status	Commentary
Low appetite to renege on agreed commitments or remove key personnel or assets from communities, without considered programs of engagement with those communities.		Operating within appetite
Low appetite to enter into substantial commercial arrangements or partnerships without having considered those arrangements for alignment with 1) University strategy, 2) community expectations and 3) the context of our institutional social licence.		Operating within appetite
Moderate appetite for short-term negative government and community perception arising from decisions or circumstances which may be viewed unfavourably, however, will enable the achievement of strategic objectives or maintain key relationships (e.g. not criticising government policies to maintain strategic partnership).		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
Extreme	Engagement strategy developed for duration of the project	Effective	High
	Lessons learned incorporated from STP UDF	Effective	
	Comprehensive stakeholder mapping conducted with UTAS, [REDACTED]	Effective	
	SandyBay Masterplan	Effective	
	Relationship with HCC (specifically general manager and Councillors)*	Effective	
	Expert peer review of PSA pre-lodgement*	Effective	
	Approach adopted that embodies listening - "we listened, we did"	Effective	
	Confidentiality Agreements for all consultants. Staff reminded of confidentiality provisions in employment agreement	Effective	
	Established protocols for external communications	Effective	
	Economic impact assessment	Effective	
	Detailed list of the specific characteristics of each building within a citation	Effective	
	Heritage Strategy	Effective	
	Internal and external planning processes	Effective	
	Scenario planning for external opposers	Effective	
	Preparation of 'offensive' and 'defensive' strategies to objections	Effective	
	Engagement of external counsel	Effective	
Lodgement of the Forestry DA (associated controls)	Effective		
Legal risk strategy	Effective		

Risk #2: Environment conditions are significantly less favourable than assumptions

Risk Description:

Risk that existing site and environment conditions for development are significantly less favourable than assumptions held by UPPL and Parent at project commencement resulting in an adverse financial impact.

Previously unidentified environmental conditions, including threatened species, ground contamination, adverse geotechnical conditions, asbestos, adverse bushfire conditions, adverse drainage conditions, DOV vegetation proximity and significant trees may have major time and cost constraints, may restrict amount of land available for development. Heritage conditions and existing leases may also limit developable areas.

Potential causes:

- Lack of detailed survey information available
- Original grant of land imposes restrictions on future use
- Original surveys are incorrect and conducted in imperial measurement (accuracy in conversion to metric)
- Swift parrot habitat
- Inadequate review of consultants reports
- Pushback from community on heritage value
- Adverse geotechnical conditions
- Asbestos
- Under management of major drainage catchments
- Early design doesn't identify extent of slope management
- Hobart Significant Tree Register
- Current/new leases on Site restrict use of land
- Barrel drain/stormwater relocation and overlay of building footprint to existing services requiring diversion or relocation
- Existing infrastructure internal network needs to be upgraded to accommodate new loads
- Bushfire hazard impact
- Proximity to sensitive uses.

Potential consequences:

- Reduced area available for commercialisation
- Ability to optimise site restricted by third party interests
- Restriction on potential PSA and determination on "use" type
- Impact on PSA approval, DA approval, construction timeline due to POV proximity
- Cost and design considerations for BAL ratings
- HCC may introduce a precinct wide heritage precinct overlay or introduce a heritage listing not intended to be retained
- Major and extensive constraint on development / building design
- EPBC referral (which may take 12-18 months to be resolved)
- Impact on yield to UPPL and low capital return to parent
- Increase to project budget/program for additional excavation or retaining structures
- Reputational and brand damage with broader community.

Risk Appetite Statements (UPPL) *	Status	Commentary
No appetite for causing serious, lasting environmental harm from Property Co developments.		Operating within appetite
Low appetite to engage in any activities which have a negative environmental impact.		Operating within appetite
High appetite to actively factor in the achievement of our sustainability targets to decision making, including in the use of energy and natural resources		Operating within appetite
High appetite to protect and preserve Tasmania's cultural assets as part of Property Co developments		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	Review of title boundaries, easements, covenants and third party rights	Effective	Moderate
	Reconciliation meetings with architect and sub consultant on principles	Effective	
	External legal advice to confirm the original Land Grant does not restrict future use	Effective	
	Overlay the current design concept with the ecology constraints identified in the North Barker report.	Effective	
	Heritage report and survey	Effective	
	Concept servicing plan	Effective	
	Amended GES report included with the PSA	Effective	
	Bushfire Attack Level	Effective	
	Ground testing underway	Effective	
	Asbestos report	Effective	
	Complete flood model (or hydrological/hydraulic assessment)	Effective	
	new leases on site restricted or made in consultation with UPP	Effective	
	Review with UTAS to identify areas with cultural and historical importance to Community	Effective	
	Heritage Strategy**	Effective	
	Tasmanian Fire Service regular consultation	Effective	
Fire trail road maintenance**	Effective		

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

Risk #3: Compulsory Acquisition of Land by Crown

Risk Description:




Risk that the Crown undertakes a compulsory acquisition of Sandy Bay land (or part thereof).

Potential causes:

- Change to government policy/support on UTAS.

Potential consequences:

- Reduction in land available for UPPL development
- "Market value" compensation from government
- Reputation impact of not meeting development commitments.

Risk Appetite Statements (UPPL)	Status	Commentary
Low appetite to enter into substantial commercial arrangements or partnerships without having considered those arrangements for alignment with 1) University strategy, 2) community expectations and 3) the context of our institutional social licence.		Operating within appetite
Moderate appetite for short-term negative government and community perception arising from decisions or circumstances which may be viewed unfavourably, however, will enable the achievement of strategic objectives or maintain key relationships (e.g. not criticising government policies to maintain strategic partnership).		Operating within appetite
High appetite to operate in a collaborative way which strengthens ties with community, building support and pride in UTAS, in spite of resulting delays to decision-making and project progression.		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	Relationship with State government managed by UTAS	Effective	Moderate
	Stakeholder Management Plan	Effective	
	Community appetite to develop	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

Risk #4: Disproportionately high external (and internal supporting) infrastructure investment requirements

Risk Description:

Risk that investment in external infrastructure is disproportionate to the ROI. Risk that the existing external infrastructure network needs to be upgraded to accommodate development and that HCC require UPPL to fund changes to external road infrastructure to accommodate the Concept Masterplan resulting in significant additional costs.

Risk that other external infrastructure investments, including bus stop and telecommunication tower relocations have not been identified or costed. This may result in redundant or abortive work resulting in additional cost to infrastructure staging and technical considerations not being fully taken into account.

Further, uncertainty around ownership of roads, embedded networks, may affecting the ability of authorities to give feedback and in turn results in design assumptions that could otherwise have been locked in.

Potential causes:

- Lack of relationship with UPPL
- Inability of UPPL to describe broader socio-economic benefits
- Lack of detailed planning on alternative transport choices
- Site development exceeds capacity of external infrastructure
- Traffic plan doesn't demonstrate alleviating/managing congestion/flow issues
- Metro concerns or non-approvals
- Road access to lots
- External infrastructure connection points
- Potential engineering concerns with the gravity fed systems in precinct
- Uncertainty around road ownership
- TasWater / TasNetworks unable to provide public infrastructure or civil works to meet timing of development
- Masterplan has parking rates below the current statutory requirement (although CoH have provided preliminary advice that this will be acceptable but there may be community resistance or market feedback)
- Ongoing maintenance costs for common areas not appropriately estimated.
- Mount Nelson telecom tower relocation.

Potential consequences:

- Impact on development feasibility
- Impact on potential annuity return to UTAS
- Increase to project budget
- Impact on spatials
- Increase to project budget
- On-site additional mitigation or external upgrades may be required
- On-going maintenance costs and requirement for waste management strategy
- Re-design/impact on traffic management plan/carparking requirement
- Misalignment of staging and infrastructure capacity
- Embedded network service issues.

Risk Appetite Statements (UPPL)	Status	Commentary
No appetite for pursuing strategic financial decisions that are not based on evidence or expert advice.		Operating within appetite
Low appetite for not meeting the desired yield on our investment portfolio		Operating within appetite
High appetite for pursuing commercialisation or investment opportunities to discharge its objectives (e.g. maximum cash returns balanced by long term value whilst providing ongoing dividend revenue to the parent) and providing commercial advisory services to its parent.		Operating within appetite
High appetite to utilise the Property Co. model to realise gains on non-core university property through sale, leasing opportunities or other forms of commercialisation.		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	A transport assessment (inclusive of cars, public transport, and active transport options) to be undertaken based on the concept design and a sustainable transport strategy developed for the site and incorporated into the PSA that may supersede elements of the relevant access and parking codes.	Effective	Moderate
	Staging of the development	Effective	
	Topography reviews	Effective	
	Sub-consultants reports	Effective	
	Expert peer review of sub-consultants reports*	Effective	
	SandyBay Masterplan	Effective	
	Taswater site information	Ineffective	
	Intersection approvals detailed submission** (in principle support from CoH and DSG)	Effective	
	Management consultant advising on utilities	Effective	
	Consultants engaged with TasWater / TasNetworks and TasGAs	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

Risk #5: Local government impose restrictions on permits for subdivisions, developments and builds

Risk Description:

Risk that even after granting of the PSA, the Development Applications (DAs) for subdivisions and building projects are not obtained or are significantly restricted.

Further, delays in the granting process of these individual DAs may impact investment due to the inability to deliver on time.

Objections around building heights and visual impacts lead to queries during PSA, which may potentially result in increased (and adverse) media attention or community sentiment.

Similar to the PSA, failure to secure support from Hobart City Council prior to lodgement may significantly impact the likelihood to success.

Potential causes:

- PSA is significant restricted after granting
- Master plan does not have community or political support
- Insufficient information to support strategic case
- Stakeholders omitted
- Poor stakeholder engagement strategy
- UPPL not seen as "listening" to concerns
- Lack of understanding of planning requirements re Activity Centres.

Potential consequences:

- Restrictions on permits for subdivisions, developments and builds
- Impact on developer interest
- Significant delays
- Limitations on optimising the Masterplan
- Impact on yield to UPPL and low capital return to parent.

Risk Appetite Statements (UPPL) *	Status	Commentary
Low appetite to enter into substantial commercial arrangements or partnerships without having considered those arrangements for alignment with 1) University strategy, 2) community expectations and 3) the context of our institutional social licence.		Operating within appetite
Moderate appetite for short-term negative government and community perception arising from decisions or circumstances which may be viewed unfavourably, however, will enable the achievement of strategic objectives or maintain key relationships (e.g. not criticising government policies to maintain strategic partnership).		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
Extreme	Engagement strategy developed for duration of the project	Effective	High
	Comprehensive stakeholder mapping conducted with UTAS, [REDACTED]	Effective	
	SandyBay Masterplan	Effective	
	Relationship with HCC (specifically general manager and Councillors)**	Effective	
	Expert peer review of DAs pre-lodgement*	Effective	
	Approach adopted that embodies listening - "we listened, we did"	Effective	
	Confidentiality Agreements for all consultants. Staff reminded of confidentiality provisions in employment agreement	Effective	
	Established protocols for external communications	Effective	
	Economic impact assessment	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

Risk #6: Anti-University community sentiment (impacting investment and/or progress)

Risk Description:

Risk that negative stakeholder sentiment regarding the redevelopment or masterplan causes delays or decreased interest by developers. Ineffective stakeholder engagement may adversely affect relationships with staff, students, partners, the construction community (including developers) or the broader Tasmanian community. There is a risk that Community Action Groups that have already formed will grow in numbers and attract significant media coverage.

Potential causes:

- Master plan does not have community or political support
- Insufficient information to support strategic case
- Stakeholders omitted (inadequate representation across age or demographic)
- Inadequate timeline for consultation (see as a tick-box)
- Poor stakeholder engagement strategy
- UPPL not seen as "listening" to concerns
- Leaking of information that has not been appropriately curated for external consumption
- Perception of impact on localised congestion on Sandy Bay Rd and Churchill Ave
- Masterplan has parking rates below the current statutory requirement (although CoH have provided preliminary advice that this will be acceptable but there may be community resistance or market feedback)
- Heritage buildings not managed appropriately
- UTAS decant strategy in effective (buildings handed over in unfit / unacceptable condition)
- Attracting negative media attention (eg by removing trees etc)
- Inability to influence UTAS strategy.
- PSA is misinterpreted by public
- PSA is too prescriptive
- COH election timings.

Potential consequences:

- Adverse media coverage
- Reputational damage to UTAS / UPPL
- Protests
- Delays or significant cost/effort spent managing stakeholder relationships
- Lobbying of representatives of the Planning Tribunal to the detriment of UPPL with resultant restrictions on the DAs.

Risk Appetite Statements (UPPL) *	Status	Commentary
No appetite to act in a way which causes significant, sustained public protest against the University without the risks being carefully considered and steps taken to mitigate them		Operating within appetite
No appetite to undertake an initiative or strategic direction which irreparably damages the bond between substantial parts of the Alumni community and the University		Operating within appetite
Low appetite to fracture relationships with the media given their importance to the formation of key partnerships		Operating within appetite
High appetite to consistently work in partnership with others to strengthen our social licence in measurable ways		Operating within appetite
High appetite to operate in a collaborative way which strengthens ties with community, building support and pride in UTAS, in spite of resulting delays to decision making and project progression		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	Engagement strategy developed for duration of the project	Effective	Moderate
	Comprehensive stakeholder mapping conducted with UTAS, [REDACTED]	Effective	
	SandyBay Masterplan	Effective	
	Relationship with HCC (specifically general manager and Councillors)*	Effective	
	Approach adopted that embodies listening - "we listened, we did"	Effective	
	Confidentiality Agreements for all consultants. Staff reminded of confidentiality provisions in employment agreement	Effective	
	Established protocols for external communications	Effective	
	Economic impact assessment	Effective	
	Procurement Policy	Effective	
	Management group targeting UTAS/UPPL conflation	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting
 ** Aspirational control – not yet implemented

Risk #7: Economically unfeasible (low return on investment)

Risk Description:

Risk that the project is unable to deliver adequate Return on Investment (ROI) / Net Present Value (NPV).

A downturn in the market may result in decreased developer interest, cost / assumption variance, contractor market restrictions or an inability to secure delivery partners for non core assets (such as aged care).

Assumption variances may have a significant impact on economic feasibility, for example assumptions related to retail in Precinct 5 (i.e. extent of retail may not be supported) or COH support for commercial office space in Precinct 2.

Further, there is a risk that failure to adequately stage the development of the project impacts on ability to optimise return on investment. The development will also need to deliver a number of community-use assets which may impact overall profitability. Economic market demand to support the amount of retail floor space is critical, especially for Precinct 5.

Potential causes:

- Market downturn
- Design adopted not attractive
- Investment/development model not attractive
- Failure to consider all relevant factors when staging development; market analysis flawed
- DeepEnd Services are not supportive of 5600m2 of retail floor space with a supermarket in Precinct 5
- Impact from overseas suppliers / Australian currency fluctuations
- COVID restricts movement and availability
- Failure to consider all relevant factors when staging development
- Sensitivity risk on the western boundary of existing houses abutting new apartment buildings
- Opposition to Development Application
- Excessive operational costs / OC activity
- Excessive Rates Equivalency
- Limited market appetite
- Lack of interest in site or location on site
- Current economic climate not supportive of asset class
- Uncertainty around asset class future in immediate term
- Titling strategy ineffective or restrictive on operation of site or requires excessive owners contribution to maintain
- COH or community perception that Precinct 5 will take busy from the CBD
- Incorrect legal structure for efficient market purchase.

Potential consequences:

- Low investment interest from investors
- City of Hobart or TPC may apply a maximum retail cap
- Impact on development program
- Impact on timing and quantum of UPPL yield, ROI, cashflow, duplication of infrastructure upgrades, loss of project efficiency, impact on UTAS decant to city
- Increase to project budget, reputational risk (perception not using local market)
- Delay to project
- ROI, cashflow, duplication of infrastructure upgrades, loss of project efficiency
- DA building height restrictions result in yield risk
- Inability to vest roads/space to council
- Barriers to sales
- Unable to deliver asset class in staged delivery
- Repositioning of asset within SBM
- PUPPL needing to fund delivery
- Titling restricts ability to traverse site with infrastructure or service site with waste
- Potential for either COH or TPC to reject or significantly alter PSA with retail cap in precinct 5.

Risk Appetite Statements (UPPL)	Status	Commentary
No appetite for pursuing strategic financial decisions that are not based on evidence or expert advice.		Operating within appetite
Low appetite for not meeting the desired yield on our investment portfolio		Operating within appetite
High appetite for pursuing commercialisation or investment opportunities to discharge its objectives (e.g. maximum cash returns balanced by long term value whilst providing ongoing dividend revenue to the parent) and providing commercial advisory services to its parent.		Operating within appetite
High appetite to utilise the Property Co. model to realise gains on non-core university property through sale, leasing opportunities or other forms of commercialisation.		Operating within appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	Staging sequence linked to capital expenditure for infrastructure upgrades (10 years)	Effective	Moderate
	Community appetite to develop	Effective	
	Split the current retail offering into two categories: ** - 2000m2 of specialty retail, food and beverage - Remainder of retail will be dedicated to market use	Effective	
	Stakeholder engagement plan	Effective	
	Titling strategy**	Effective	
	Effective selling rate analysis	Effective	
	UPPL are the Master Land Developer (retain control)	Effective	
	Market demand analysis	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

Risk #8: EPBC referral adversely impacts development

Risk Description:

There is a referral requirement to the EPBC that will be triggered in Precinct 5 in areas that are impacting DOV vegetation both with potential removal and anything within a nominated 30m buffer. UPPL are intending to self-refer.

While this referral process can run parallel to the PSA there is a risk that some elements may take 12-18 months to be resolved while other elements should be largely unaffected.

Without full approval, there is a risk that there is impact on development of sites and buildings across the masterplan. There is a buffer zone in place with the Masterplan to cater for a potential encroachment that may happen.

Potential causes:

- Insufficient land surveys
- Consultants reports inadequate
- Proximity to sensitive uses.

Potential consequences:

- Adverse impacts on timeline of development
- May delay future DA approvals of a number of buildings (based on advice from North Barker this is more of a procedural process)
- Buffer zone is encroached upon resulting in rework for consultants
- It is deemed a relatively low risk to the PSA but may delay future DA approvals of a number of buildings (based on advice from North Barker this is more of a procedural process).

Risk Appetite Statements (UPPL)	Status	Commentary
No appetite for causing serious lasting environmental harm from Property Co developments		Borderline appetite
Low appetite to engage in any activities which have a negative environmental impact		Borderline appetite

Inherent Risk	Control	Control effectiveness	Residual Risk
High	Economic impact assessment	Effective	Moderate
	Masterplan that has minimal impact on the DOV (noting that the additional mapped areas are deemed as low quality DOV from a conservative assessment)	Effective	
	UPPL management action re subconsultants	Effective	
	UPPL are Master Land Developer (retain control)	Effective	
	Masterplan that has minimal impact on the DOV (noting that the additional mapped areas are deemed as low quality DOV from a conservative assessment)	Effective	
	Ringfence affected buildings and progress for all the remaining **	Effective	
	Procurement Strategy	Effective	
	Ringfence affected buildings and progress for all the remaining **	Effective	

* Following Board approval of this risk set an assessment of current project operations against risk appetite will be undertaken by management and reported at the next Board meeting

** Aspirational control – not yet implemented

UPPL Risk Register Extract – PSA Risks

Risk Category

Financial

Engagement

Environment

Compliance

Our People

Operational Risk

Economically unfeasible (low return on investment)



Planning Scheme Amendment application is unsuccessful, restricted or suboptimal



Environment conditions are significantly less favourable than assumptions



EPBC referral adversely impacts development



Disproportionately high external (and internal supporting) infrastructure investment requirements



Local government impose restrictions on permits for subdivisions, developments and builds



Anti-University community sentiment (impacting investment and/or progress)



Risk Level	Inherent Risk	Residual Risk
Extreme		
High		
Moderate		
Low		