



CITY OF HOBART

# MINUTES

Open Portion  
Monday, 20 March 2023  
AT 5.00 pm  
Council Chamber, Town Hall



City of HOBART

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## ORDER OF BUSINESS

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**PRESENT:**

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

**APOLOGIES:**

Nil.

**LEAVE OF ABSENCE:**

Nil.

Councillor Elliot left the meeting 5.38pm, returning at 5.40pm.

Alderman Behrakis left the meeting 6.45pm, returning at 6.47pm.

**1. ACKNOWLEDGEMENT OF COUNTRY**

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

**2. CONFIRMATION OF MINUTES**

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The Chairman reports that she has perused the minutes of the meeting of the Open Portion of the Council meeting held on [Monday, 20 February 2023](#), finds them to be a true record and recommends that they be taken as read and signed as a correct record.

BURNET  
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

The minutes were confirmed.

**3. TRANSFER OF AGENDA ITEMS**

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

SHERLOCK  
HARVEY

That supplementary item 12 from the Closed Council Agenda be moved to the Open Portion of meeting and recorded as item 26.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

#### **4. COMMUNICATION FROM THE CHAIRMAN**

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No communication was received.

#### **5. NOTIFICATION OF COUNCIL WORKSHOPS**

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In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Chief Executive Officer reports that the following Council workshops have been conducted since the last ordinary meeting of the Council.

Date: Monday, 27 February 2023  
Purpose: Presentation by Department of Foreign Affairs and Trade (DFAT), Population Strategy Consultation Paper, Rating Strategy Review

**Attendance:**

The Lord Mayor Councillor A Reynolds, the Deputy Lord Mayor Councillor H Burnet, Alderman M Zucco, Councillors B Harvey, M Dutta, Z Sherlock, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

**Apologies:**

Alderman S Behrakis

Date: Tuesday, 14 March 2023  
Purpose: Budget 1, Salamanca Licence Fees

**Attendance:**

The Lord Mayor Councillor A Reynolds, the Deputy Lord Mayor Councillor H Burnet, Councillor B Harvey, Alderman S Behrakis, Councillors M Dutta, Z Sherlock, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

**Apologies**

Nil.

Date: Thursday, 16 March 2023  
Purpose: Code of Conduct and EM Behaviour/Overview of the Anti-Discrimination Act/Cyber Safety

**Attendance:**

The Lord Mayor Councillor A Reynolds, the Deputy Lord Mayor Councillor H Burnet, Councillor B Harvey, Councillors M Dutta, Z Sherlock, J Kelly, L Elliot, Alderman L Bloomfield, Councillors R Posselt and B Lohberger.

**Apologies**

Nil.

## **6. PUBLIC QUESTION TIME**

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### **6.1 Public Questions**

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#### **6.1.1 Protests - Trenton Hoare**

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Trenton Hoare put the following question and was provided with the corresponding response by the Head of Intergovernmental Relations and Partnerships on behalf of the Chief Executive Officer.

Question:

My question is for the CEO, through the Lord Mayor.

Do you think it is right to have a councillor who stages protests with legitimately recognised extremist hate groups on council property, to the detriment of council owned businesses and makes employees and users feel unsafe as of a chair of a council committee, which its main aim is to maintain the health and wellbeing of the citizens of Hobart? A councillor who actively uses their privileged position as an elected member, to do the exact opposite to that aim and target minority groups, individual members of the community and colleagues?

Response:

The conduct and behaviour of elected members is regulated by the Council's Elected Member Code of Conduct. If a person is aggrieved by the conduct or behaviour of an elected member then the appropriate avenue to pursue this is through the making of a complaint through the code of conduct process.

It is recognised that elected members have a right to express personal views on particular matters, provided that they make it clear that they are expressing a personal view on the matter and not representing the view of the Council.

I, along with elected members, have an obligation to provide a safe workplace for Council's staff and elected members have a duty to keep themselves and others safe whilst in the workplace. I am currently investigating the circumstances regarding a recent protest that occurred on Council's property to ensure that our obligations under work, health and safety legislation are being met.

Creating an equitable and inclusive community is a core part of the City's work. Priorities are delivered through a variety of projects, initiatives and partnerships. This work is outlined in a range of strategies and plans across the organisation. One key policy endorsed by Council in 2021 is Hobart: A city for all the City of Hobart's Community Inclusion

and Equity Framework. It outlines the City's role in creating a city for all and provides a framework for action.

To become a city for all, we must work towards inclusion and equity for all who live, work or play in Hobart. We know that there is systemic exclusion, discrimination and inequity in our city and understand that this demands systemic and structural solutions. We work closely with those who face additional barriers to participation, including Aboriginal people, children and young people, people experiencing homelessness, LGBTIQ+ communities, multicultural communities, older people and people with disability.

The City of Hobart is a proud supporter of LGBTIQ+ communities and is guided by the Council-endorsed LGBTIQ+ Commitment 2021-2023.

The elected members of the City of Hobart clearly play an important role in pursuing these strategic objectives.

### **6.1.2 Harmon Day Event - Trenton Hoare**

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Trenton Hoare put the following question which was taken on notice by the Lord Mayor.

Question:

I note and congratulate the Council for having a harmony day event tomorrow, called "Diversity Discussion" with the first topic being "anti-discrimination as a human right." The irony with this is there is a fake feminist anti-trans rally happening tomorrow as well which is openly discriminatory. Particular councillors have endorsed this rubbish event. So my question is.

Why won't the Hobart City Council call on hate spreader councillors to stop their antics, if the council is in full support of hosting events such as "Diversity Discussion" and having action plans such as the LGBTIQ+ commitment

### **6.1.3 Crowther Status - Mr Chris Merridew**

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Mr Chris Merridew put the following question which was taken on notice by the Lord Mayor.

Question:

Lord Mayor, as the Crowther Statue and Plinth sit in the centre of Hobart's most significant highly regarded Heritage Precinct my question is :



Will the Hobart City Council be seeking approval for any demolition and alterations to a statue located in Franklin Square and would such process follow as per a regular Heritage building DA, which comes before Council within the normal 42 days guidelines?

Will Council consider using the three blank panels on the plinth to further interpret Dr William Crowther's actions including matters foreshadowed raised by former Ald Briscoe but not available for presentation at the August 2022 Council Meeting?

## **7. PETITIONS**

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No petitions were received.

## **8. CONSIDERATION OF SUPPLEMENTARY ITEMS**

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

### **RECOMMENDATION**

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

No supplementary items were received.

## **9. INDICATIONS OF PECUNIARY AND CONFLICTS OF INTEREST**

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

Elected members are requested to indicate where they may have any pecuniary or conflicts of interest in respect to any matter appearing on the agenda, or any supplementary item to the agenda, which the Council has resolved to deal with.

No interest was indicated.

**OFFICER REPORTS**

**10. Strategic Priorities and Annual Plan Progress Report period ending 31 December 2022  
File Ref: F23/13808**

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BURNET  
SHERLOCK

That the recommendation contained in the officer report marked as item 10 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That the Council endorse the Strategic Priorities and 2022-23 Annual Plan Progress Reports for the period 1 July to 31 December 2022, marked as Attachment A to item 10 of the Open Council agenda of 20 March 2023.

**11. Submission to the Tasmanian Government's Population Strategy refresh consultation paper  
File Ref: F23/20323**

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BURNET  
SHERLOCK

That the recommendation contained in the officer report marked as item 11 of the Open Council agenda of 20 March 2023, be adopted.

**AMENDMENT**

POSSELT  
BLOOMFIELD

That council authorise the Head of Intergovernmental Relations and Partnerships to amend the submission to the Tasmanian Government's Population Strategy refresh that includes more in-depth commentary on:

- a. Congestion, public transport and active transport
- b. Provision of healthcare and emergency services
- c. Provision of education including schools, University and early childhood
- d. Pressures on Local Governments that can be ameliorated by changes to legislation, particularly as it relates to land use and development such as developer contributions, windfall gains tax and inclusionary zoning.

AMENDMENT CARRIED

**VOTING RECORD**

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Harvey	Elliot
Dutta	
Sherlock	
Kelly	
Bloomfield	
Posselt	
Lohberger	

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	Behrakis
Harvey	Elliot
Dutta	
Sherlock	
Kelly	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That:

1. Council endorse the draft submission to the Tasmanian Government's Population Strategy refresh included as Attachment A item 11 of the Open Council agenda of 20 March 2023, amended as outlined in clause 2 below.
2. Council authorise the Head of Intergovernmental Relations and Partnerships to amend the submission to the Tasmanian Government's Population Strategy refresh that includes more in-depth commentary on:
  - a. Congestion, public transport and active transport
  - b. Provision of healthcare and emergency services
  - c. Provision of education including schools, University and early childhood
  - d. Pressures on Local Governments that can be ameliorated by changes to legislation, particularly as it relates to land use and development such as developer contributions, windfall gains tax and inclusionary zoning.

**12. Community Engagement Review - Update**  
**File Ref: F23/17337**

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BURNET  
POSSELT

That the recommendation contained in the officer report marked as item 12 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That Council endorse the engagement approach detailed within the report titled 'Community Engagement Review – Update' and marked as item 12 of the Open Council agenda of 20 March 2023.

**13. City of Hobart Procurement Strategy 2023-2027**  
**File Ref: F23/21576**

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BURNET  
POSSELT

That the recommendation contained in the officer report marked as item 13 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Zucco
Deputy Lord Mayor Burnet	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That:

1. The report 'City of Hobart Procurement Strategy 2023-2027' be received and noted.
2. The City of Hobart Procurement Strategy 2023-2027 be approved and subject to final design, be made available from the City's website.
3. A performance report from implementation progress of the City of Hobart Procurement Strategy 2023-2027 be prepared annually to the community from the City's website.
4. A communications strategy be developed to highlight relevant parts of the strategy when implemented, including but not limited to, the development of the City's inaugural First Nations Procurement Policy, the City's Sustainable Procurement Policy, modern slavery policy position, unsolicited proposals approach and procurement drop-in supplier sessions.
5. The Council note that the City's Risk and Audit Panel has endorsed the Procurement Strategy 2023-2027 for Council approval.

**14. Notice of Motion Response - Public Interest Register and Conflicts of Interest Advisory Panel  
File Ref: F23/9541; 16/119**

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BURNET  
SHERLOCK

That the recommendation contained in the officer report marked as item 14 of the Open Council agenda of 20 March 2023, be adopted.

**AMENDMENT**

ZUCCO  
DUTTA

That the draft Policy be returned to Council for final approval.

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

PROCEDURAL MOTION

ZUCCO  
BEHRAKIS

That the matter be deferred.

PROCEDURAL MOTION LOST

VOTING RECORD

AYES	NOES
Zucco	Lord Mayor Reynolds
Behrakis	Deputy Lord Mayor Burnet
Kelly	Harvey
Elliot	Dutta
Bloomfield	Sherlock
	Posselt
	Lohberger

AMENDMENT

ZUCCO  
BEHRAKIS

That the policy principle in respect of 'personal debt over \$10,000 (excluding financial institutions)', be reduced from \$10,000 to \$1,000.

AMENDMENT LOST

VOTING RECORD

AYES	NOES
Deputy Lord Mayor Burnet	Lord Mayor Reynolds
Zucco	Harvey
Behrakis	Dutta
Kelly	Sherlock
Elliot	Bloomfield
	Posselt
	Lohberger

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That:

1. The Council resolve to establish a Public Interest Register Policy including the principles outlined in this report.
2. The Chief Executive Officer be authorised to develop the principles into a formal policy of the Council.
3. The draft Policy be returned to Council for final approval.
4. The Policy provisions commence from 30 April 2023 and communication occur with elected members in relation to the practical steps required by them through the elected member bulletin in advance of the Policy's commencement.



**15. Notice of Motion Response - Property Developer Contact Register  
File Ref: F23/10405; 16/119**

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BURNET  
SHERLOCK

That the recommendation contained in the officer report marked as item 15 of the Open Council agenda of 20 March 2023, be adopted.

**AMENDMENT**

ZUCCO  
HARVEY

That the draft Policy be returned to Council for final approval.

AMENDMENT CARRIED

**VOTING RECORD**

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**AMENDMENT**

BEHRAKIS  
ELLIOT

That the definitions for developers and lobbyists be amended to include organisations that represent both sides of matters being considered by Council.

AMENDMENT LOST

VOTING RECORD

AYES

Zucco  
Behrakis  
Sherlock  
Kelly  
Elliot  
Bloomfield

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Posselt  
Lohberger

SUBSTANTIVE MOTION  
CARRIED

VOTING RECORD

AYES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock  
Bloomfield  
Posselt  
Lohberger

NOES

Zucco  
Behrakis  
Kelly  
Elliot

**COUNCIL RESOLUTION:**

That:

1. The Council resolved to establish a Property Developer Contact Register Policy including the principles outlined in this report.
2. The Chief Executive Officer be authorised to develop the principles into a formal policy of the Council.
3. That the draft Policy be returned to Council for final approval.
4. The Policy provisions commence from 30 April 2023 and communication occur with elected members in relation to the practical steps required by them through the elected member bulletin in advance of the Policy's commencement.
5. Appropriate communication occur with persons whose contact with elected members may be the subject of the Policy.

**16. Draft New Policy - City of Hobart Flag Management Policy**  
**File Ref: F23/19765; 23/7**

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BURNET  
BLOOMFIELD

That the recommendation contained in the officer report marked as item 16 of the Open Council agenda of 20 March 2023, be adopted

**AMENDMENT**

POSSELT  
LOHBERGER

That clause 3 (4) of the draft policy be amended to include recognition of natural disasters.

AMENDMENT CARRIED

**VOTING RECORD**

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

**AMENDMENT**

DUTTA  
SHERLOCK

That the policy be amended to allow for the permanent flying of first nations flags.

AMENDMENT CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That the Council adopt the policy titled “Flag Management Policy” included as Attachment “A” to item 16 of the Open Council agenda of 30 March 2023, amended by the following:

- a) Clause 3 (4) of the draft policy be amended to include recognition of natural disasters.
- b) The policy include provision for the permanent flying of first nations flags.

**17. Memorial plaque proposed for Napoleon Street Park  
File Ref: F23/8298; 2018-0004**

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BURNET  
ZUCCO

That the recommendation contained in the officer report marked as item 17 of the Open Council agenda of 20 March 2023, be adopted

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

**COUNCIL RESOLUTION:**

That Council approves the installation of a memorial plaque dedicated to Shirley and Bill Foster, to be attached to a seat within Napoleon Street Park.

**18. Australian Local Government Association - Call for Motions**  
**File Ref: F23/22393**

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BURNET  
BLOOMFIELD

That the recommendation contained in the officer report marked as item 18 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

**COUNCIL RESOLUTION:**

That:

1. The Council submit the following motion to the Australian Local Government Association's National General Assembly:

The National General Assembly calls upon the Australian Government to develop a National Heritage Design Guide to support local governments to encourage conservation for the reuse and repurpose of heritage buildings for commercial and residential use, to adapt to a changing climate, and to be more sustainable and future-ready.

**19. Appointment Municipal Emergency Management Coordinator and Deputy Coordinator**  
**File Ref: F23/19632**

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BURNET  
BEHRAKIS

That the recommendation contained in the officer report marked as item 19 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	
Deputy Lord Mayor Burnet	
Zucco	
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Bloomfield	
Posselt	
Lohberger	

**COUNCIL RESOLUTION:**

That:

1. The nomination of Mr Christopher Kuchinke as the Municipal Emergency Management Coordinator for the City of Hobart be endorsed.
2. The nomination of Mr Geoffrey Lang as the Deputy Municipal Emergency Management Coordinator for the City of Hobart be endorsed.
3. The Director State Emergency Service and the State Emergency Management Controller be so advised.

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

**20. Study Tour - Brisbane and Gold Coast  
File Ref: F23/23390**

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SHERLOCK  
POSSELT

That the recommendation contained in the officer report marked as item 20 of the Open Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

## **COUNCIL RESOLUTION:**

That:

1. The Council approve the Deputy Lord Mayor Councillor Helen Burnet and Alderman Louise Bloomfield's participation in a study tour of urban renewal, land use and transport projects in Brisbane and the Gold Coast on 13 and 14 April 2023.
2. The per person cost of approximately \$2,000 be attributed to the Elected Member allowances and expenses function of the 2022/23 Annual Plan.
3. The Chief Executive Officer be given approval to determine the participation of Council officers in the study tour.

## **MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

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

#### **21. Crowther and Lanne History** **File Ref: F23/24626**

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Motion

"That the Council:

1. should apply the principles of natural justice and the presumption of innocence in its decision-making
2. acknowledge that William Crowther was never found guilty of any charges relating to William Lanne
3. acknowledge that serious concerns have been raised by experts in relation to what, if any, interaction William Crowther really had with William Lanne's deceased body
4. note that the Council has directly communicated (via the City of Hobart website) or indirectly promoted (through the Crowther Reinterpreted 'truth-telling' installations) information that is unproven and/or known to be false, including:
  - the unproven statement that William Crowther removed William Lanne's skull and
  - the false statement that William Crowther removed William Lanne's hands and feet and



- the rumour and myth that Lanne's scrotum was removed and used this as a tobacco pouch and
  - the incorrect statement that William Crowther was suspended from his role with the Hobart General hospital "over charges of mutilating the body of William Lanne", when he was actually suspended for failing to participate in a Government enquiry into the treatment of William Lanne's body and
  - errors in basic facts, such as William Lanne's birth date and location.
5. agree that it is incorrect and misleading to state or imply that the Aboriginal community in its entirety are uncomfortable with the statue and want it removed and
  6. publish, with urgency, on the Council website a clear statement of the exact conduct that it views William Crowther guilty of and all the relevant primary sources of evidence
  7. arrange and conduct public information sessions where historians and other interested parties can present their views on the character and conduct of William Crowther and William Lanne, including their views on what, if any, interaction William Crowther had with the deceased William Lanne
  8. invite historians and other interested parties to document their views on the character and conduct of William Crowther and William Lanne, including their sources, and publish these on the Council's website
  9. re-open consultation on the Franklin Square Conservation Plan Addendum (which closed at 5pm on 20 March) and extend the community consultation period on this major change to 14 calendar days after the information session at point 7 and the material has been published on the website referred to at point 8 (whichever is later)."

Rationale:

"In August 2022, the Council made the significant decision to remove the statue of William Crowther that has stood in Franklin Square over 130 years.

The Council primarily relied on two presumptions as the basis for its decision. Firstly, that William Crowther is guilty of mutilating the body of the deceased William Lanne, and that the Aboriginal community are uncomfortable with the statue and want it removed.

The first of these presumptions is false or unproven and viewed by experts as unlikely, and the second is incorrect and misleading. William Crowther was never convicted of any charge and multiple Aboriginal groups and individuals, including the Circular Head Aboriginal Corporation have strongly expressed that they do not support the removal of the statue, an issue they have raised

with the relevant State Minister, the Legislative Council as well as with their Federal Representatives.

The removal of the William Crowther statue will set a powerful precedent that will undoubtedly bring forward a shopping list of items, names, practices, and decisions that some people are offended by. The removal of the statue also communicates that if a minority of people are uncomfortable with something, that it can be removed, changed, deleted, without the need for proven wrongdoing.

Our society promotes the principles of natural justice and that someone is innocent until proven guilty. Balanced and objective people also appreciate the importance of considering the full picture and the gross unfairness of punishing someone for something they did not do or have not been found guilty of.

Removing the statue of a person who was noted for a lifetime of selfless service to our community for something he was never found guilty of wreaks of injustice. Removing the statue of an individual because it is viewed by some as being merely 'symbolic' of wrongs is disgracefully unfair to the individual, their legacy and their descendants, and in complete conflict with the principles of natural justice.

If the statue is ultimately removed, the basis upon which this decision has been made should be made clear. In the interests of transparency and to demonstrate the application of fairness and justice, the Council should provide the public with a clear statement of the exact conduct that it views William Crowther guilty of and all of the relevant primary sources of evidence relied upon that has led them to this course of action.

In the interests of fundamental fairness, decency and professionalism, the Council has a responsibility to make available to the community the different views about what William Crowther did or did not do so that the community can make up their own mind. Without this, the Council has no hope of being seen as a fair and objective governing body that's able to effectively manage its biases, lobbying pressures and the personal and ideological agendas of individual elected members."

### **Administration Response to Notice of Motion**

#### **Discussion**

1. Addressing points 1 through 8: Given the nature of the queries, a significant body of work - including additional and extensive consultation – would be required. This work would need to be the subject of a future report to Council.

2. At its meeting held on 15 August 2022 the Council resolved the following:

“That: 1. *In recognition of the Council’s 2020 Aboriginal Commitment and Action Plan and the submissions received in response to the Crowther Reinterpreted project, Council support the proposal for partial removal of the William Crowther statue from Franklin Square - the bronze component – to the City’s Valuables Collection, pending further negotiations with local collecting institutions, for a permanent location for this element (Stage 3).*

(i) *This partial removal would be subject to receipt of planning approval by the Council and be paired with the instatement of temporary signage on the Franklin Square site, explaining the project.*

2. *Subsequently, that officers develop a detailed proposal, in consultation with relevant stakeholders, for commissioning new, permanent, interpretative and/or sculptural elements to be installed beside the Crowther plinth (Stage 4). This would form the basis of a future report to the Council.*

3. *Following the completion of the Crowther Reinterpreted project, the Council support the development of a Monuments Policy to inform future additions or removals to the City’s collection.”*

3. The body of work and the actions that led to support the August 2022 Council resolution can be read via this link (the report begins on page 7 of the agenda including the attachments such as the full Community Engagement Report):

[http://hobart.infocouncil.biz/Open/2022/08/CCEC\\_04082022\\_AGN\\_1607\\_A T.PDF](http://hobart.infocouncil.biz/Open/2022/08/CCEC_04082022_AGN_1607_A T.PDF)

4. Following this resolution an addendum to the Franklin Square Management Plan will be the subject of a report to be considered by the Council on 24 April 2023. This Addendum is currently open for public comment, closing on 20 March 2023.

5. The Development Application for the removal of the Crowther statue, which will include a heritage impact assessment, will be submitted after the April Council meeting and will be considered by Council’s Planning Committee, once it has gone through the requisite legislative processes.

### Strategic, Legislative and Policy Implications

#### Capital City Strategic Plan

Pillar: 2 – Community inclusion, participation and belonging.

Outcome: 2.1: Hobart is a place that recognises and celebrates Tasmanian Aboriginal people, history and culture, working

	together towards shared goals.
Strategy:	2.1.1 Demonstrate leadership in Aboriginal social justice in partnership with Aboriginal people.  2.1.2 Highlight Tasmanian Aboriginal history and culture, including acknowledgement of the darkness of our shared experience, through interpretation, naming, arts and events.
Pillar:	3 – Creativity and culture
Outcome:	3.2: Creativity serves as a platform for raising awareness and promoting understanding of diverse cultures and issues.
Strategy:	3.2.1: Use the creative arts as a platform for encouraging participation in public life and raising awareness of important issues. 3.2.2: Support arts and events as a means of story sharing and sparking conversations about ideas, histories and diverse cultures. 3.2.4: Support creative and cultural initiatives that invite people to engage with Tasmanian Aboriginal history and culture.
Legislation and Policy	
Legislation	<i>Anti-Discrimination Act 1998</i>
:	
Policy:	
<b>Financial Implications</b>	
	1. The costs to complete the body of work suggested in this Notice of Motion would include a considerable number of Officer hours, the costs associated with public meetings and consultation and potentially fees for external expertise in relation to confirming the content of existing historical sources.

ELLIOT  
ZUCCO

That the motion be adopted.

SHERLOCK  
BEHRAKIS

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

MOTION CARRIED

VOTING RECORD

AYES	NOES
Lord Mayor Reynolds	Deputy Lord Mayor Burnet
Zucco	Bloomfield
Harvey	
Behrakis	
Dutta	
Sherlock	
Kelly	
Elliot	
Posselt	
Lohberger	

MOTION LOST

VOTING RECORD

AYES	NOES
Zucco	Lord Mayor Reynolds
Behrakis	Deputy Lord Mayor Burnet
Elliot	Harvey
	Dutta
	Sherlock
	Kelly
	Bloomfield
	Posselt
	Lohberger

**COUNCIL RESOLUTION:**

The motion was lost.

**22. Underutilised Bedrooms Incentive**  
**File Ref: F23/24638**

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Motion

“That Council request officers to prepare for Council’s consideration the principles and processes for a rebate program that focuses on incentivising property owners to rent underutilised bedrooms in their principal place of residence by offering them a financial discount on their Council rates.”

### **Rationale:**

“This motion focuses on maximising the availability of housing by incentivising homeowners rent out underutilised bedrooms in their home.

It is estimated that there are 13 million spare bedrooms across Australia, with many thousands of those likely to be in Hobart. This number is expected to increase as our population ages and without barriers lifted and incentives in place for people to move to housing that is the ‘right’ size for them.

In 2021, 28 per cent of Greater Hobart households contained only one person, while the bulk of Greater Hobart’s private housing stock (70 per cent) has three or more bedrooms. Research also shows older homeowners (aged over 55) are more likely to have one or more extra bedrooms than younger homeowners.

Demand for housing is growing, amplified by the return of international students and migration. While a diverse range of people and households are in urgent need of housing, there are growing cohorts individuals (such as single older women) that could benefit from the immediacy and social benefits of a program like this.

It is envisaged that the rebate program:

- would be voluntary and opt-in, and operate for a limited period only
- would be open to property owners renting bedrooms within the building they occupy at their principal place of residency only
- would only apply to new arrangements where the unoccupied bedroom was not rented for a period of at least 12 months immediately prior
- would allow property owners to receive a subsidy for renting one or two bedrooms within their principal place of residence
- would require the property owner to provide sufficient ‘evidence’ of the bedroom rented under a new arrangement during the period nominated by the Council for a period of at least six consecutive months. For example, evidence may be in the form of a Statutory Declaration from both the property owner and the renter
- would provide the owner with a meaningful financial incentive, such as 10 per cent refund on the general Council rates paid during the prior six months if one bedroom is rented and 15 per cent refund if two bedrooms are rented and
- would be supported by guidance on the City’s website, including information related to safety, selecting a ‘tenant’, negotiating terms and conditions, managing disputes and the program details.

It is acknowledged that the *Residential Tenancy Act 1997* does not apply when property owners are renting out one or two bedrooms within the same building that the owner also occupies.

It is also acknowledged that this program, if implemented, would have budget and resourcing implications.”

### Administration Response to Notice of Motion

#### Discussion

At its meeting in July 2022 in response to a Notice of Motion, Council resolved the following:

- Council consider differential rating for properties used for short stay visitor accommodation and vacant – residential land during its broader review of the City of Hobart Rating and Valuation Strategy in 2022-23.
- In order to both ensure housing stock is retained and to stimulate residential development, the Council commit to finding incentives, especially to build on vacant residential land, and to consider potentially significantly higher rates for short stay accommodation in residential areas.
- A differential rating strategy or other appropriate measures be considered to address long-term unoccupied properties as part of the broader review of the City of Hobart and Valuation Strategy in 2022-23.

At its meeting in August 2022, a question without notice was asked, being whether it was the right time for Council to revisit its position on rate discounts. The response provided by Officers included that this matter will be included in the City’s review of its rating and valuation strategy proposed to be undertaken during 2022-23.

At its meeting on 23 January 2023 Council approved a proposal and methodology for the review of the City’s rating and valuation strategy, which will consider the include the following:

- Rating principles and that the proposed Strategy will meet these principles, including:
  - What should be funded from a user pays model and rating to fund public services and benefits.
  - Whether the rate burden falls appropriately across different types of ratepayers.

- Whether the rating system is practical and cost effective for Council to administer.
- Whether the rating system is transparent, simple to understand and comply with.
- Does the City's rating system maximise economic efficiency e.g., does it encourage development in the City.
- Is it sustainable and generate a reliable revenue source for Council and is flexible in changing conditions.
- Does it support ratepayers with least capacity to pay?
- Developer contributions / user pays models of delivering infrastructure including land value capture and betterment.
- Models for capturing growth in the rate base to be used to fund future infrastructure required of a growing Capital City.
- Which valuation base to use – options are continue with AAV, use CV or use Land Value.
- Which rating system to use – uniform (single rate in the dollar) or differential rates.
- If using differential rates, what differential rates should be applied to each of the land uses: commercial, industrial, residential, primary production, quarry & mining, public enterprise, sport & recreation and vacant land.
- Rating incentives to encourage the development of vacant land, discourage land holding. Other incentives to address long term unoccupied properties.
- Implementing the differential rating strategy agreed by Council for short stay visitor accommodation.
- Whether a fixed charge component to the General Rates should be introduced.
- Service rate and charges including funding models for waste management services.
- Payment due dates and payment options, including discounts for early payment of rates.
- Debt management and late payment fees.
- Rebates, remissions and discounts including Council's contribution to



the State Government pensioner remission scheme.

- Whether support measures for those with least capacity to pay are sufficient.

It is therefore proposed that the rebate program proposed in this Notice of Motion be considered as part of the City's broader review of its rating and valuation strategy that is underway.

## Strategic, Legislative and Policy Implications

### Capital City Strategic Plan

- Strategy: 4.5.5 – Prepare for the impacts of long-term trends, such as climate change, transport modes, and tourism and housing demand cycles on the Hobart economy.
- 7.1.1 – Work in collaboration with government bodies and the not-for-profit sector to identify and address issues of homelessness and housing affordability, diversity and supply.
- 7.1.2 – Advocate for people at risk of housing stress and homelessness.
- 7.1.3 – Encourage recognition and understanding of the issues that contribute to homelessness and develop effective partnerships to enhance interactions with homeless people.
- 7.1.4 – Advocate for the increased supply of social housing to be delivered through a range of supported accommodation models.
- 7.1.5 – Advocate for legislative and other tools that support social and affordable housing.
- 7.2.4 – Support existing housing stock to meet changing needs, while recognising and enhancing Hobart's aesthetic and character.
- 8.5.8 – Maintain a rating system that supports fairness, capacity to pay and effectiveness.
- 8.5.9 – Monitor and maintain the City's long-term financial sustainability.

Legislation and Policy

Legislation:

Policy: City of Hobart Rates and Charges Policy

Financial Implications

1. As Council will raise the amount of rates revenue it requires in its budget, any rates rebate provided will have the consequence of increasing the rates to be paid by all other ratepayers, not in receipt of the rebate, who would effectively subsidise the rebate to be provided.

ELLIOT  
ZUCCO

That the motion be adopted.

MOTION LOST

VOTING RECORD

AYES

Zucco  
Behrakis  
Kelly  
Elliot

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Harvey  
Dutta  
Sherlock  
Bloomfield  
Posselt  
Lohberger

**COUNCIL RESOLUTION:**

The motion was lost.

Item 26 was then taken.

## **23. RESPONSES TO QUESTIONS WITHOUT NOTICE**

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

### **23.1 Outstanding Question**

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Memorandum of the Chief Executive Officer 15 March 2023.

### **23.2 Anonymous Complaint**

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Memorandum of the Chief Executive Officer 9 March 2023.

### **23.3 Stakeholder Correspondence**

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Memorandum of the Chief Executive Officer 7 March 2023.

### **23.4 Decision Making**

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Memorandum of the Chief Executive Officer 15 March 2023.

SHERLOCK  
LOHBERGER

That the information be received and noted.

MOTION CARRIED

#### VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

## **24. QUESTIONS WITHOUT NOTICE**

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

### **24.1 Councillor Elliot - Monuments Policy**

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Question: Can the Chief Executive Officer advise the current status of the Monuments Policy and associated timelines.

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

### **24.2 Councillor Elliot - Direct Appointments**

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Question: Can the Chief Executive Officer advise how many direct staff appointments there have been in the last two years and the status and nature of the roles.

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

## **25. CLOSED PORTION OF THE MEETING**

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

- Personal information
- Proposal for Council land
- Commercial information

The following items were discussed:-

Item No. 1	Minutes of the last meeting of the Closed Portion of the Council Meeting
Item No. 2	Communication from the Chairman
Item No. 3	Leave of Absence
Item No. 4	Consideration of supplementary Items to the agenda
Item No. 5	Indications of pecuniary and conflicts of interest
Item No. 6	Rating and Valuation Strategy Review - Community Advisory Group Membership LG(MP)R 15(2)(g)

- Item No. 7 Giblein Street Quarry Site - Expressions of Interest to Sell or Lease Land  
LG(MP)R 15(2)(c)(i), (d) and (f)
- Item No. 8 Dark Mofo 2023 Sponsorship Request  
LG(MP)R 15(2)(c)(iii)
- Item No. 9 Salamanca Market Licence Agreement and Site Fee Valuation  
LG(MP)R 15(2)(b)
- Item No. 10 Risk and Audit Panel - Appointment of Independent Member  
LG(MP)R 15(2)(a)
- Item No. 11 2022-23 Expression of Interest Sponsorship Program Funding Allocations  
LG(MP)R 15(2)(c)(ii)

BURNET  
BEHRAKIS

That the recommendation be adopted.

MOTION CARRIED BY  
ABSOLUTE

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

In accordance with the resolution passed at item 3, the following item has been transferred from the Closed Portion of the Council agenda.

**OFFICER REPORT**

**26. Tasmanian Government's Proposed Hobart Stadium Feasibility Planning Process - City of Hobart Submission**  
**File Ref: F23/14060**

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BURNET  
POSSELT

That the recommendation contained in the officer report marked as supplementary item 12 of the Closed Council agenda of 20 March 2023, be adopted.

MOTION CARRIED

VOTING RECORD

AYES

NOES

Lord Mayor Reynolds  
Deputy Lord Mayor Burnet  
Zucco  
Harvey  
Behrakis  
Dutta  
Sherlock  
Kelly  
Elliot  
Bloomfield  
Posselt  
Lohberger

**COUNCIL RESOLUTION:**

That:

1. The draft Submission to the Parliamentary Standing Committee of Public Accounts Inquiry into the Tasmanian Government's process into the feasibility planning for a new sporting and event stadium in Hobart, marked as Attachment A to supplementary item 12 of the Closed Council agenda of 20 March 2023, be endorsed.

2. The Chief Executive Officer be authorised to finalise and lodge the submission to the Parliamentary Standing Committee of Public Accounts.
3. The Council note that the Lord Mayor and other representatives from the City of Hobart have been invited to attend a Public Hearing into the Tasmanian Government's process into the feasibility planning for a new sporting and event stadium in Hobart on 21 April 2023.
4. The Council determine whether it wishes to nominate any other Elected Members to attend the Public Hearing into the Tasmanian Government's process into the feasibility planning for a new sporting and event stadium in Hobart on 21 April 2023.
5. In accordance with regulation 15 (8) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council has considered whether any discussion, decision, report or attachment related to this item can be released to the public, taking into account privacy and confidentiality issues, and resolve that the Submission to the Parliamentary Standing Committee of Public Accounts Inquiry be released in accordance with the Council resolution.

Item 23 was then taken.

The Chairman adjourned the meeting at 6.56pm for a comfort break.

The meeting was reconvened at 7.02pm.

Item 21 was then taken.

The Chairman adjourned the meeting 7.36pm for a dinner break.

The meeting was reconvened at 8pm.

Item 26 was then taken.

There being no further business the Open portion of the meeting closed at 8.02pm.

TAKEN AS READ AND SIGNED AS  
A CORRECT RECORD THIS  
24<sup>TH</sup> DAY OF APRIL 2023.

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**CHAIRMAN**